

## Monkey Business: Teaching the Scopes Evolution Trial

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*The Scopes Monkey Trial is a landmark court case in American history and has often been referred to as “The Trial of the Century.” It provides a curricular platform for understanding changes in American society, populace tensions with shifting social and moral views, gaps in economic prosperity, and the outcomes of urbanization. Studying this pivotal and historical trial – along with the context surrounding it – offers readers a dynamic lens to view powerful social and cultural insights at the beginning of the twentieth century. Additionally, academic freedom issues, which have a history in our nation's courts, (Patterson & Chandler, 2008) as well as current dialogue among educators (see the November/December issue of Social Education), and are at the very center of the Scopes Trial, require critical examination. Most importantly, it exemplifies the type of interdisciplinary content social studies educators should be promoting, a goal of 21<sup>st</sup> Century Teaching and Learning and Common Core Standards. In this article, we provide a brief historical context setting the stage for the Scopes Monkey Trial, a daily synopsis of significant points in the trial, a rationale for teaching the Scopes Trial, and instructional teaching resources with particular emphasis on books, DVD/media, and web-based materials.*

Keywords: Scopes Monkey Trial, Scopes Trial, Historical Inquiry, Evolution, Academic Freedom, Literature, Technology, Teaching Materials, Media and Web Resources

### **Monkey Business: Teaching the Scopes Evolution Trial**

During the summer of 1925, Americans were reading the new novel by F. Scott Fitzgerald, *The Great Gatsby*, practicing their dance steps to

the Charleston, and listening to Duke Ellington and Al Jolson on the radio. Although many parts of the nation were prospering during the roaring 20s, the economic boon did not extend everywhere. Economic indicators of tough times ahead were evident in rural areas across the

nation. Dayton, Tennessee – a sleepy little town nestled in the Cumberland Mountains – was in the midst of some difficult times, both economically and socially. At the end of the nineteenth century, Dayton had a population of



{portrait of the Cumberland Coal and Iron Company in the Scopes Trial Museum, Rhea County Courthouse; photo by Eric Groce}

approximately three thousand people sustained primarily by the coal industry. As the 1890s came to an end and the new century began, however, the Cumberland Coal and Iron Company closed its doors, leading to a devastating economic downturn and the dwindling of the town's population. A once thriving town built upon the production of pig iron reverted back to its agrarian origins. When the strawberry harvest began to ripen in 1925, some local businessmen hatched an idea to bring some notoriety to their town and possibly reverse its economic decline. This decision led to the "trial of the century" (Larson, 2000), a trial of social and economic conflicts couched within a rhetorical debate between religion and science.

### Building Background for Teachers

The 1920s illuminated the progression of an evolving urban nation in the midst of defining its cultural, social, and political identity. This era brought about significant changes to both rural and urban America, including an exploration and extension of social mores and the escalating ideological conflict between modern and

traditional values. Epitomized in the recently passed (1919) eighteenth amendment to the Constitution which prohibited the "manufacture, sale, or transportation of intoxicating liquors", this struggle did not remove alcohol or "social ills" from America, just from public view. The "underground" alcohol trade soon spurred a growth in organized crime and illegal manufacturing (bootlegging) of the banned spirits. In addition, women began to cut their hair in a short bob and shortened their skirts as they listened to the lively music of the era such as California, Here I Come.



{photo of exhibit in the Scopes Trial Museum, Rhea County Courthouse detailing music from the time of the trial; photo by Eric Groce}

During this time of visible change, education moved to the forefront of state and local politics. Compulsory secondary education was on the rise and state book adoption surfaced as a progressive approach to counter the "book trust" (Shapiro, 2006, 7). State controlled education challenged American ideology of self-determination and raised concerns about what mores should be taught in schools. In an American society driven by the rise of urbanity, rural sectors called to question the economic, educational, religious, and ethnic tenets of Progressivism. These societal shifts caught the attention of conservative Christians who sought a return to the fundamental religious principles of time honored social distinctions and cultural

patterns that had influenced rural American life for generations.

This group (comprised mostly of Protestants) became known as fundamentalists. They were located in California and other border states, but were more concentrated in the South. They espoused a strict adherence to evangelical beliefs, especially to the infallibility and literal interpretation of the Bible. This view, which was in direct opposition to many of the scientific theories of the time (most notably Charles Darwin's Theory of Evolution), led them to exert control on their elected officials to combat the views of the "modernists" who espoused opposition to the conservative views of rural America and were disillusioned with the traditional views of religion, government, and science, among others. Recognizing the power of public schools to affect socio-cultural change, ruralists and fundamentalists fought for curricular determination. One such example was the establishment of legislation that prohibited the teaching of theories that contradicted the Creationist accounts of man found in the book of Genesis.

Governor Austin Peay of Tennessee, as a compromise to gain the passage of a general education bill to expand compulsory secondary education across the state, signed Tennessee's version of the anti-evolution law (the Butler Act) on March 21, 1925. Upon signing the Butler Act, Governor Peay asserted the power of community determinism as communal privilege, citing, "The people have the right and must have the right to regulate what is taught in their schools" (Peay, 1925, as cited in Shapiro, 2006). While not perceived as an initial threat, the American Civil Liberties Union (ACLU) took notice. The ACLU was a relatively new organization dedicated to defending and preserving individual rights as specified within the Constitution, another interpretation of

autonomy and determination. After hearing of the new law, they sought to support a Tennessee teacher who would challenge the Butler Act, a symbolic attempt to resolve the disputes between fundamentalism and modernity. In order to locate a willing defendant, the ACLU placed ads in major Tennessee newspapers in early May stating they were "...looking for a Tennessee teacher who is willing to accept our services" by testing the constitutionality of the law. While this was the local motive, banning the teaching of evolution set the stage for a debate over broader issues relative to curriculum control. As noted in the ACLU advertisement, motives for testing constitutionality of the Tennessee law were driven by desires to question state initiated efforts to place limits on "academic freedom" (ACLU advertisement, Chattanooga Daily Times, May 4, 1925). "By this test we hope to render a real service to freedom of teaching throughout this country, for we do not believe the law will be sustained."

**PLAN ASSAULT ON STATE LAW ON EVOLUTION**

Civil Liberties Union to File Test Case.

**DARWINIAN THEORY NOT TAUGHT IN CITY**

Supt. Ziegler Says No Copy of Recent Act Received and Its Effect on Local Schools Not Yet Known.

7-5-4-1925 p. 5

"We are looking for a Tennessee teacher who is willing to accept our services in testing this law in the courts," Prof. Skinner states. "Our lawyers think a friendly test can be arranged without costing a teacher his or her job. Distinguished counsel have volunteered their services. All we need now is a willing client. By this test we hope to render a real service to freedom of teaching throughout the country, for we do not believe the law will be sustained."

The Civil Liberties Union is also making efforts against other recent "restrictions" on teaching. Freedom of teaching, according to a survey by the union's committee on academic freedom, has been more interfered with by law in the past six months than at any time in American history. These laws prohibit the teaching of evolution, require compulsory reading of the Bible and forbid the employment of radical or pacifist teachers.

Congress passed one such law as a rider to the 1925 appropriation bill for the District of Columbia, forbidding any educational director to permit "the teaching of partisan politics, disrespect of the Holy Bible, or that ours is an inferior form of government." Pennsylvania, Ohio, Delaware, West Virginia and Kentucky also have laws requiring the daily reading of the Bible in public schools "without comment," while similar bills have been introduced in the legislatures of Virginia, Texas, New Jersey and Washington.

The first state law prohibiting the teaching of evolution in public schools and colleges was passed in Tennessee in March. Resolutions of state boards forbidding the teaching of evolution were previously adopted in North Carolina and Florida.

Missouri state colleges are forbidden to employ any person "who teaches, or advocates in public or private that the citizens of this state should not protect the government of the United States from aggression by other nations." In the recent Ohio legislature a resolution authorizing an investigation of members of the faculties of three state universities with the object of ousting "radicals and atheists," was killed by the senate committee in which it was referred.

Efforts to get court action on all these restrictive laws will be made through our attorneys. The constitutional guarantee of separation of church and state, it is believed, offers a ground for contesting the laws requiring Bible reading. The United States supreme court already has before it one restrictive school law passed in Oregon, aimed at abolishing mandatory Bible reading.

{ACLU advertisement, Chattanooga Daily Times, May 4, 1925}

George Rappleyea, a New Yorker who had been living in Dayton for a few years noticed the ad in the Chattanooga Daily Times and went straight to Robinson's Drug Store to share it with his associates. Rappleyea proposed that a trial in Dayton would focus national attention on their town as well as stimulate the local economy. Frank Robinson, the owner of the drug store and chairman of the school board agreed with Rappleyea, as did the others. Next, they needed to find a willing defendant for the trial. The biology teacher at that time, Mr. W. F. Ferguson, also served as the principal of Rhea County High School. He had a family and was firmly entrenched in the community, thereby making him an unlikely candidate. Someone around the table suggested the new teacher John T. Scopes. He had just finished his first year of teaching, was single, twenty-five years old, and had moved to Tennessee the year before after completing his degree at the University of Kentucky. Most importantly, he had substituted in the biology course that year in addition to teaching math, physics, and coaching the football team. (Olasky & Perry, 2005) After summoning Scopes to the drug store, the group informed him how the trial would benefit the town and assured him that his position at the high school was safe. Scopes was persuaded to stand trial for teaching evolution from the state adopted text Hunter's Civic Biology (which was on sale at Robinson's Drug Store) but was informed that he would not be arrested. Even the aforementioned advertisement noted that "Our lawyers think a friendly test can be arranged without costing a teacher his or her job."



{recreation of the original meeting; Scopes is joined by George Rappleyea, Frank Robinson, school superintendent Walter White, and others; photo courtesy of Bryan College Archives}

At the conclusion of the meeting, Rappleyea took his notes and headed for the telegraph office to inform the ACLU that there was a teacher in Tennessee willing to accept their offer (Larson, 1997; Olasky & Perry, 2005). The trial date was set for July and would be heard by the traveling circuit judge for that area, Judge John T. Raulston. News of the impending trial spread quickly across America and generated considerable discussion concerning the evolution vs. creationist debate, an argument that continues amid controversy eighty-five years after the trial.

William Jennings Bryan, a three time presidential candidate and former Secretary of State for Woodrow Wilson volunteered to serve on the prosecution team. Bryan, known as "the Great Commoner" for his ability to relate to the masses across America, was known as one of the finest orators in the land and as a staunch fundamentalist and defender of the Bible. (Olasky & Perry, 2005) Clarence Darrow, the most recognized attorney in the country, also agreed to join in the proceedings in Dayton. Like Bryan, he agreed to work on the case without pay, but contrary to his former colleague, Darrow was an avowed agnostic and would oppose him as a member of the defense team. The addition of these two nationally recognized

public figures further enhanced awareness of the trial.

The summer sun offered little relief as the town prepared for the big event. As the temperature hovered near one hundred degrees, visitors arrived, filled up the Aqua Hotel, and bought souvenirs from street vendors. Ice trucks began selling blocks of ice to combat the heat in the shadows of street performers and preachers who were shouting to anyone who would listen. The trial, as predicted, had attracted widespread media attention and brought in big profits for local businesses. Over two thousand newspapers carried the events of the trial and for the first time ever, the court proceedings were broadcasted by station WGN of Chicago to radios across America.



{scene from the street during the Scopes Trial; photo courtesy of Bryan College Archives}

What resulted was more than an examination of the contradictions between theological and scientific doctrine; it was a trial in which America was forced to confront its changing identity. Although the Monkey trial made public disputes between science and religion, broader societal problems undergirded the importance of the Scopes trial. The external forces (e.g. social groups) shaping the historical context in which science and religion came face to face are central to the teaching of the Scopes trial. The trial coalesced around competing economic, social, religious, and political

interests epitomized as national divisions between rural vs. urban, Northern vs. Southern culture, local vs. professional control of education, progressives vs. fundamentalists, and individual vs. government sovereignty (9th & 10th Amendments).

Ultimately, Scopes was found guilty and fined \$100 (albeit by Judge Raulston instead of the jury; a point that would provide the avenue for a later appeal). In his address to the court, John Scopes expressed his thoughts regarding the trial, "Your honor, I feel that I have been convicted of violating an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be in violation of my ideal of academic freedom, that is, to teach the truth as guaranteed in our constitution, of personal and religious freedom. I think the fine is unjust" (Olasky & Perry, 2005, p. 156). Scopes had offers to make money, go on speaking tours making vast sums of money, and even marriage proposals. Instead, he chose to walk away from his celebrity status as the defendant of the "Monkey Trial" and attend graduate school in geology at the University of Chicago. An appeal of the case was heard a few years later and in January of 1927, the Tennessee Supreme Court ruled that the Butler Act was constitutional but overturned the decision from the State of Tennessee vs. John Thomas Scopes on grounds of a technicality. The law remained for another forty years until it was repealed on May 17, 1967 (Olasky & Perry, 2005).

Taking lessons from history that "ideas don't fight: people with ideas fight" (Shapiro, 2006, p. 13), examining the Scopes trial from this contextual lens allows for the study of a contentious event without controversial opposition too frequently associated with "Monkey" business. In the case of the Monkey trial, the ideas of faith vs. rationalism were

deployed as weapons in a larger battle over the evolutionary direction of the 20th Century American nation. As a "hinge" point (NCDPI, 2010) in American history, the Scopes trial is an essential topic for helping secondary students understand origins of modern issues and generate connections to ongoing dialogue among religious, economic, social, and political factions in contemporary society. Moreover, the Scopes trial serves as a meaningful source for exploring the roots of political sensitivity and debate over textbooks as well as the question of academic freedom among educators.



{Dayton ladies posing with their monkey souvenirs from the trial; photo courtesy of Bryan College Archives}

### Rationale for Teaching the Scopes Trial

As “The Trial of the Century”, the Scopes Monkey Trial is a landmark court case in American history and provides a curricular platform for understanding changes in American society, populace tensions with shifting social and moral views, gaps in economic prosperity, and the outcomes of urbanization. Studying the trial and the context surrounding it provides secondary students a chance to view America and a pivotal historical event through a powerful and dynamic lens offering profound insights into their country at the beginning of the twentieth century. Additionally, academic freedom issues, which have a history in our nation's courts, (Patterson & Chandler, 2008) as well as current dialogue among educators (see the

November/December issue of *Social Education*), and are at the very center of the Scopes Trial, require critical examination. The battle for control over education and curricula makes the Scopes Trial as much a lesson for teachers as students. Furthermore, it is a fine example of the type of content social studies educators should promote due to its interdisciplinary nature, a goal of 21<sup>st</sup> Century Teaching and Learning and Common Core Standards. Teachers can introduce or strengthen skills in historical thinking, critical literacy, chronology, accessing and analyzing information, oral communication skills, and writing among others. This great episode in our nation’s past features views on religious, social, and cultural histories unique to the American experience. Of equal significance is the question of academic freedom and educational jurisdiction for both teachers and students.

The prominent disciplines within social studies each contribute when researching or telling the story. Economics plays a large role in the story as Mr. Robinson and others make an offer to revitalize the Dayton economy in the midst of a declining population and a loss of industry, something students can certainly relate to in today's economy. Other economic issues can be found in states’ (i.e., Tennessee) decisions to select a state-mandated textbook, to post-pone textbook adoption by a year, and resulting textbook publishers' political sensitivity to regionally appropriate curriculum. The Five Themes of Geography also connect well to the story. Learners can research the Cumberland Mountains, how coal mining has changed the landscape of the area, and the origination of a vernacular region, “The Bible Belt” which was first attributed to H. L. Mencken, the fiery caustic reported in Dayton covering the trial for *The Baltimore Sun*. Geography played an essential role in

urbanization and contrast between Northern and Southern cultural differences. Even within states, geographic difference played a part in the battles between rural vs. urban interest. The expansion of secondary schools was seen as a response to increasing population density and driven by city dwellers, no longer in need of farm workers. While Tennessee adopted a state textbook, a common textbook and the mandated curriculum were more centrally focused on the emergent needs of city-life and modernity rather than agriculturally-driven rural life. Governmental issues are embedded within the trial as well. Important questions debated then and now include, “Does the government have the right to restrict or limit constitutional freedoms such as freedom of speech (in this case, academic freedom)?” Additionally, does the government (or state) have the right to legislate curriculum? Who controls education? Is this a right of the people as Governor Peay articulated or should education be guided by professionals and curriculum experts? Other social studies disciplines such as religion and anthropology also have strong connections to the story. Scientific materialism and biblical liberalism, the two positions that have come to symbolize the two sides of the trial, continue to be highly controversial issues in American politics, education, and society. Unresolved issues between science and religion are evident in today's socio-political discourse surrounding Intelligent Design, cloning, abortion, stem-cell research, and political affiliations. Anthropological connects can be made with regional and ethnical cultural distinctions. The rise of immigration and the 20th Century Industrial Revolution of the urban centers made the American melting pot a smoldering furnace of cultural conflicts.

Additional avenues to explore when researching the trial include the clash of ideas,

cultures, biographies, and critical literacy skills. This colorful story features two of the greatest orators of their era and an unlikely stage to voice their cause. Darrow represented the Progressive Movement that was firmly entrenched in the north and other urban areas. Bryan was the voice for Fundamentalism which had a home in rural southern states. These divergent viewpoints illuminated the conflicts between America's disparate geographic areas during this time. This is also an opportune time to study the separation of church and state and the power struggle between fundamentalists and modernists, as an epic clash between the past and present.

Anthropological cultural studies can be completed by students on the 1920s, the south, immigrant settlements, or the new African American movement. A presentation of the Roaring 20s can feature discussions on prohibition, the shift on social mores, segregation, and the cultural revolution of the Harlem Renaissance. Teams of researchers can chronicle the rise of black intellectuals such as Alain Locke, or W.E.B. DuBois. Students can also read excerpts from *The Great Gatsby*, poetry from Langston Hughes or Countee Cullen, listen to George Gershwin's music (they may recognize *Rhapsody in Blue* from Delta Airline commercials), explore the origins and social dynamics of Jazz, and even dance the Charleston. Research can be completed on southern traditions, including food, language and the rise of the labor and women's movements. Teachers may also want to review the context of the “Red Scare” of 1919-1920 as an outcome of the impact of immigration and urbanity during this era of change.

A study of the trial will also grant teachers considerable opportunities to develop the critical literacy skills of their students, supporting goals of the Common Core Standards for English

Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (see <http://www.corestandards.org/the-standards/english-language-arts-standards>). This will occur as students compare genres of literature, including historical fiction, memoirs, primary accounts, and informational/non-fiction in the quest to uncover the facts related to the case. Students can read accounts for author bias and compare varying newspaper accounts (Northern vs. Southern newspapers) of the same events. They may also be interested in reviewing the work of the many political cartoonists who covered the trial, especially Edmund Duffy. Finally, students can analyze how the media covered the trial, including news reels that were shown in theaters across America, the first national broadcast of a trial (by WGN in Chicago), and stories from the myriad of print media (over 2100 newspapers sent reporters) that emanated from Dayton in the sweltering heat of July 1925.



{looking North on Market Street near the Main Street intersection of Dayton, TN; circa 1925; photo courtesy of Bryan College Archives}

The images of this era provide a pictographic understanding of issues surrounding the Scopes Monkey Trial. These primary sources are important instructional tools in exploring the aforementioned discord in American society. As an introduction to the teaching of the Scopes Monkey Trial, we offer a daily synopsis and photographic overview to enhance both

students' and teachers' contextual understanding. We recommend using the daily synopsis supported by images to build student academic content knowledge of the Scopes Monkey Trial, then teacher follow-up with instructional activities that engage students in deeper understanding of historical context. We have provided two distinct primary source analysis activities that align with NCSS content standards and ELA Common Core Standards for the purpose of engaging students in critical historical inquiry. Our rationale is that the initial use of picture-supported text will enhance the historical narrative and will help students remember what they are learning, but student oriented content thinking will not occur without rich class discussion. The pedagogical tasks presented will move students beyond general knowledge of sequence of events in the trial to higher levels of learning in which students will explore, question, and interpret primary sources. This multifaceted teaching approach promotes both content knowledge acquisition and historical thinking. Moreover, the appendix includes additional teaching resources for use with secondary learners including descriptions of curricular resources and reference materials for which these methods could be applied and extended.

### Daily Synopsis of the Trial

The information used in the Daily Synopsis was synthesized from several sources in the bibliography, most notably, Moran, J. P. (2002). *The Scopes trial: A brief history with documents.* and Bryan College. (1990). *The world's most famous court trial., which is a verbatim transcript from the trial)*





{photo taken from the Northwest corner of the property showing the Rhea County Courthouse; circa 1925; photo courtesy of Bryan College Archives}

#### Day 1: Friday, July 10<sup>th</sup>

The proceedings began with an overflow crowd (historical estimates claimed 1000 people attended, but contemporary scholars suggest 600-700 is a more accurate estimate) jammed into the Rhea County Courthouse on a stifling July morning. Judge Raulston began the trial, and each morning following, with a prayer from a local minister against the objections of Darrow. The initial day of the affair proved uneventful. Following the selection of the jury, court was dismissed for the weekend. Dayton was buzzing with excitement as everyone anticipated the formal arguments to begin on Monday.



{A crowd gathers to hear a street preacher in the hot July weather during the trial; photo courtesy of Bryan College Archives}

#### Day 2: Monday, July 13<sup>th</sup>

The heat wave continued through the weekend and was still an issue as the trial continued. Throughout the trial, Bryan, a man of considerable size, appeared to be the most affected of the attorneys by the high temperatures and humidity. The defense team opened the trial by arguing whether or not Scopes should even be indicted. Questioning the rights of teachers' academic freedom, Tom Stewart continued the argument for the prosecution by stating that Mr. Scopes's salary came from taxpayers who should have a right to decide what is taught in their local school. The afternoon session was filled with Darrow's attacks on the Butler Act. He proposed that the Bible was a good book for religion and morals but should not have a say in matters of science. His arguments, predictably, were not well received by the partisan locals crowded into the second story courtroom.

#### Day 3: Tuesday, July 14<sup>th</sup>

The tension from the thunderstorm on the night of the 13<sup>th</sup> carried over into the courtroom. Hostile exchanges erupted almost immediately as the session began between the two teams of lawyers. Attorney Tom Stewart built on earlier comments about Darrow and other members of the defense as being outsiders from big northern cities by labeling them as agnostics who were in a "God fearing country". In the afternoon session, the majority of the time was filled with the issue of a proposed leak of Judge Raulston's opinion on the constitutionality of Scopes's indictment of the press corps.



{John Scopes (left), John R. Neal, and George Rappleyea (right) walk under the controversial Read Your Bible signs that were placed around Dayton; photo courtesy of Bryan College Archives }

Day 4: Wednesday, July 15<sup>th</sup>

With the matter of the apparent leak solved, Judge Raulston warned the newspaper reporters against further incidents of this nature and continued with the proceedings. The jury, who had been left out of much of the trial up to this point, took their places.



{the original chairs from the jury stand used throughout the Scopes Trial; photo by Eric Groce }

In the afternoon session, Dr. John Neal of the defense issued a not guilty plea on behalf of Scopes. Dudley Malone then began the case for the defense. He posited several ideas for the court to ponder, including whether the creation account in Genesis is scientifically correct and that the defense team does not see a conflict between evolution and Christianity. Later, Stewart had Walter White, the local superintendent of schools as well as students from Rhea County Central High School testify

that Scopes had, in fact, taught evolution from the text Hunter's Civic Biology. Dr. Maynard Metcalf, a zoologist from John Hopkins University, then took the stand for the defense. Stewart objected to the expert scientific testimony that was to follow from Dr. Metcalf. Raulston decided to allow Metcalf to testify, but dismissed the jury again until he could decide whether to admit the scientific testimony to the trial record.

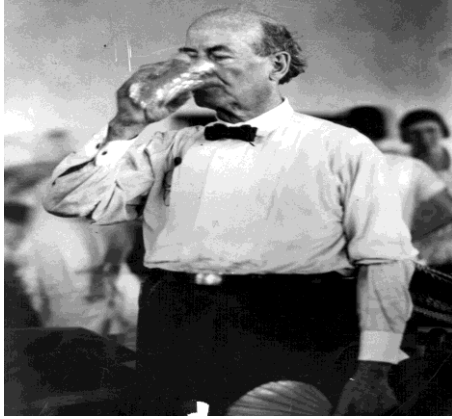


{Scopes stands to speak during the trial as Bryan, Malone, and others listen; photo courtesy of Bryan College Archives }

Day 5: Thursday, July 16<sup>th</sup>

The morning session included much posturing regarding procedures as well as admission of expert testimony. The second session following the adjournment for lunch garnered much more attention because Bryan was to finally begin making his case. He denounced the defense team's attempts to tell the people of Tennessee what they should believe then continued by informing the court that Dr. Metcalf's testimony had not explained the mysteries of life. Bryan continued his rousing speech attacking key points of the defense strategy and collecting intermittent enthusiastic applause along the way. Dudley Malone, once the subordinate to Bryan within the State Department, rose from his seat and began a rebuttal. His concluding remarks implored Raulston to admit the expert scientific testimony as part of the court record. The official court

record reported a “profound and continued applause” after Malone was finished. Even Bryan told him it was “the greatest speech I have ever heard.”



{Bryan and the other attorneys battled the heat by removing their jackets, drinking water, and by using a fan (in left hand);photo courtesy of Bryan College Archives }

Day 6: Friday, July 17<sup>th</sup>

The second Friday of the trial was centered on Raulston's decision to not admit the expert scientific testimony from the defense team. Darrow was furious at the decision and his tone became sarcastic, even with Judge Raulston. Tensions within the courtroom mounted as discussion of the ruling followed. Darrow insinuated Raulston was biased in his judgment. The judge did agree to allow the defense to prepare written statements from the expert witnesses while noting Darrow's comments. Court was then adjourned for the weekend (on the following Monday, Darrow apologized for his remarks to the judge).



{platform outside of Rhea County Courthouse where trial continued due to the stifling heat; (not original platform); photo by Eric Groce }

Day 7: Monday, July 20<sup>th</sup>

Due to concerns about the stability of the structure supporting the second floor of the courthouse, the afternoon session was moved outside. An existing platform was used by both sets of attorneys and Judge Raulston. Many chairs and benches were filled with spectators on the courthouse lawn and the overflow crowd found comfortable places in the shade under the trees. After a discussion and decision to remove a large “Read Your Bible” banner from the area, the defense declared they would like to call one last witness, a Bible expert, William Jennings Bryan! Shouts of objection were issued from the prosecution table but Bryan said he would be willing to take the stand. Darrow proceeded to question Bryan on his interpretation of Biblical events such as the story of Jonah and the whale, Joshua and the Sun, and Noah and the great flood. He then followed by asking Bryan about the Biblical accounts and their perceived incompatibility with scientific records about ancient civilizations. Throughout the questioning, Darrow's tone changed and his pace quickened. The other prosecuting attorneys tried to stop the interrogation on several accounts but Bryan's desire prevailed and the questioning continued. The exchanges became more antagonistic and the temper of both men finally flared as Bryan defiantly defended his faith while Darrow used the responses to illuminate the discussion on the literal interpretation of the Creation account found in Genesis.



{A crowd gathers outside of Robinson's Drugstore during the trial, perhaps to buy a newspaper or to get something from the soda fountain; photo courtesy of Bryan College Archives}

Day 8: Tuesday, July 21<sup>st</sup>

The final day of the trial opened with Bryan's testimony from the previous day being removed from the record. After a brief discussion, the jury was addressed by Raulston and briefed on their duties. Darrow then spoke to them and requested they return a verdict of guilty so the decision could be appealed to a higher court. Darrow also declined a chance to offer a closing argument for his client. This decision was viewed by some legal experts as a crafty ploy because it also negated the chance for Bryan to offer his closing arguments, a manuscript he had been preparing for weeks. The jury accepted their charge and returned with a guilty verdict in only nine minutes. Raulston heard the verdict and set the fine at \$100 for Scopes, the minimum amount allowed by law. Scopes was then finally given his chance to address the court. He expressed that he felt he had been unjustly convicted and would continue to oppose the statute on the grounds of his academic freedom as an educator, an argument that continues to be controversial for teachers. Final remarks and courtesies were issued by Malone, McKenzie, Bryan, Darrow, and the remaining reporters before Raulston adjourned the court.

Instructional Materials for Teaching the Scopes Trial

In this section, we provide two distinct instructional activities that are designed to engage secondary students in critical inquiry using three specific historical sources from the trial. First, we provide a structured analysis document guide of the ACLU advertisement to test the constitutionality of the Tennessee law. Second, we present two photo analysis guides of sidewalk community gatherings which occurred in Dayton during the Scopes Monkey Trial. Each primary source is supported by a primary source analysis guide. Introductions to the instructional materials highlight important content that should be emphasized in curricular applications.

#### Instructional Activity 1: Document Analysis

Central to the trial is the context in which academic freedom was challenged; thus, further study of the ACLU advertisement is recommended. The ACLU advertisement is critical to events leading up to the trial in Dayton. Additionally, language in the text emphasizes central themes as discussed earlier in the article. These activities take learners through a systematic process to analyze the piece and then draw conclusions regarding how the advertisement connects with the Constitutionality of the Butler Act. Points of emphasis in the advertisement are: sectionalism (e.g. northern organization), local rights vs. national and/or state rights (e.g. Chattanooga's public educational institutions or restrictive laws), time or action (e.g. last six months), curricular emphasis in schools (e.g. daily reading of the Bible), limitations on academic freedom (e.g. forbid employment of pacifist teachers), predominately a southern issue (e.g. listing of all states mentioned in article), and Kentucky (e.g. where Scopes went to college).

ACLU Advertisement to Test the Constitutionality of the Tennessee Law

Student Instructions:

Read the following advertisement and:

Highlight in blue information in the text that describes the ACLU's intentions.

Highlight in yellow information in the text that explains the ACLU's rationale for challenging the Tennessee law.

Highlight in green evidence of similar laws or government (state) efforts to limit the rights of academic freedom.

<p><b>PLAN ASSAULT ON STATE LAW ON EVOLUTION</b></p>	<p>"We are looking for a Tennessee teacher who is willing to accept our services in testing this law in the courts," Prof. Skinner states. "Our lawyers think a friendly test can be arranged without costing a teacher his or her job. Distinguished counsel have volunteered their services. All we need now is a willing client. By this test we hope to render a real service to freedom of teaching throughout the country, for we do not believe the law will be sustained." The Civil Liberties Union is also making efforts against other recent "restrictions" on teaching. Freedom of teaching, according to a survey by the union's committee on academic freedom, has been more interfered with by law in the past six months than at any time in American history. These laws prohibit the teaching of evolution, require compulsory reading of the Bible and forbid the employment of radical or pacifist teachers. Congress passed one such law as a rider to the 1925 appropriation bill for the District of Columbia, forbidding any educational director to permit "the teaching of partisan politics, disrespect of the Holy Bible, or that ours is an inferior form of government." Pennsylvania, Ohio, Delaware, West Virginia and Kentucky also have laws requiring the daily reading of the Bible in public schools "without comment," while similar bills have been introduced in the legislatures of Virginia, Texas, New Jersey and Washington. The first state law prohibiting the teaching of evolution in public schools and colleges was passed in Tennessee in March. Resolutions of state boards forbidding the teaching of evolution were previously adopted in North Carolina and Florida. Missouri state colleges are forbidden to employ any person "who teaches, or advocates in public or private that the citizens of this state should not protect the government of the United States from aggression by other nations." In the recent Ohio legislature a resolution authorizing an investigation of members of the faculties of three state universities, with the object of ousting "radicals and atheists," was killed by the senate committee to which it was referred. Efforts to get court action on all these restrictive laws will be made through our attorneys. The constitutional guarantee of separation of church and state, it is believed, offers a ground for contesting the laws requiring Bible reading. The United States supreme court already has before it one restrictive school law passed in Oregon, aimed at abolishing parochial schools.</p>	<p>For each word or series of words you highlight, provide a statement articulating why this information is important.</p>
<p>Civil Liberties Union to File Test Case.</p>		
<p><b>DARWINIAN THEORY NOT TAUGHT IN CITY</b></p>		
<p>Supt. Ziegler Says No Copy of Recent Act Received and Its Effect on Local Schools Not Yet Known. 75-4-1925 p.5</p>		
<p>If the much discussed law passed by the recent Tennessee legislature prohibiting the teaching of evolution in the public schools of this state was aimed especially at the Darwinian theory, there is little likelihood that the test case proposed by a northern organization will be staged here. Supt. Ziegler, of the city schools, declared yesterday that the "man from monkey" theory has no place in the curriculum of Chattanooga's public educational institutions.</p>		

**Drawing Conclusions:**

1. From the highlighted information, provide a statement explaining academic freedom and why would the ACLU considered challenging the constitutionality of the Tennessee law banning the teaching of evolution.
2. How does the question of the constitutionality of Tennessee law represent societal conflicts of the era in which the Scopes Trial occurred?

**Instructional Activity 2: Photograph Analyses**

Two examples of trial photographs are included in this section. These activities ask students to interact with images taken during the trial and then use a variety of skills (inference, prediction, description, and synthesis) to understand the connection between the photographs and the trial.

*Detail Photo Analysis*

The first approach employs detail recognition and guided questions to help students unravel importance. For example, students might see the types of hats, clothing, positions of individuals, and distances among groups of people. The facts will help students deduce cultural and class structural implications for the time period in which the trial occurred. There is also significance of place, e.g. the drug store, and how this was an American icon for small towns and served as a key source of information. One could purchase sodas, Kodaks, stationery, candies, cigars, as well as newspapers. They could gather with others to have lunch and discuss the "buzz" or news of the day. In addition, this time specific vocabulary is important for understanding historical context. This image also provides evidence of how ideas were communicated in small towns. Another point of emphasis is the economic impact on Dayton. The store to the left of the drug store is empty, indicating the economic constrictions on the

town of Dayton that served as a motive for the trial. Second, the crowd is evidence of the "traffic" and subsequent business that was generated as a result of the trial. The *Detail Photo Analysis* can also be used with other images included in this article.

### Scopes Trial Photo Example 1

Take three minutes and look at this picture taken during the Scopes Trial. As you are viewing the image, make note of important details.



### Complete the following analysis steps:

Circle details that are right there in the image. These are people, objects, or text that could be touched if you were present.

What can you infer from your circled details? Consider the relationship or physical position of individuals or groups in the photograph. Think about words that you might use to describe this place or time period.

What is happening? What is the purpose of this gathering? What might be the outcomes?

What is the connection of this image and the Scopes Trial?

As you examine this image and its meaning, what questions do you have that are still unanswered?

### *Quadrant Photo Analysis*

Deconstruction of the second photo taken during the Scopes Trial draws upon a segmented analysis of facts that are prevalent in the image and inferences that can be made from these details. The quadrant analysis is designed to help students examine each artifact in greater depth. For this method, quadrants are analyzed systematically and in sequential order. Teachers guide students in their fact-oriented observations, such as an evangelist on his "soapbox" or in this case car in the top left quadrant. Inferences can be made connecting the role of religion in the southern Bible Belt, polarizing and unifying effects of religion, espousing of religious beliefs, and debating the issues of religion in the Scopes Trial. Other observations include the physical position of women in the top left and top right quadrants in relation to others in the crowd. Similar observations could be made for African Americans. Important details to emphasize are the types of hats worn by various groups of people and distinctions in clothing. Interpretations could include cultural and class distinctions as well as sociality norms of wearing hats in public and women in dresses. Notice that every person is wearing long sleeves even though sweltering heat pervaded Dayton during the trial. Other points of interest include two flags in the top left quadrant. One is the American flag (only contained 48 stars in 1925) and the other is the Tennessee state flag. The significance of the two flags could be interpreted as being symbolic of national vs. state rights. Examining further the state flag creates awareness of regional issues surrounding state textbook adoptions. The three stars on the Tennessee flag represent the three geographical divisions within the state. Time period stamps include a free standing streetlight in the top right quadrant, Model T automobiles in all but the bottom right quadrant. Model Ts were manufactured from 1908 through 1927. These points as well as many others will be generated with the Quadrant Photo Analysis and can be applied to the images presented in this article.

### Scopes Trial Photo Example 2

Using a quadrant analysis, describe what is happening in the photograph. Begin by identifying details such as objects, people, or text within each quadrant.



<i>Quadrant 1</i>	<i>Quadrant 2</i>
<i>Quadrant 3</i>	<i>Quadrant 4</i>

Next summarize what conclusions you can draw from each quadrant in understanding the significance of this photograph and its connection to the Scopes Trial.

Write what questions come to mind as you look at this image and try to figure out its importance.

## Appendix

### Teaching Resources for the Scopes Trial

#### Books

***Monkeytown: The Summer of the Scopes Trial*** (Ronald Kidd). *Monkeytown* is a historical fiction novel written through the lens of fifteen year old Frances Robinson. Frances dreams of catching the attention of the new high school teacher, John Scopes, while her father, the owner of the local drugstore, is constantly considering ideas to invigorate Dayton's sagging economy. Frances, who absolutely adores her father, has the urge to go beyond her eastern Tennessee community and experience the world. In this coming of age story, Frances experiences some growing pains as she exchanges some childhood innocence for a broader perspective on the issues at hand. This is an excellent choice for a teacher read-aloud to introduce the trial and unit of study to students.

***Ringside, 1925*** (Jen Bryant). This historical fiction account of the trial features nine characters (the author identifies them as narrators) who share their varied perspectives in a first person narrative. The novel, which is written in free verse, much like Karen Hesses' *Witness* and *Out of the Dust*, captures the feeling of a divided town struggling with the issues connected to the trial. The book progresses at a fast pace, shifting the reader between narrators after only a few paragraphs. The speed with which Bryant delivers the emerging plot, coupled with the use of nine perspectives, challenges the reader to stay focused in order to distinguish between the multiple perspectives. After a few times of flipping to the front of the book to reread character descriptions, the story becomes easier to follow. Besides exposing the reader to both sides of the evolution /creation debate, the author includes several cultural references that serve as an excellent context for the story.

Examples include references to segregation and racial inequity as well as remarks about historical events such as Leopold & Loeb case, the passing of the 19th amendment, and the great serum run to Nome, Alaska to deliver the diphtheria antitoxin. Readers will also be exposed to the religious overtones prevalent with the Southern states and how the drug store soda fountain was formerly an epicenter of social activities in small town America. The characters are varied and lively and reveal simplicities of Southern life such as shucking corn, shelling beans, and listening to baseball games on the radio. *Ringside, 1925* is an excellent source to use when studying the Scopes trial. Although the viewpoints lean toward the evolution perspective, it will encourage readers to become critical consumers of literature.

***The Scopes Trial*** (Renee Graves). This text does an admirable job of setting the stage for the trial, offering discussions of the 1920s and fundamentalism before advancing on to the main parts of the story. This selection includes many photographs and illustrations as well as a trial timeline and is a good text match for students who are reading at a lower level.

***The Scopes Trial: A Photographic History*** (Edward Caudill). Having students read multiple sources is certainly one way to solidify their content knowledge about a subject as well as refine their critical literacy skills. After reading several sources on a topic, learners should begin making some clear distinctions between events substantiated by facts with primary sources and others that lack authenticity. Besides text, photographs can also be a useful tool in this process. *The Scopes Trial: A Photographic History* contains a chronology of the trial captured in photographs. The black and white images are sandwiched between the introduction and a discussion of the seventy-five years (in 1999) following the trial. The photographic captions were written by noted historian and trial expert, Dr. Edward Larson. The images, which may help students picture the principle players in the trial as well as the setting, include photographs of the Rhea County High School, the train depot, Market Street, the crowded courtroom, the Read Your Bible banner, a WGN microphone, and the famous monkey, Joe Mendi sitting at a table in Robinson's Drug Store.

***Center of the Storm: Memories of John T. Scopes*** (John T. Scopes & James Presley). Another source to include in a classroom study of the trial offers a very unique perspective, from the defendant. *Center of the Storm:*

*Memoirs of John T. Scopes* was published over forty years after the end of the trial but offers some insights into the background, motivations, and thoughts of the trial's central character. The book opens with a few chapters on family history and some thoughts about John's father's disposition toward organized religion. The book benefits from the descriptive anecdotes Scopes adds that grant the readers clues regarding his background. Incidents chronicled within this account could be used to authenticate (Groce & Groce, 2005) the historical fiction novels written about the trial. The final portions of the book describe his lasting relationship with Clarence Darrow and his life as a geologist following his one year stint as a teacher.

***The Scopes Monkey Trial*** (Anne Janette Johnson). This selection features nonfiction resources and is a valuable tool for research when gathering initial information about the trial. This volume is part of a nonfiction series in American History. Each volume includes three distinct sections: Narrative Overview, Biographies, and Primary Sources. Other volumes include The Great Depression and the New Deal, Watergate, Roe v. Wade, and The Harlem Renaissance among others. This is the best nonfiction resource for the classroom due to its coverage of the material, reading level, and accessibility of material.

***A Religious Orgy in Tennessee: A Reporter's Account of the Scopes Trial*** (H.L. Mencken). This selection includes all of Mencken's reports from the trial sent back to the Baltimore Sun, including his scathing obituary of William Jennings Bryan. The appendix includes the trial transcript of Darrow's examination of Bryan on the witness stand. The primary reason to include this selection is for the insight into Mencken's unique but biased reporting style.

***The World's Most Famous Court Trial*** (Bryan College). This (or another source containing the entire unedited trial transcript) should be used when completing a classroom research project on the trial to serve as the ultimate source for chronological and dialogue verification. Students can also compare the original transcript to accounts within the historical fiction novels when authenticating what they have read. This may also be useful when preparing to reenact a portion of the trial.

***Monkey Business: The True Story of the Scopes Trial*** (Marvin Olasky and John Perry). In *Monkey Business*, the authors seek to offer a more authentic account of the trial in contrast to Mencken's biased accounts and to the film *Inherit the Wind*, which has greatly influenced public perception regarding the trial, fundamentalism, and William Jennings Bryan.

***Summer For the Gods*** (Edward Larson). Many researchers view Larson's work as the standard for texts on the Scopes Trial. The Pulitzer Prize winning book is divided into three sections: before, during, and after the trial. This edition does an excellent job of capturing the cultural forces that collided in the Rhea County Courthouse in the summer of 1925. It would also be a strong resource to gather information about contemporary issues related to teaching evolution, creationism, and intelligent design.

#### DVDs/Media

Monkey Trial; PBS Home Video; 90 minutes; AMER6406; 2002. This video, part of the *American Experience* series, presents the story of the trial in an accurate and entertaining fashion. Viewers are exposed to multiple period photographs depicting Dayton during the trial as well as prominent participants within the event. Several historians comment throughout the video as well as Ms. Eloise Reed, who was a young girl living in Dayton who attended the trial.

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<http://www.socstrp.org>

The Monkey Trial; The History Channel; 50 minutes; Catalog number: AAE-73712 1997. The History Channel, noted for quality documentaries, achieved another success with this addition to the *In Search of History* series. This movie instantly carries the viewer back into the Roaring Twenties and the Jazz Age. The Introduction of fundamentalism is done in a thoughtful and non-biased account.

Inherit the Truth; Bryan College; 112 minutes; 2007. *Inherit the Truth* was produced to “set the record straight” about the controversial play, and subsequent movie, *Inherit the Wind*. *Inherit the Wind* is a fictionalized cinematic account of the Scopes trial with characters and plot development that loosely resemble the facts in the trial. It was popular after its introduction in 1960 and has influenced many into believing the “Hollywood History” portrayed within the film. *Inherit the Truth*, produced by Bryan College, in 2007 seeks to present a more realistic portrayal of the events leading up to, and including the trial. It features music from the era, black and white film, and local actors. This portrayal is an excellent resource to acquire for a classroom research project on the Scopes trial. This selection will allow students to easily visualize all aspects of the courtroom drama and could be shown alongside *Inherit the Wind* to reveal critical differences between the two films.

### Websites

Famous Trials in American History: Tennessee vs. John Scopes.

<http://www.law.umkc.edu/faculty/projects/ftrials/scopes/scopes.htm>

The site was developed by Douglas Linden, a professor at the University Of Missouri- Kansas City School Of Law and is only one of many trials on his Famous Trials website. The homepage for the site features an easy to navigate side menu with a wide variety of resources. Examples of the links include observer accounts, the Butler Act, the creation account in Genesis, and film footage from the trial (requires RealPlayer Software). Linden's site also features an extensive bibliography and is a good place for students to begin as they research elements related to the trial.

### **Unpublished Photographs from 1925 Tennessee vs. John Scopes "Monkey Trial" Found in Smithsonian Archives.**

<http://siarchives.si.edu/research/scopes.html>

This link to the Smithsonian Institution Archives (SIA) provides twelve original photographs of trial related images that had been lost for many years prior to being given to the SIA. The photography include two views of Robinson's Drug Store, the Rhea County High School, the courthouse, and a magnificent image of Darrow questioning Bryan in front of the crowds gathered in the lawn of the courthouse.

Timeline: Remembering the Scopes Monkey Trial.

<http://www.npr.org/templates/story/story.php?storyID=4723956>

In 2005, National Public Radio sent correspondent Noah Adams to Dayton for the eightieth anniversary of the trial. The link contains a chronology, several black and white photographs, and quotes from the participants but the main feature teachers will want to utilize is the twelve minute audio recording done by Adams with the help of historian Edward Larson and trial observer, Ms. Eloise Reed.

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