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Public acts of the State of Tennessee passed by the sixty - fourth general assembly, 1925. Chapter no. 27, House Bill No. 185 (By Mr. Butler)

AN ACT prohibiting the teaching of the Evolution Theory in all the Universities, Normals and all other public schools of Tennessee, which are supported in whole or in part by the public school funds of the State, and to provide penalties for the violations thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any teacher in any of the Universities, Normals and all other public schools of the State which are supported in whole or in part by the public school funds of the State, to teach any theory that denies the story of the Divine Creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals.

Section 2. Be it further enacted, That any teacher found guilty of the violation of this Act, Shall be guilty of a misdemeanor and upon conviction, shall be fined not less than One Hundred \$ (100.00) Dollars nor more than Five Hundred (\$ 500.00) Dollars for each offense.

Section 3. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1925

Those who were there say it was one of the hottest Julys anyone could remember, and that part of Tennessee can get very warm in mid-summer. It was even hotter in the courthouse - not just because there was no air conditioning (it

hadn't been invented in 1925), but also because of the passions burning in the trial lawyers, the witnesses, and the spectators. Forget the O.J. Simpson trial, the Clinton impeachment, and any other claimants - in the US at least, the Scopes Monkey Trial, as the press dubbed it, really was The Trial of the Century.

How could it not be, given the issues involved and, especially, the cast of characters? The question was not whether John Scopes had taught a high-school biology class from a book mentioning evolution, in direct violation of Tennessee House Bill No. 185 - no one disputed that he had. No, the question was whether the law, prohibiting the teaching of anything that denied the biblical story of creation, was against the Law of the Land - the Constitution of the United States. Scopes was the figurehead; it was evolution, and by extension science itself, that was actually on trial. Reporting on that trial in a series of savagely sarcastic dispatches was H.L. Mencken, the brilliant, iconoclastic journalist from the *Baltimore Evening Sun*. Appearing as consultant for the prosecution was William Jennings Bryan, the greatest orator of his day. Champion of the Populist movement that was spawned in the depression of the 1890s (the most severe economic downturn in the nation's history to that point), he was a man of curious contradictions. Though a religious fundamentalist, he supported women's suffrage. Though conservative, he had backed many of the reforms of the Progressives. Three times he had run for the presidency of the United States, and he had served in high office under President Woodrow Wilson, yet he abandoned his political career to crusade against the teaching of evolution, which he regarded as a menace to the country. Consulting for the defense was Clarence Darrow, certainly the greatest trial lawyer of the time, and arguably the greatest in US history. Deceptively folksy in manner, the agnostic Darrow was famous for having persuaded a judge to sentence Leopold and Loeb, the teenage 'thrill killers' of a young boy, to life in prison instead of to death. He was brought into the trial by

the American Civil Liberties Union, which had offered to defend any Tennessee teacher who broke the anti-evolution law. The ACLU and Darrow hoped that the case could be taken all the way to the US Supreme Court, which they were confident would overturn the law on the grounds that it violated the Establishment clause of the Constitution, which prohibits any law establishing a state religion. But things didn't turn out that way.

Almost everything people think they know about the Scopes Monkey Trial is wrong. John Scopes wasn't some crusading high school biology teacher persecuted by bigoted townsfolk. He wasn't a biology teacher at all. He was a general science teacher (hired to teach algebra and physics) and part-time sports coach who occasionally filled in as a biology teacher. He wasn't persecuted, either. He didn't volunteer to be prosecuted for breaking the law, he was drafted, by several Dayton businessmen who saw an anti-evolution trial as a chance to get their little town some free publicity. It's not even clear that he, personally, ever taught evolution, although he used the state's old standard biology textbook, which had evolution in it. And after his conviction, Scopes wasn't run out of town, he was asked to stay on by the Dayton school board, but the 24-year-old now former teacher accepted a scholarship offer from the University of Chicago to study geology instead. He spent the rest of his life as a field geologist and died in 1970.

As for the bigoted townsfolk, no less than Mencken found himself quite taken with Dayton, calling it "a country town full of charm and even beauty", where "Evolutionists and Anti-Evolutionists seem to be on the best of terms". He could detect no hatred in the hearts of its citizens, but no doubts either. There still don't seem to be any: today Dayton, the buckle of what Mencken called "the Bible Belt", has one church for roughly every 200 of its 6,000 residents. Despite its significance, the Scopes Monkey Trial was less a Clash of the Titans and more a Twilight of the Gods. Bryan, though he did not know it, had only days to live. Darrow never participated in another impor-

tant court case. Mencken grew even more misanthropic, his wit and stylistic genius dulled by drink and bitterness.

Bryan didn't die in the courthouse at the end of the trial while giving a fiery speech against evolution, as plays and movies have sometimes depicted. In fact, his last speech was never given at all. Bryan had written it for use in the closing argument to the jury, but Darrow changed Scopes' plea to guilty at the last minute since the intention all along was to appeal the conviction to Federal courts. Bryan did die in Dayton, though - five days later, in his sleep, of apoplexy. Darrow wasn't treated like a pariah in the town, either - in fact, he and one of the prosecuting attorneys, Ben McKenzie, became close friends. It is true that Darrow and Bryan had once been political allies, when Bryan was President Wilson's Secretary of State, but by the time of the trial Darrow had come to regard Bryan as an ignorant bigot who had to be stopped. That is why, on the seventh day of the trial, in what *The New York Times* termed "the most amazing court scene in Anglo-Saxon history", Darrow called Bryan to the stand as a witness for the defense, to testify as an expert witness on the biblical view of creation.

Under Darrow's withering examination, Bryan stumbled badly, displaying both ignorance and close-mindedness. The unfavorable publicity resulting from his performance is thought to have set back anti-evolution movements in a number of other states.

One famous speech was given by Darrow on the second day of the trial. It impressed all who heard it, even some of the prosecutors, one of whom said it was the greatest speech he had ever heard. Here is part of it: "If today you can take a thing like evolution and make it a crime to teach it in the public school, tomorrow you can make it a crime to teach it in the private schools, and the next year you can make it a crime to teach it to the hustings or in the church. At the next session you may ban books and the newspapers. Soon you may set Catholic against Protestant and Protestant against Protestant, and try to foist your own religion upon the minds of men. If you can do one you can do the other. Ignorance and fanaticism is ever busy and needs feeding. Always it is feeding and gloating for more. Today it is the public school teachers, tomorrow the private. The next day the preachers and the lectures, the magazines, the books, the newspapers. After while, your honor, it is the setting of man against man and creed against creed until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind."

Yet, equally memorable words were spoken by a relatively unknown attorney for the defense, the ACLU volunteer Dudley Field Malone. Arguing, on day five of the trial, that expert testimony from scientists should be admitted (the judge ruled



"What would their verdict be?" - *The Daily Star* (Montreal).

against this), he said: "There is never a duel with the truth. The truth always wins and we are not afraid of it. The truth is no coward. The truth does not need the law. The truth does not need the force of government. The truth does not need Mr Bryan. The truth is imperishable, eternal and immortal and needs no human agency to support it. We are ready to tell the truth as we understand it and we do not fear all the truth that they can present as facts. We are ready. We are ready. We feel we stand with progress. We feel we stand with science. We feel we stand with intelligence. We feel we stand with fundamental freedom in America. We are not afraid."

The trial certainly garnered plenty of publicity for Dayton, but it wasn't the kind the town had wanted. "It gave Dayton a black eye," says Judge James McKenzie, Ben McKenzie's grandson, who still lives in Dayton and works in the same building where Bryan and Darrow fought each other 80 years ago. "And", he adds, "the case didn't solve anything." John Scopes never paid a dollar of his \$100 fine (not an inconsiderable sum for a teacher in those days) because his conviction was overturned on a technicality before ever reaching the federal courts, and the great Constitutional case that Darrow hoped for never happened. It wasn't until 1968, in the case of *Epperson vs. Arkansas*, that the US Supreme Court ruled that an anti-evolution law was unconstitutional. And then the state was Arkansas, not Tennessee, and the high school biology teacher was Susan Epperson, not John Scopes.

The trial didn't even lead to a triumphant restoration of evolution in the Dayton classrooms: Tennessee's anti-evolution law stayed on the books until 1967. Today Dayton, Tennessee is home to Bryan College, founded by creationists in 1930 to commemorate their legal victory over science. It has 600 students whose studies are "based upon unequivocal acceptance of the inerrancy and authority of the Scriptures". (It's a funny thing, this inerrancy and authority of the Scriptures. A number of other religions have their inerrant and authoritative texts too (the Koran, for example). Since their teachings differ, they can't all be the word of God. They can't all be inerrant. So who decides which is the right one, making all the others wrong? This sort of question comes up in the movie version of the Scopes trial, and the screenwriters have Spencer Tracy, playing Henry Drummond (the Clarence Darrow figure), say: "The Bible is a book. It's a great book. But it's not the only book.") The students at Bryan College would disagree. In science classes they are taught that God created the world and everything in it about 6,000 years ago; that the Grand Canyon was carved out by water in about three weeks, and that, in the words of one of their geology professors, "Scripture trumps interpretations of physical data."

I have a problem with the consistency of those who argue that everything in the Bible must be taken as literal truth. When Christ calls himself "the Lamb of God", even the most ardent fundamentalists don't actually believe he is telling us

that he is a baby sheep. Why then do they have trouble accepting the idea that other things in the Bible, like the creation story in Genesis, might also be metaphoric? From the wellspring of this insistence on a literal interpretation of Scripture has flowed a river of ignorance, prejudice and persecution. It has retarded human progress and plunged families, tribes, and nations into bitter and sometimes bloody conflict. Interestingly, the title of the famous play and movie based on the Scopes trial, *Inherit the Wind*, is taken from the Bible, from the Book of Proverbs [11:29]: "He that troubleth his own house shall inherit the wind." But the most significant lines are next: "And the fool shall be servant to the wise of heart."

In 1965, 40 years after his trial, John Scopes wrote, "I believe that the Dayton trial marked the beginning of the decline of fundamentalism. Each year - as the result of someone's efforts to better interpret what the defense was trying to do - more and more people are reached. This, in conjunction with the labor of scientists, educators, ministers and with the dissemination of the results of their efforts through books and news media, has retarded the spread of fundamentalism. But most importantly, I feel that restrictive legislation on academic freedom is forever a thing of the past, that religion and science may now address one another in an atmosphere of mutual respect and of a common quest for truth. I like to think that the Dayton trial had some part in bringing to birth this new era."

Forty more years have passed, and sadly, it is clear that Scopes was wrong. The new era looks depressingly like the old era. Fundamentalism, it seems, was only sleeping and has now risen as powerful as before. Restrictive legislation on academic freedom is a thing of the present. Driven in part by fear of the consequences of advances in medical technology and genomics, the public in many states, such as Kansas, are considering passage of laws that, if they don't actually prohibit the teaching of evolution, mandate the teaching alongside Darwinism of alternatives such as 'Intelligent Design' - which tries to find evidence of a guiding hand (most of its proponents don't use the word 'God', at least not officially) in nature, and which, despite the claim of some of its proponents that it has no theology in it, mixes, as a *Nature* editorial puts it, "the supernatural with scientific doctrine".

Intelligent Design, like Creationism, is metaphysics, not science. It is perfectly appropriate as subject matter for religion class and probably for philosophy class, but not for biology, or geology, or any other science class. Attorney Malone articulated these sentiments on day 4 of the Scopes Trial: "The broad purpose of the defense will be to prove that the Bible is a work of religious aspiration and rules of conduct which must be kept in the field of theology. The defense maintains that there is no more justification for imposing the conflicting views of the Bible on courses of biology than there would be for imposing the views of biolo-

gists on courses of comparative religion. We maintain that science and religion embrace two separate and distinct fields of thought and learning.”

The following things are not opinion, they are fact. The earth is several billion years old. Life on earth began several billion years ago with simple single-celled organisms. Over a period of billions of years, life evolved from that primitive beginning to complex multicellular organisms, including humans, by a process consisting of random genetic changes and natural selection. Although some of the fine details of the process are still uncertain (for example, the relative contributions of gradual change versus ‘punctuated’ or sudden bursts of change), the general features are not, and are completely consistent with all available evidence.

Evolution is not called a ‘theory’ because it is just an opinion. It is called a theory because in science a theory is an explanation for observations. The theory of evolution is as solid in biology as the theory of relativity is in physics. I’ve said it before but I think it bears repeating: if there is a God, evolution is how He/She/It works. To deny that is to be the fool that Proverbs refers to. Much of the appeal of Intelligent Design stems from the need many people have for a view of the world that doesn’t conflict with their religious beliefs. Scientists could probably do a better job explaining that the truth about the way the world has evolved does not have to be a threat to people’s faith. For me, the best words associated with the Scopes Monkey Trial don’t appear in the official transcript. They don’t appear because nobody at the trial ever said them. They were the invention of the writers of *Inherit the Wind*. I offer them for consideration, as today we continue to wrestle with the issues debated by Bryan and Darrow 80 years ago. I especially offer them as a question for those who believe that evolution is incompatible with divine revelation. How do you know that God didn’t speak to Charles Darwin?