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THE SCOPES TRIAL AND ITS AFTERMATH

FOREWORD

By

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The Ohio Academy of Science

Although science has eliminated myth from most of man's biblically-based views of the cosmos, the issue of science versus religion rages today much as it did in Dayton, Tennessee, and elsewhere in the 1920s. On the following pages a fascinating eyewitness account of the trial of John T. Scopes unfolds with the descriptive accuracy of a veteran scientist and the deeply religious convictions of one of this century's most distinguished Baptist laymen and religious scholars—the late Dr. Kirtley F. Mather (1888-1978).

Mather's motivation throughout most of his life was the defense of civil liberties and the academic freedom of many of his colleagues. His education was not in jurisprudence; rather, it was grounded in basic geology and was greatly aided by extensive field experience over much of the earth. To this must be added a great love of people and an unusual ability to persuade and influence others to his views. He was a rare individual who successfully bridged the gap between science and religion. He was comfortable and respected in both camps. Today his wisdom and authority are more important than ever.

While many people may have thought that the influence of fundamentalism on science education died with the Scopes Trial, those who have taught in the Bible Belt know otherwise. Over a decade ago, while teaching junior high school science in Southern Ohio, I ran into the same intolerance of opposing views typified by the Scopes Trial a half century ago. The most ardent opposition came from a person who aspired to be an ordained minister in a mainstream denomination. His seminary training was left unfinished; he was a fundamentalist and strongly imposed his views not only on his children, who were excellent science students, but also on local community leaders. Reportedly, I was the favorite subject each week in at least one local Sunday school class. Fortunately, in this case, reason prevailed and there was never any serious threat to my position. The pressure, nevertheless, was real and ever present. How many other teachers have been under the influence of fundamentalism is unknown. I suspect that the number is far greater than most people realize.

The recent resurgence of the influence of fundamentalism on teaching is like a new flame bursting forth from a smoldering campfire that was set decades ago. Adding fuel to this fire is the new conservative political trend in America. While there is nothing inherently wrong with being conservative, those whose religious views are fundamental and who wish to flex their political muscle in the name of morality are a serious threat to the preservation of academic freedom. Further, they damage the conscious efforts of teachers to get on with the important task of improving the scientific literacy of all students.

In the October 1981 issue of *Natural History*, popular columnist and Harvard biologist Dr. Stephen Jay Gould stated the case more eloquently than I when he wrote:

"The enemy is not fundamentalism; it is intolerance. In this case, the intolerance is perverse since it masquerades under the 'liberal' rhetoric of 'equal time.' But mistake it not. Creationists are trying to impose a specific religious view by legislative fiat upon teachers who reject it both by conscience and training. For all their talk about weighing both sides (a mere matter of political expediency), they would also substitute biblical authority for free scientific inquiry as a source of empirical knowledge."

Evolution is a red flag that enrages the bulls of fundamentalism. Likewise, the recently coined term "scientific creationism" infuriates strict evolutionists. Consequently, educational progress is diverted while the battles ensue in classrooms, school boardrooms, legislative halls and courtrooms across the country. The end of the war on ignorance and intolerance is not in sight at this time.

Science and religion have a social contract based on mutual respect, understanding and tolerance. There are striking differences in the methods of each. Nevertheless, this does not make one more important than the other. Likewise, other systems of understanding and explaining man's origin and place in the cosmos are equally valid—philosophy, folklore and the arts. Our cultural progress is retarded when we impose the views of any one of these systems to the exclusion of all others. Equal time is a convincing argument only when there is no hidden agenda.

As you read Mather's account of the Scopes Trial, I hope you'll come to realize that mutual respect, understanding and tolerance for all views of the cosmos should prevail if we are to be intellectually honest.

By
KIRTLEY F. MATHER*
(1888-1978)

In March of 1925, the State Legislature of Tennessee enacted a law making it a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00, for any teacher in any university, college, or public school, supported in whole or in part by State funds, "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". Soon thereafter, the American Civil Liberties Union, which had been set up by Roger Baldwin (1884-1981) two or three years earlier, announced that in its opinion this law was an outrageous infringement of academic freedom and a violation of the Constitution of the United States. If any teacher in Tennessee was indicted under its provisions, the Union would come to his defense and take the case all the way to the U.S. Supreme Court, if necessary. Apparently the only person in Dayton, Tennessee, who took the law seriously and looked upon it as the ACLU did was a youthful mining engineer named George Rappleyea who was in charge of the Dayton headquarters of a nearly defunct coal mining company with properties in the general vicinity of that sleepy town. When he read the ACLU announcement in the Chattanooga Daily Times, he got the brilliant idea that it "would put Dayton on the map" if the proposed trial were to take place in it. Being a man of action as well as of ideas, he broached the subject with Mr. Frank E. Robinson and other prominent citizens of the town. "F.E." was not only the owner of Robinson's Drug Store, the principal emporium on Dayton's main street, but was also the chairman of the Rhea County Board of Education. On Sunday afternoon, the 2nd of April, the plot was hatched, as the two sat with others around a table in the drug store sipping ice cream sodas and lemonade. But who would be the sacrificial victim?

That question was soon answered by the selection of John T. Scopes (1900-1970), University of Kentucky '24, the young and popular member of the Dayton High School faculty, who had been teaching the physical sciences and coaching the athletic teams since the preceding September. They knew that for the last few weeks he had also been teaching biology during the illness of the high school principal who was ordinarily responsible also for the instruction in that subject. As Rappaleyea said, "You can't teach biology without teaching evolution". At that moment a high school lad came into the drug store looking for some of his buddies. From him the group learned that "Professor Scopes" was playing tennis on the school's athletic field that afternoon. The youngster was dispatched to summon John to the store for a conference, and he soon appeared, completely unaware of what he would

soon be letting himself in for. Questions and answers followed swiftly.

"You are teaching biology at the high school, aren't you?"

"Yes, I've been filling in for Mr. Ferguson the last few weeks while he is sick."

"Have you been teaching evolution?"

"Well", John drawled, "I'm not sure I have. If it's in the textbook I certainly have."

Whereupon "F. E." rose from the table and stepped over to the bookshelves filled with the books that he sold to the students in various grades of the schools under the jurisdiction of the Board of Education of which he was Chairman (conflict of interest?) and pulled down a copy of Hunter's Civic Biology, the textbook approved by the State Board of Education for use in high school courses in biology. Sure enough, there it was: the familiar "family tree", with one-celled animals and invertebrates in its trunk, and amphibians, reptiles, birds, and mammals on branches leading sideward and upward; there was man on the topmost twig of the loftiest branch; and there, too, was more than a page devoted to Charles Darwin and "The Origin of Species". The evidence was unmistakable. John Scopes was guilty of violating the "anti-evolution law".

Considerable persuasion was required, but John finally agreed to stand trial provided it was absolutely certain that the ACLU would pay all the expenses. During the next two days, telegrams were exchanged between Rappleyea and the ACLU; a warrant for John's arrest was sworn to by George Rappleyea; and on the 9th of April John Scopes appeared before the three justices of the peace for Rhea County who bound him over to the Grand Jury.

(I have, of course, paraphrased and dramatized the above conversation and will doubtless do the same on subsequent pages. My memory of what I heard and observed in Dayton is, however, reinforced and clarified by abundant documentation. In addition to my own notes and published articles, and my file of newspaper clippings, I have at hand such books as:

THE WORLD'S MOST FAMOUS COURT TRIAL,
"The court record as it was made from day to day;
National Book Company, 1925

SIX DAYS OR FOREVER, Ray Ginger, Beacon
Press, 1958

D-DAY AT DAYTON, Recollections on the Scopes
Trial, Edited by Jerry R. Tompkins; Louisiana
State University Press, 1965

CENTER OF THE STORM, John T. Scopes and
James Presley; Holt, Rinehart, and Winston, 1967

THE GREAT MONKEY TRIAL, L. Sprague de
Camp; Doubleday, 1968)

The news concerning the indictment of John Scopes and the intention of the American Civil Liberties Union to defend him in the pending trial was widely publicized by the news media. Down in Florida, where he was living in retirement, the Honorable William Jennings Bryan (1860-1925) read about it in his newspaper and

*An Excerpt from: "Geologist at Large—Biographical Notes prepared by Kirtley F. Mather for his Children and Grandchildren, Book One, 1977. 215 p.

immediately announced, with his customary righteous indignation, that he would go to Dayton to assist the prosecution of the case and to defend the Bible against all attacks that scientists—especially those who believed in evolution—would make against the infallibility of the Word of God. In Chicago, Clarence Darrow (1857-1938) read in his newspaper about Bryan's intention and immediately announced that he would also go to Dayton to assist the defense of the brave young believer in academic freedom and constitutional liberties. Darrow had campaigned for Bryan in at least one of his three futile attempts to become President of the United States, but he was indignantly scornful of Bryan's "fundamentalistic" religious beliefs. Back in Newton Centre and Cambridge, I also read the newspapers, and I was worried. I knew that Darrow would easily demolish the case for literal infallibility of the Bible and the kind of religion that Bryan proclaimed, but who would be in Dayton to promote a religion that is respectable in the light of modern science? My immediate reaction was to write a letter to Roger Baldwin at the ACLU headquarters in New York. Unfortunately, I have not found a copy of that letter in my archives and cannot quote it verbatim. Its purpose was to suggest that at the forthcoming trial the ACLU include among its expert witnesses at least two or three men of science, in good standing in the community of scientists, as evidenced by their positions in academic or research institutions, who were also men of religion, as evidenced by their activities in a church belonging to one of the major denominations. Thus, there would be a demonstration of the fact, denied by Bryan, that one can believe "both in God and in evolution". I don't think I actually volunteered to be such a witness, but I was confident that Roger knew I filled those specifications. In any event, an invitation to join the defense in Dayton was soon forthcoming.

When I arrived there, at noon on Saturday the 18th of July, I was escorted to "The Mansion", where I was housed for the duration of my stay. This was a large residence on the edge of town that had been standing unoccupied for some time. The logistics team of the ACLU had rented it, moved in camp cots, desks, tables and chairs, engaged a caterer, and otherwise made it a comfortable liveable place for defense personnel. There, they told me about the events of the preceding day's session in the courtroom and sat me down in front of a typewriter with an assignment that kept me hard at work for the next twenty-four hours.

The trial had started Friday morning, the 10th, in the circuit court presided over by Judge John T. Raulston (18 -19) and had moved slowly along, with a session that afternoon, and forenoon and afternoon sessions each day from Monday through Friday of the following week. It took some time to impanel the jury, more time to discuss Judge Raulston's custom of opening each forenoon session with prayer by a local preacher, and there was much bickering between prosecution lawyers and defense lawyers and between the latter and the judge. But the issue between prosecution and defense was clearly drawn by Wednesday, when Dudley Field Malone presented the case for the

defense in an eloquent speech that included such statements as: "While the defense thinks there is a conflict between evolution and the Old Testament, we believe there is no conflict between evolution and Christianity" and "There is no branch of science which can be taught today without teaching the theory of evolution". Then the prosecution had called witnesses—the superintendent of schools and three high school lads—whose testimony indicated that John Scopes had indeed taught that "man has descended from a lower order of animals". When, however, the defense sought to introduce witnesses who would deal with the question of his violation of the first of the two operative clauses in the law—the denial of "the story of the Divine Creation of man as taught in the Bible"—the prosecution objected to the introduction of any such testimony. It was as though they thought the "and" that connected the two clauses was really "or". Judge Raulston was faced with the single most important decision he would ever have to make. He temporized, saying he wanted to hear a sample of the testimony before making a final ruling. He knew the case would be appealed to the higher courts, and if the testimony which he might exclude was in the record, the appellate court could decide more wisely whether he had been in error in disbarring it. Accordingly, in the absence of the jury, the defense had called its first witness to the stand on Wednesday afternoon. That witness was Dr. Maynard M. Metcalf (1868-19), who for many years had been Professor an active member and bible-school teacher in the Congregational Church. Most of the Thursday sessions had of Zoology at Oberlin College, where he had also been devoted to a free-for-all debate among the lawyers for both the prosecution and the defense concerning the admissibility of Dr. Metcalf's testimony and that of the other "expert" witnesses whom the defense wanted to put on the stand. Finally, on Friday morning, still in the absence of the jury, Judge Raulston announced his ruling; the testimony of the expert witnesses for the defense was inadmissible! Clarence Darrow blew his top, but Arthur Garfield Hays (18 -19) kept his cool and persuaded the judge to permit the excluded witnesses to submit "in the form of affidavits" summary statements cover the testimony they would have presented, so that the higher courts could rule on the correctness of his ruling, to which the defense, of course, had taken exception. Court had then been adjourned at 10:30 a.m. to reconvene Monday morning at 9:00, thus giving the witnesses time to prepare their statements before going on with the trial.

That was where I came in, and that was the nature of the assignment on which I worked for the first twenty-four hours I was in Dayton. Some of the others had completed their statements and departed the scene before I arrived; others completed the task and handed their manuscripts, as I did, to the mimeograph machine operators Sunday afternoon, in time for distribution to the eager newsmen before midnight. Altogether, eight such "Statements of Noted Scientists" were entered into the court records Monday morning, the 20th. In addition to the two by Dr. Metcalf and myself, the other six were filed on behalf of:

Dr. Charles Hubbard Judd (1873-19), the eminent psychologist who at that time was Director of the School of Education at the University of Chicago.

Dr. Jacob G. Lipman (1874-19), Dean of the School of Agriculture at Rutgers University,

Dr. Fay-Cooper Cole (1881-19), Professor of Anthropology at the University of Chicago,

Wilbur A. Nelson (1889-19), who had just resigned as State Geologist of Tennessee to become State Geologist of Virginia and Professor of Geology at the University of Virginia, and who had recently been President of the Monteagle (Tenn.) Sunday School Assembly,

Dr. Winterton C. Curtis (1875-19), Professor of Zoology at the University of Missouri, and

Dr. H. H. Newman (1875-19), Professor of Zoology at the University of Chicago.

The complete text of all these affidavits was published in *THE WORLD'S MOST FAMOUS COURT TRIAL*, to which I have already referred. My own statement is on pp. 224 to 251 of that book; it was also printed in full in *The Granville Times* for July 30, 1925, and was reprinted much later in *D-DAYS AT DAYTON*, pages 156 to 168.

The attorneys and witnesses for the defense of John Scopes had three purposes in mind; first, to lay the foundations for an appeal to higher courts after his conviction, with the expectation that the statute would eventually be "struck down" as unconstitutional; second, to use the trial as a platform from which to make known the factual basis for the doctrine of evolution and the importance of that doctrine in all scientific activities; and third, to set forth the argument that evolution is not antagonistic to the enduring religious principles in the biblical accounts of creation. The first of these objectives was the responsibility of the lawyers, the other two of the expert witnesses. Accordingly, in my statement, I first presented a summary of the record of geologic life development during the successive eras, periods, and epochs of geologic time, noting specifically the portions of that record about which I could testify from personal knowledge. Continuing, I pointed out the discrepancies between the two creation stories in the Book of Genesis and the compatibility between the doctrine of evolution and the teachings of Jesus Christ. To counter the preachments of Bryan and his fundamentalist adherents, I made such assertions as "To say that one must choose between evolution and Christianity is exactly like telling the child as he starts for school that he must choose between spelling and arithmetic", and "Evolution is not a power, nor a force; it is a process, a method. God is a power, a force; he necessarily uses processes and methods in displaying his power and exerting force".

By and large, the newsmen did an excellent job of summarizing the voluminous statements and selecting excerpts from them for quotation. Influential newspapers all around the world devoted a surprising amount of space to the publication of reports about this aspect of the trial. My file of clippings occupies more than half of an entire scrapbook. It seemed to me that the second and third of our objectives were pretty well

achieved, even though we were not permitted to take the witness stand.

That Sunday evening, Darrow, Malone, and Hays found me in the large livingroom at The Mansion and asked me to join them in an adjacent room where we could talk undisturbed. They told me, in confidence, that they were going to get Bryan on the witness stand the next day and wanted me to answer some questions as I thought Mr. Bryan would answer them. "Pretend that chair in the corner is the witness stand in the courtroom and that you are William Jennings Bryan seated on it." Then came a barrage of questions and answers:

"Do you believe the world was made in six days?"

"That is what the Bible says and therefore I believe it was.

"Well, were those days ordinary days of twenty-four hours each?"

"Why, I suppose they were. The Bible says there was an evening and a morning that made a day, and that's the way it is today."

"You think the first woman was made from a rib, removed from the body of the first man?"

"That's what the Bible says."

"Where did Cain get his wife?"

"Oh, I never worry about that; I leave it to the scientists to worry about that."

And so on and on, for more than an hour. Actually, as the events turned out, I did not play the role of William Jennings Bryan very well. For the questions I answered that were also fired at him, my batting average was hardly .300, for their accuracy in predicting what he would say. But I am getting ahead of my story.

Monday morning, the 20th, after the defense witnesses' statements had been duly entered into the record, Arthur Hays and Clarence Darrow goaded Mr. Bryan into taking the witness stand as an expert on the Bible and the relation between evolution and Christianity. Over-riding the strenuous objections of the other prosecution attorneys, Judge Raulston ruled that he might do so, if he wished. Then, noting the hazardous situation of the overcrowded courtroom with its scores of people standing in the aisles and along the walls, the judge recessed the trial until the afternoon session which would be held outdoors in the courthouse square, where there was a rough plank platform, held over from the Fourth of July celebration, and plenty of room for spectators under the sheltering trees.

During that morning session, I had been seated at the table assigned to the defense attorneys, but after lunch I picked out a comfortable-looking tree, close to the erstwhile bandstand, and seated myself on the ground with my back against it. I soon discovered that a group of ten or twelve local inhabitants was seated nearby, so close that I could not fail to overhear their conversation. "Wait until Mr. Bryan gets hold of that atheist from Chicago; he'll tear him to pieces in nothing flat." "He sure will; Mr. Bryan knows his Bible and he won't let anybody fool around with it." The group did not seem to mind when Darrow's questions disclosed Bryan's ignorance about other Bibles than the King James version and other religions, such as Buddhism, but when the questions about the days in the "Creation

Week" brought the response that those "days" might have been a thousand years long, or even geologic periods, they were deeply disturbed. "Why does he say that; he knows the Bible says days just like the days are today." And their dismay and disappointment increased as the questioning went on to its climax. That came when Darrow narrowed in on the story of Adam and Eve in the Garden of Eden: "How do you suppose, Mr. Bryan, the serpent got around before it was condemned to crawl on its belly because it had tempted Eve?"

Bryan: "Well, I never thought about that."

"Darrow: "It must have had legs, or maybe it walked on its tail?"

"I suppose it probably had legs."

"Oh! It had legs before, and didn't have them afterward? Sort of like evolution, wouldn't you say, Mr. Bryan?"

"Whereupon Judge Raulston banged his gavel on the table and said, "This has gone on long enough; court's adjourned!" I lingered long enough, in the midst of the babble of excited voices, to hear my neighbors decide to send a delegation to Mr. Bryan that evening to ask him to explain why he had let them down by deviating from the strict literal belief in the Bible that they had expected him to defend to the uttermost. In retrospect, I had the strong impression that Mr. Bryan was unaware, that afternoon, how poor a showing he had made in the confrontation with Clarence Darrow; it was not until that delegation visited him that he felt it necessary to commit himself to the desperate effort to make a comeback that led to his death the following Sunday.

The trial ended Tuesday morning, but not without another dramatic episode. Darrow's closing statement to the jury was for all practical purposes a request that they find his client guilty, in order that an appeal could be made to higher courts in the expectation that there the statute would be found to be unconstitutional. Then, Judge Raulston charged the jury and told them that if they found the defendant guilty—as everyone in the room was certain they would promptly do—and were "content with the specified minimum fine of \$100.00", they could "leave the punishment to the Court!" Whereupon, Attorney General Stewart (1893-1973) jumped to his feet; "Of course, your honor, it is a minor matter, but I had it in mind that it would be the duty of the jury to fix whatever fine was to be imposed." Judge Raulston replied that "the court can always impose the minimum fine under a statue" and then went on at some length to compare the trial then in progress with the many bootlegging trials at which he had presided and at which he always assessed the fine of \$100.00. Before he had finished, Mr. Stewart resumed his seat and said no more about the penalty to be imposed. Although none of us recognized it as such at the time, that was in fact one of the most dramatic moments of the entire trial.

Months later, when the Supreme Court of the State of Tennessee considered the appeal that the defense lawyers had taken, it ruled that the judge had been in error in imposing a fine greater than \$50.00 without having the amount of the fine determined by the jury.

The judgment of the circuit court was, therefore, null and void, and the case was remanded back for retrial. I have never been able to banish the suspicion that Tom Stewart had instinctively leaped to his feet to prevent the judge from committing that error. He was probably the only lawyer in the courtroom who knew about the limiting regulation cited by the Supreme Court. Then, as the judge rambled on, the thought may well have occurred to him that this technical error would make it unnecessary for the higher court to rule on the constitutionality of the anti-evolution law, about which he certainly must have had some doubt. In recounting this episode in *THE GREAT MONKEY TRIAL*, Sprague de Camp explains Mr. Stewart's interruption of the judge by stating that "he referred to" the regulation that the judge was about to contravene. Mr. de Camp's statement is at least potentially misleading. Consequently, when I reviewed his book for *Science*, vol. 159, pp. 616, 9 February 1968, I set the record straight: "That reference may well have been in Stewart's mind, but it certainly was not voiced in the courtroom; had it been, the lawyers for the defense would have been alerted to that obscure and unusual point of Tennessee law and would surely have done their best to prevent the judge from making the technical error that later permitted the State Supreme Court to thwart their plans to test the constitutionality of the anti-evolution law in the U. S. Supreme Court". As it worked out, Judge Raulston unwittingly prevented the defense attorneys from attaining the first of their three objectives.

Interestingly enough, when the State Supreme Court returned the case to the circuit court for retrial, it added the comment that no useful purpose could be served by trying it again. No steps were ever taken to bring John Scopes into court for a second trial. No one else has ever been indicted for violating this law, which remained on the statutes, its constitutionality untested, until it was repealed in 1967 by the State Legislature. But for 40 years it hung, like a sword of Damocles, over the head of every teacher in Tennessee. No one will ever know how many timid teachers in obscure hamlets or major cities avoided all references to evolution in their classroom during those years.

Returning now to Dayton and the 20th of July in that hot summer of 1925. It took longer for the jury to make its way through the crowded courtroom to the secluded jury room and return with its verdict than it took for them to reach their verdict, but no one left the courtroom except the jury. Everybody knew they had not long to wait. The judge accepted the guilty verdict, thanked the jury, assessed the fine of \$100.00, which was promptly paid by the *Baltimore Sun*. John Scopes was free. The trial was over before noon. But its aftermath had only begun.

I did not say goodbye to Dayton until Wednesday noon, the 21st. Wednesday morning I spent with Clarence Darrow at his request. He took me to a back room in the Post Office and seated me at one end of a long table, literally overflowing with mail addressed to him.

"Open the letters and skim through them as quickly as you can", he said. "I'll be doing the same at my end

of the table. Most of the letters should go into the wastebasket; but there'll be a few that I'll want to see."

"How will I know which they are?"

"You will know all right. In doubt, ask me."

Many of the letters were scurrilous diatribes from obviously illiterate writers: "You skunk! Last year you saved Leopold and Loeb from the death penalty; now you are defending this atheistic teacher who has been destroying his students' faith in the Bible. I hope you rot in hell." They went into the wastebasket. Every once in a while, however, there was a letter of a very different tenor: "Dear Mr. Darrow: You won't remember me, but I'll always remember you. I'm the mother of the 14 year-old boy that you saved from a prison sentence, four years ago. I just wanted you to know that he has now finished high school and has a good job. He is getting along all right, thanks to you. God bless you!" That kind I saved for Clarence to read.

After an hour or so we stopped for a coffee break. I handed over a score of letters of the second kind for him to breeze through. Then I said:

"You say you are not a Christian, Clarence?"

"No, I'm an agnostic; but I'm not an atheist or an infidel."

"Well, after reading those letters, I'd say you have been acting in a much more Christ-like manner than many people I know who call themselves Christians."

"That may be, Kirtley, I don't know; but if I have, it's because I was made that way. It has nothing to do with theology. Let's get back to work."

It must have been Monday evening when I was cornered by what proved to be a sort of delegation of newsmen. In the group, as I remember it, were Watson Davis (1896-19) and Frank Thone (1891-19) of *Science Service*, Bill Lawrence (18 -19), of the *New York Times*, and E. Haldeman-Julius (1889-1951), of the Haldeman-Julius Publishing Company. They went right to the point:

"What are you scientists going to do about John Scopes?"

"What do you mean, what are *we scientists* going to do about him?"

"Well, he is obviously out of a job here, and he probably can't get one in any high school in the South. And it's your fault; if you scientists hadn't taught him about evolution, he wouldn't have been in this fix."

"Well, he can easily get a spot on the Chataqua circuit, or book with some lecture bureau. Probably draw down two or three times as much as the salary of a high school teacher."

"No. You've seen enough of him to know that he is a quiet, retiring, self-effacing sort of person who wouldn't want to put himself forward in that way."

"I guess that's true. What *does* he want to do, when the trial is over?"

"We don't know."

"I'll find out."

And I did. The conversation with John Scopes went something like this:

"What are you planning to do, John, now that this trial is about over?"

"Well, I'm going to get just as far away from all this damned publicity as I can."

"And then?"

"To be honest with you, Professor, I'd like to go to graduate school and learn something about evolution and science. You see, I had only a year of physics and another of chemistry and only one semester of biology for my bachelor degree at Kentucky, and I'd like to study some more."

"That's good. And what aspect of biology would you want to concentrate on, botany or zoology?"

"Well, if you don't mind, Professor, I'd really like to study geology. But I don't have any money to pay my way."

"Geology would be fine, of course. Suppose arrangements could be made to finance your studies, to what graduate school would you like to go?"

"If you don't mind, Professor, I'd like to go to the University of Chicago."

"That's great. That was where I took my PhD., you know. You are a real Midwesterner at heart, aren't you? I'll see what I can do to help you out financially."

Armed with that information, I got into a huddle with Wilbur Nelson, Watson Davis, and others. All agreed that something should be done to underwrite John's expenses in graduate school. Being good Americans, we formed a committee—The John T. Scopes Scholarship Committee. In due course, we induced the venerable, widely esteemed, Chancellor-Emeritus of Leland Stanford University, David Starr Jordan (1851-1931), to accept the chairmanship of the committee with the understanding that I would be its secretary and do all the work. Frank Thone served as treasurer of the Fund. We sent out just one mimeographed letter soliciting contributions and received about \$4,000.00, much of it from Dr. Jordan's friends in California. Thus financed, John continued his education in the Department of Geology at the University of Chicago during the academic years 1925-26 and 1926-27. During that time, I kept in close touch with him by correspondence. Several letters from him and from Frank Thone, and copies of my replies, are in my archives. Then, in June of 1927, John was employed by the Venezuela Gulf Corporation, under Kenneth Heald, and sent to the Maracaibo Basin for a two-year stint as field geologist. Later he became geologist for the Shreveport Oil and Gas Company and continued to do a good job in that capacity throughout the rest of his professional career.

For several years, public interest in the trial continued to be intense and widespread. I was deluged with far more invitations to tell its story and discuss its significance than I could possibly accept. The audiences I addressed ran the full gamut from academic through religious, to completely secular groups. During the academic year 1925-26, for example, I talked about it to my fellow members of the Newton Centre Baptist Church; the Young People's Society in the Somerville (Mass.) Baptist Church; a Y.W.C.A. conference at Wellesley College; the congregation of the Newton Centre Trinity Church (Episcopalian); an assembly in The Old South Meeting House in Boston; those attending a "Vesper Service" in the Newton Hospital Nurses

Home; the Gamma Alpha Society at Harvard; the Students Club in the Brookline (Mass.) Baptist Church; a Presbyterian Ministers Conference in Boston; the Baptist Ministers Conference in Tremont Temple, Boston; the Algonquin Club in Boston; the State Street Church in Portland, Maine; the Brookline (Mass.) Country Club; the St. James Church in North Cambridge; the Unitarian Church in Hollywood, California; the Science League of America at its meeting in San Francisco; and the Denison Scientific Association in Granville. I also gave two 25-minute radio talks on the subject, over Station WNAC (Boston) at 7:35 p.m. on 11 and 16 December 1925—my first venture into the new, but rapidly burgeoning medium of electronic communication.

All this speechifying led inevitably to the preparation for publication of articles about the trial or stemming from it. First, there was a paper entitled "Evolution and Religion", published in the *Scientific Monthly*, vol. 21, pp. 322-328, 1925. Then came the story of the trial, pretty much as I have given it here, "Evolution on Trial", *Harvard Alumni Bulletin*, vol. 28, pp. 446-450, Jan. 14, 1926. This was followed by "The Psychology of the Anti-evolutionist", published in *Harvard Graduate's Magazine*, vol. 35, pp. 8-29, September, 1926, and much later reprinted in the interesting book, *CONTROVERSY IN THE TWENTIES*, edited by W. B. Gatewood, Jr., Vanderbilt University Press, 1964, pp. 189-196.

One of the best of the fringe benefits accruing to me, as a result of my participation in the Scopes trial, was my continuing friendship with Clarence Darrow. Every time he came to Boston we managed to get together for lunch or just a chat. When he and Dr. Clifton Gray, President of Bates College, discussed the question "Is Man a Machine?" in jam-packed Symphony Hall the evening of 16 March 1927, I presided at the meeting. Darrow, of course, took the affirmative side of the question, and eloquently presented his mechanistic philosophy of life. Gray took the negative side and argued with equal eloquence that man possesses a soul and is, therefore, "more than a machine". It was not a formal debate, although the newspaper accounts labeled it as such, and there were no judges to render a verdict, but a good time was had by all. I had set the tone of the meeting by characterizing the two speakers as "co-operators in the search for truth" and they carried through on that high level. Although I disagreed with Clarence over such things, I admired him greatly. In spite of his sharp tongue and overbearing courtroom manner, he was a man of great compassion as well as superb intellect and keen wit, frequently putting himself on the side of the underdog in any confrontation. When he died in 1931, I had a deep sense of personal loss.

Another fringe benefit—and I truly consider it as such—was my confrontation with the Rev. John Roach Straton (18 -19), pastor of Calvary Baptist Church in New York. Dr. Straton was an ultra-fundamentalist, fire-and-brimstone evangelist, who for a time had considerable influence in Baptist denominational circles and indeed in civic affairs in New York City. On the

Sunday following the end of the trial, he had preached a resounding sermon in his church, in which he denounced the defenders of John Scopes, branded the University of Chicago and Harvard as "infidel schools", and singled me out as one of those responsible for the "unbelief" at Harvard. Then, on 14 October 1925, he came to Cambridge and addressed a capacity audience at Phillips Brooks House in Harvard Yard. Phillips Brooks House was the center for religious activities and community welfare projects of Harvard students and was sponsoring a series of talks by invited speakers with a wide variety of beliefs and unbeliefs. He toned down his excoriations a bit from those reported by the press for his earlier pronouncements, but still insisted that evolution undermined faith in the Bible and was antagonistic to Christianity. After that meeting, I challenged him to invite me to speak to his congregation in Calvary Church and he accepted the challenge.

It took some time to work out the format for the discussions that I envisioned and to find suitable dates, but eventually, on 13 and 14 May 1927, I confronted Dr. Straton on his home grounds. There was to be no formal debate, although the newspaper accounts labeled it as such. Each of us was to speak for twenty minutes and then the two of us were to engage in conversation, with questions and answers, about the selected subject for another half-hour or so. The question for the first evening was "Is Evolution True?"; I said "Yes", Straton said "No". For the second evening it was "Is Evolution Anti-Christian?"; Straton said "Yes", I said "No", thus reversing the order in which we spoke. This concern for "equal justice for all" was further borne out by having Justice William H. Black of the U. S. Supreme Court as the presiding officer. News reports were uniformly favorable to me. That in the *New York Times* was headlined, "Dr. Straton Tilts With Prof. Mather, Audience Gives Educator More Applause After Evolution Debate", and that in the *Washington, D. C. News*, "Straton Loses Tilt With Scientist on Fundamentalism".

A sequel to this episode, many years later, was even more heartwarming than the applause in Calvary Church those evenings. During the Great Depression in the early nineteen thirties, Harvard instituted a new program of financial aid for students. Professors were informed that if they could find useful employment in their offices or laboratories for students with no special technical training, one or more would be assigned, without charge to departmental budgets. I requested one such student assistant for work in my office where I had quite a backlog of documents and photographs awaiting filing. Soon thereafter—it must have been September of 1931 or 1932—a young man arrived at my office and introduced himself as "Douglas Straton, the second son of John Roach Straton".

"I'm an entering Freshman and have qualified for the new program of financial aid. The Office has assigned me to you, and I hope you'll take me", said he.

"That's something of a coincidence. I'm glad to meet you. But how did the Office happen to assign you to me?"

"Oh, I asked them to do so. You see, I heard you debate my father, back there in 1927, when I was only

11 years old, and I thought what you said made good sense. I think I can learn a lot from you, if you'll let me get really well acquainted with you."

"You mean you want to study geology and become a geologist?"

"Oh no! I plan to go to Divinity School after my four years in college. I'd like to take one course in geology, of course, but it is you and your philosophy that I'm more interested in."

"Okay, you've got the job."

Thus began a friendship that lasted through the years. When, in 19 , I was on the campus of Colorado College in Colorado Springs, Colorado, as a Danforth Visiting Lecturer for the American Association of Colleges, Douglas Straton (1916-19) was Professor of Religion and Dean of the Chapel there. It happened that he was chairman of the local sponsoring committee and we spent quite a bit of time together, including an afternoon in the Garden of the Gods looking at the geology of that scenic locality. Not long after that he moved to the University of Oregon in Eugene, where for many years he has been Chairman of the Department of Religious Studies. I'm sure he is proclaiming a religion that is altogether respectable in the light of modern science.

Interest in the Scopes Trial waned in the nineteen-forties, but was revived in the nineteen-fifties by the widespread success of the stage play "Inherit the Wind" written by Jerome Lawrence and Robert E. Lee and based on the "events in Dayton in 1925". The play was excellent theatre but inaccurate in some of its details, "fictionalized history" it might be called. In one of its casts, Paul Muni played the part of Henry Drummond, the thinly-veiled Clarence Darrow. It was rated as "one of the best plays of 1954-55". It was followed in 1960 by a motion picture version, directed by Stanley Kramer, in which Spencer Tracy and Frederick March played the Darrow and Bryan characters. Predictably, the movie focused even more attention on the trial than the stage play had done.

Shortly before "Inherit the Wind" was to open in the movie theatres in the Boston area, its producers staged a tea and press conference in the Ritz-Carlton Hotel one afternoon. To make sure that it would draw a good attendance from the local communications media personnel, they brought John Scopes and his wife from Shreveport, La., to Boston and invited Marie and me to the shindig. Marie had never met John and neither of us had ever met Mrs. Scopes; the four of us had a great time together. (Somebody brought a small monkey on his shoulder, of course.) During the course of the party, I found myself in conversation with the top man among the movie promoters, apart from the others in the large room. As the conversation proceeded, I said to him:

"I hope you don't have in the movie one brief scene that I saw in the stage play."

"Nearing the end of the trial", I told him, "the jury has retired from the courtroom to consider their verdict. The room has been emptied of spectators and Clarence Darrow and John Scopes are practically alone. Darrow says to John, 'I'm afraid, my boy, that the jury verdict

will go against you, but I want you to know that you have struck a great blow for constitutional rights and freedom of speech in America, and I'm proud of you', or words to that effect."

Just as I was starting that description, John strolled over to join us and overheard what I was saying. "Why that never happened", he blurted out, "we wanted a guilty verdict in order to appeal to the higher courts, and nobody left the courtroom while the jury was out to reach its verdict."

"That's precisely why I was objecting to that scene", said I.

The movie mogul replied, "I don't know whether or not that scene is in the movie, but if it is I think it would be a legitimate fictionalization for its dramatic effect." And probably he was right.

"Inherit the Wind" attracted so much interest in academic circles that the Scopes Trial became a popular study project in many high school and junior college courses in the social sciences. Number 4 in the Houghton Mifflin Research Series, published in 1960, is entitled "Monkey Trial". It was edited by Sheldon N. Grebstein of the University of Kentucky and is an excellent source book for anyone doing research about the trial, in spite of its horrendous title. My name does not appear in it, but in the next few years after its publication I received several letters from high school students asking for additional information concerning particular details or seeking my opinion about the individuals who participated in the trial and what had happened to them afterward. Evidently, some of the social science teachers had heard me lecture about the trial in the preceding years and remembered me. Of course, I answered all such letters as best I could.

Late in 1962, the Reverend Jerry R. Tompkins (19 - 19), Pastor of the First Presbyterian Church in Monticello, Arkansas, got in touch with me concerning a brilliant idea that he was pondering. 1965 would be the 40th anniversary year of the Scopes Trial. Get as many as possible of the still living participants in the trial to contribute their "reflections on the trial, forty years later" to a book for which he might be editor. Specifically, ask the expert witnesses to dust off their copies of the affidavits they had submitted and comment on what they had written in 1925, in the light of subsequent developments in science and religious philosophy. I encouraged him to carry through with the project, promised to do my part, and assured him that he would be a worthy editor of such a publication. Eventually, after much correspondence and many telephone calls between Jerry and me, the book, D-DAYS IN DAYTON, to which I have already referred, was published in 1965 by the Louisiana State University Press. Jerry did a really good job in persuading even reluctant contributors to come across and in editing the material he assembled.

My friendship with Jerry, developing thus in the early sixties, was revived in January of 1972. At that time, he was pastor of Trinity Presbyterian Church in Midland, Texas, and was the director of the annual "School of Christian Living" sponsored by the Midland Council of Churches. Responding to his invitation, I