

SUMMER FOR THE GODS
THE SCOPES TRIAL AND
AMERICA'S CONTINUING DEBATE
OVER SCIENCE AND RELIGION



EDWARD J. LARSON

WINNER
OF THE
PULITZER PRIZE
IN HISTORY

SUMMER FOR THE GODS

— The Scopes Trial —

— and America's —

— Continuing Debate —

— over Science —

— and Religion —

EDWARD J. LARSON

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In memory of my father, Rex Larson,
a Darrowlike criminal lawyer

and

William H. Ellis, Jr.,
a Bryanesque attorney-politician

PREFACE

THE SCOPES TRIAL has dogged me for more than a decade, ever since I wrote my first book on the American controversy over creation and evolution. The trial only constituted one brief episode in the earlier book, yet people who knew of my work asked me more about that one event than everything else in the book combined—and they would tell me about the Scopes trial and what it meant to them. Over the years, their questions and comments led me to reflect on the so-called trial of the century. Finally, one of my colleagues, Peter Hoffer, suggested that I write a separate book solely about the trial and its place in American history. The idea made immediate sense. As a historical event and topic of legend, the trial had taken on a life and meaning of its own independent of the overall creation–evolution controversy. Indeed, this book is different from my earlier one in that they chronicle remarkably separate stories. Both are tales worth telling as stories of our time. Furthermore, no historian had examined the Scopes trial as a separate study in decades. I had access to a wealth of new archival material about the trial not available to earlier historians, and the benefit of additional hindsight.

Many helped me to conceptualize, research, and write this book. A few also assisted me with my first book, particularly my former teachers and current friends Ronald Numbers and David Lindberg. Some I met in the course of my earlier work, such as Bruce Chapman, Richard Cornelius, Edward Davis, Gerald Gunther, Phillip Johnson, William Provine, George Webb, and John West. Others were my colleagues at

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E. L.
Bellagio, Italy
November 1996

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SUMMER FOR
THE GODS

— INTRODUCTION —

IT STARTED OFF civilly enough. Darrow began by asking his world-famous expert witness, "You have given considerable study to the Bible, haven't you, Mr. Bryan?"

"Yes, sir, I have tried to," came the cautious reply.

"Well, we all know you have, we are not going to dispute that at all," Darrow continued. "But you have written and published articles almost weekly, and sometimes have made interpretations of various things?"

Bryan apparently saw the trap. If he assented to having interpreted some biblical passages, then he could scarcely object to others giving an evolutionary interpretation to the Genesis account of human creation. "I would not say interpretations, Mr. Darrow, but comments on the lesson."

The lawyerly game of cat and mouse had begun, but one in which the cat sought to kill his prey and the mouse had nowhere to hide. At 68, Clarence Darrow stood at the height of his powers, America's greatest criminal defense lawyer and champion of anticlericalism. Three years his junior, the former Boy Orator of the Platte—once the nation's youngest major-party presidential nominee and now leader of a fundamentalist crusade against teaching evolution in public schools—William Jennings Bryan remained a formidable stump speaker, although he lacked the quick wit to best Darrow in debate. This was no debate, however; it was a courtroom interrogation in which Darrow enjoyed all the advantages of an attorney questioning a hostile witness.

Although it would become the most famous scene in American legal history, it did not occur in a courtroom. Fears that the huge crowd would collapse the floor forced the judge to move the afternoon's proceedings onto the courthouse lawn, with the antagonists on a crude wooden platform before a sea of spectators, much like Punch and Judy puppets performing at an outdoor festival. Enterprising youngsters passed through the crowd hawking refreshments as Darrow began to question Bryan about various Old Testament miracles.

"Do you believe Joshua made the sun stand still?" Darrow asked at one point, regarding the biblical passage that speaks of a miraculously lengthened day.

"I believe what the Bible says. I suppose you mean that the earth stood still?" Bryan replied, anticipating the standard gibe against biblical literalism under a Copernican cosmology.

Darrow feigned innocence. "I don't know. I am talking about the Bible now."

"I accept the Bible absolutely," Bryan affirmed. "I believe it was inspired by the Almighty, and He may have used language that could be understood at that time instead of using language that could not be understood until Darrow was born."

This rejoinder evoked laughter and applause from the partisan Tennessee audience, yet Darrow had struck a blow; even a biblical literalist such as Bryan recognized the need to interpret some scriptural passages. Darrow drove the point home with further questions. "If the day was lengthened by stopping either the earth or the sun, it must have been the earth?"

"Well, I should say so," an exasperated Bryan sighed, and in so doing fell into another trap.

Darrow snapped it shut by asking, "Now, Mr. Bryan, have you ever pondered what would have happened to the earth if it had stood still?"

"No."

"You have not?" Darrow asked with mock incredulity.

Bryan fell back on faith. "No; the God I believe in could have taken care of that, Mr. Darrow." Now the assembled reporters from across the country smiled among themselves.

"Don't you know it would have been converted into a molten mass of matter?" Darrow asked rhetorically. In giving ground on biblical literalism to accommodate a heliocentric solar system, Bryan fell head-

long into problems with terrestrial geology and physics. If he gave any more ground, how then could he hold the line on Genesis? If he had given any less ground, he would have sounded supremely foolish. Yet he had conceded the critical point that scripture required interpretation in light of modern science, and he would do so again with the days of creation and the age of the universe. There were no good answers to these questions from Bryan's perspective.

The chief prosecutor had heard more than enough. For the third time, he tried to stop the exchange. "This is not competent evidence," he objected. But Bryan, serving as special counsel for the state and supposedly assisting the prosecutor, stubbornly clung to the simple wooden chair that served as a makeshift witness stand for the outdoor session. Defense counsel "did not come here to try this case," Bryan shouted back. "They came to try revealed religion. I am here to defend it, and they can ask me any question they please."

The crowd roared its approval. "Great applause from the bleachers," Darrow noted for the record.

"From those whom you call 'yokels,'" Bryan thundered. "Those are the people whom you insult."

Glaring at his adversary, Darrow shot back, "You insult every man of science and learning in the world because he does not believe in your fool religion."

"This has gone beyond the pale of a lawsuit, your honor," the prosecutor pleaded. "I have a public duty to perform, under my oath and I ask the court to stop it." But Bryan would not budge.

The judge deferred to the distinguished witness. "To stop it now would not be just to Mr. Bryan," he ruled. And so it continued, with Darrow inquiring about Noah and the Flood, ancient civilizations, comparative religion, and the age of the earth. Bryan sank deeper into confusion as he struggled to answer the barrage of questions. He affirmed his belief in a worldwide flood that killed all life outside the ark (except perhaps the fish, he tried to joke), but interpreted the six days of creation to symbolize vast periods of time. Yet Darrow never asked about evolution or the special creation of humans in the image of God, questions that Bryan surely would answer with well-honed remarks about the so-called missing link in scientific evidence for human evolution and the profound impact of evolutionary naturalism on public morality and private faith. Like any good trial lawyer—and he was the

best—Darrow kept the focus on topics that served his purpose, which did not include giving Bryan a soapbox for his speeches.

As the inquiry departed ever further from any apparent connection to the Tennessee law against teaching evolution supposedly at issue in the trial, the prosecutor objected, “What is the purpose of this examination?”

Darrow answered honestly. “We have the purpose of preventing bigots and ignoramuses from controlling the education of the United States,” he declared, “and that is all.” That was more than enough, for it justified his efforts to publicly debunk fundamentalist reliance on scripture as a source of knowledge about nature suitable for setting education standards. Darrow had gone to tiny Dayton, Tennessee, for precisely this purpose, with Bryan as his target. Bryan had come to defend the power of local majorities to enact a law—his law—to ban teaching about human evolution in public schools. Two hundred reporters had followed to record the epic encounter. They billed it as “the trial of the century” before it even began. No one cared about the defendant, John Scopes, who had volunteered to test the nation’s first antievolution statute. The aged warriors had sparred at a distance for over a week without delivering any decisive blows. Now they went head to head, when Bryan vainly accepted Darrow’s challenge to testify to his faith on the witness stand as a Bible expert.

By the end of his two-hour-long ordeal, Bryan seemed intent mainly on redeeming his dignity. “The reason I am answering is not for the benefit of the superior court. It is to keep these gentlemen from saying I was afraid to meet them and let them question me.” Yet Bryan knew better than to place himself and his faith in such a vulnerable position. Three years earlier, at the outset of the antievolution crusade, Darrow had asked him similar questions in an open letter to the press. Bryan had ignored them. “Anyone can ask questions, but not every question can be answered. If I am to discuss creation with an atheist, it will be on the condition that we [both] ask questions,” he had written about that time. “He may ask the first one if he wishes, but he shall not ask a second one until he answers my first.”²

Bryan had a long list of ready questions for Darrow and other evolutionists. Chief among them, he would ask about the missing links in the fossil record. “True science is classified knowledge, and nothing therefore can be scientific unless it is true,” Bryan was prepared to say

in his closing argument, which he planned to give that very day before being waylaid by Darrow. "Evolution is not truth; it is merely a hypothesis—it is millions of guesses strung together. It had not been proven in the days of Darwin; he expressed astonishment that with two or three million species it had been impossible to trace any species to any other species."³ Where are the missing links? "If evolution be true, they have not found a single link," Bryan had told a Nashville audience while campaigning for the Tennessee antievolution law. More critically, he stressed the missing links between humans and their supposed simian relatives, because the challenged statute only pertained to the teaching of human evolution.⁴

At the time, the popular debate over the status of evolution as science centered largely on the interpretation of fossils. Various types of scientific evidence supported the theory, but short of actually observing the development of new kinds of plants or animals, intermediate fossils linking related species offered the most persuasive "proof" of evolution. Proponents particularly relied on the remarkably complete collection of fossils tracing the development of the American horse over three million years, while opponents harped on the "missing links," especially between humans and other primates. For example, Bryan's chief adversary in the creation–evolution controversy from the scientific viewpoint, American Museum of Natural History president Henry Fairfield Osborn, regularly referred to the equine fossils in his many popular articles, books, and lectures countering the antievolution crusade. "It would not be true to say that the evolution of man rests upon evidence as complete as that of the horse," he conceded in a 1922 exchange with Bryan, but "the very recent discovery of Tertiary man . . . constitutes the most convincing answer to Mr. Bryan's call for more evidence." Tracing humanity's family tree, Osborn added, "Nearer to us is the Piltdown man, found [in] England; still nearer in geologic time is the Heidelberg man, found on the Neckar River; still nearer is the Neanderthal man, whom we know all about. . . . This chain of human ancestors was totally unknown to Darwin. He could not have even dreamed of such a flood of proof and truth."⁵

The expert witnesses summoned by Darrow to Dayton brought this evidence with them, complete with models of the hominid fossils. In the scientific affidavits prepared for the defense, for example, anthropologist Fay-Cooper Cole, geologist Kirtley F. Mather, and zoologist

H. H. Newman detailed hominid development through fossils from Java, Piltdown, Heidelberg, and elsewhere. Although Piltdown man later lost his place in the human family tree, Cole added a new find, "made only a few months ago in Bechuanaland of South Africa," purportedly of a being intermediate between humans and anthropoids. "There is nothing peculiar or exceptional about the fossil record of man. It is considerably less complete than that of the horse, . . . but it is far more complete than that of birds," Newman asserted. "Much has been said by the antievolutionists about the fragmentary nature of the fossil record of man, but many other animals have left traces far less readily deciphered and reconstructed."⁶

Yet Bryan expressed concern only about the teaching of human evolution. "The import of the Tennessee trial is in the presence of Mr. Bryan there," the *Chicago Tribune* warned at the time. "What he wants is that his ideas, his interpretations and beliefs should be made mandatory. When Mr. Darrow talks of bigotry he talks of that. Bigotry seeks to make opinions and beliefs mandatory." Bryan's beliefs did not reject all science, or even all evolutionary theory. "Hands off one thing and one thing alone," the *Tribune* observed, "the divine creation of man, the human being with a soul. You may not teach that the Piltdown man reveals any relationship to the anthropoid ape."⁷ Given the preoccupation of both sides with scientific evidence of humanity's anthropoidal ancestry, I begin the story here.

———— PART I ————

BEFORE . . .

