

The Nolle Prosequi of the Century

Delivered to the SpheX Club of Lynchburg

By John T. Cook

January 9, 2025

In all my SPHEX papers, I have included a field trip to learn about my topic. I hope you will enjoy my journey to learn about this topic.

It was the first court trial I remember learning about. I read about it in high school in the early 1970s.

The trial occurred exactly one hundred years ago. The country was reeling from the aftermath of a war and a pandemic and was adapting to a transformative communication medium, the radio. There were tensions between the America that distrusted immigrants and the American that saw itself as immigrants. There was a rebirth of white supremacy and the Ku Klux Klan with its “America First” mantra. Historian Jon Meacham hears rhyming between then and now. “Given the demographic and technological changes, the anti-immigrant and racist sentiments, and the anxiety of a large white dominated culture 1924 has long struck me as an analogous period to our own.”

I learned of the trial from the play, Inherit the Wind, by Jerome Lawrence and Robert Edwin Lee and the movie based on the play of the same name starring Spencer Tracy. Here is the four-minute trailer for the movie. (S1) What was my impression of the trial from the play and movie?



Five men, including the sheriff, the County attorney and the local preacher, march into the classroom where the teacher, John Scopes is in the middle of teaching evolution right out of Charles Darwin's, On the Origin of Species. There is a large diagram of an ape at the front of the class. He is arrested and jailed for teaching evolution. There were two celebrity lawyers, the prosecutor; William Jennings Bryan and defense counsel; Clarence Darrow. They battled in a packed courtroom over the Tennessee law, the Bible, and the teaching of evolution. The main witness for the prosecution was Scopes' fiancé who was also the daughter of the local fire and brimstone preacher. She reluctantly testifies of Scopes' statements on evolution and his intent in teaching it. Clarence Darrow calls Williams Jennings Bryan as a Bible expert.

He testifies that everything in the Bible is true. Darrow interrogates him as a hostile witness and Bryan is exposed as an inconsistent witness. The jury after long deliberation finds Scopes guilty. The judge surprises Bryan by only fining Scopes \$100 and he is released from jail. The judge adjourns court and Bryan tries to give a speech in the courtroom. No one is listening and Bryan collapses in the courtroom and ultimately dies from the stress. In the final scene, Darrow, alone in the courtroom, picks up Darwin's book and places it in one hand and picks up the Bible off the judge's bench and balances both books as if they are on scales. He half smiles, half shrugs and then slaps both books into his brief case and walks out of the courtroom as a hero. The play and movie get the title from Proverbs 11:29, "He that troubleth is own house shall inherit the wind and the fool will be servant to the wise". (S2) Darrow suggests to a newspaper reporter that the Proverb should be included in Bryan's obituary.

From my reading about the trial as a high school student, my impression was that the trial known as the Trial of The Century resulted in a triumph of science, freedom of thought and truth. Never again would we need to wrestle about what would be taught in school.

What I found on my journey was that most of my impressions were wrong. I have read two great books on the trial, Summer for the Gods, by Edward J. Larson and Keeping the Faith; God, Democracy and the trial that riveted the Nation by Brenda Wineapple. I have read the actual transcript of the trial. On July 12, 2024, the 99th anniversary of the trial, I attended the reenactment of the trial at the actual courtroom in Dayton, Tennessee. (S3) After over forty years in law, what would I think of the Trial of the Century? Jon Meacham says that the trial sheds light not only on the battles of the past but the struggles of the present. What really happened?



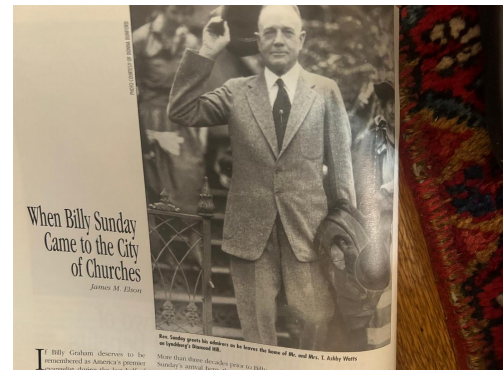
On January 20, 1922, Williams Jennings Bryan (S4) appeared before a joint session of the Kentucky legislature. He was one of the most prominent politicians of the time. In 1896, the



thirty-six-year-old Bryan delivered the “Cross of Gold” speech attacking the gold standard. It was one of the most famous speeches in American history. Before almost twenty thousand people, at the Democratic Convention in Chicago, he led a moral crusade on behalf of the silver standard and financial reform. He was speaking for the farmers, the commoners and the “have nots” that needed relief from an 1893 economic depression. This speech would vault him into fame until his death. He was the Democratic party nominee for president in 1896, 1900 and 1908. He served as Woodrow Wilson’s Secretary of State from 1913-1915. He was known as the “Boy Orator” and the “Great Commoner”. He led the crusade for prohibition which resulted in the Volstead Act in 1920. Now, before the Kentucky legislature he

led a crusade against the teaching of evolution. “The great need of the world today is to get back to God.” Bryan urged the legislators to stop the enemies of the Bible and mocked the idea that humans might be descended from apes. The Kentucky bill failed by one vote, only after several preeminent people spoke against the bill including the presidents of Yale and Harvard. A similar anti-evolution bill to the Kentucky bill failed in North Carolina in early 1925.

Another opponent of evolution was America’s premier evangelist, Billy Sunday. He drew huge crowds and cried that “Evolution is atheism”. There is an excellent article by former SPHEX member James Elson in Lynch’s Ferry Journal, entitled, When Billy Sunday Came to the City of Churches, about Billy Sunday’s six-week revival in Lynchburg in 1922. (S5).

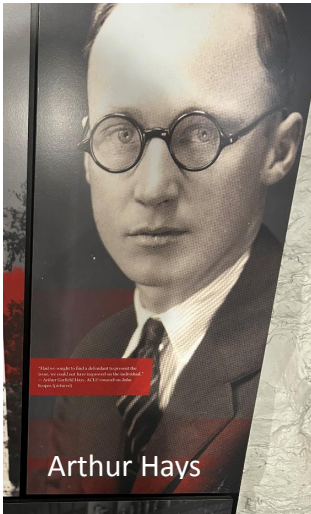
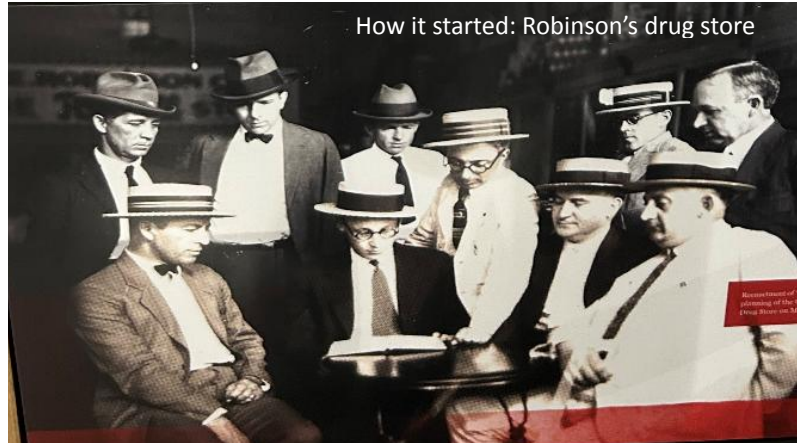


from Lynch’s Ferry magazine, by James Elson; Spring/Summer 2001

Williams Jennings Bryan delivered a speech denouncing evolution in the Ryman Auditorium in Nashville in January 1925. In response in March, Tennessee became the first state to enact an anti-evolution law. The Tennessee bill was proposed by John Washington Butler, a farmer with three years of education. He ran for office with the sole promise of legislating against the diabolical theory of evolution after his preacher asserted that an evolutionist could not be a Christian. The Butler Act read: (S6)

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

On Sunday, May 3, the American Civil Liberties Union placed a small article in the Knoxville Journal. In response to the Butler Act and its blow to scientific teaching, the organization was seeking a teacher that would test the law. George Rappleyea, the manager of the Cumberland Coal and Iron Company, arranged a meeting with the Superintendent of Schools and a state attorney for a teacher in Dayton, Tennessee to test the law (S7). School was out for the summer, but they were able to convince John Scopes, a 24-year-old football coach and



substitute Biology teacher to test the law. They all met at the local Robinson's drugstore and only two days after the ACLU article first appeared, a warrant for the arrest was sworn for Scopes for violating the Butler Act. They felt the trial would be good for the town of Dayton. Arthur Hays, an ACLU attorney, said, "Had we sought to find a defendant to present the issue, we could not have improved on the individual." (S8) Dayton is located between Knoxville and Chattanooga in the Tennessee Valley. (S9) In 1925, it had a population of just less than



2000. It now has a population of about 7000. It is the county seat of Rhea County. Dayton reminded me of the town of Amherst.

The leaders of Dayton were worried that Chattanooga would have a trial before them. They asked Judge Ralston to convene a special grand jury since the next grand jury was not to meet until August. He convened a special grand jury and although the law provided for thirty days' notice he waived it. On May 25, a grand jury swiftly returned an indictment, and a jury trial was set for July 10.

So here is the timetable of the case: (S10)

March 21, 1925, Butler Act enacted.

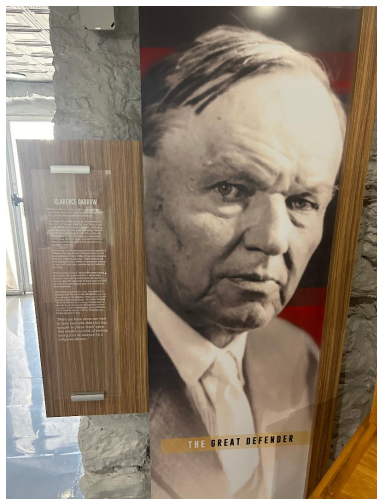
May 3, 1925, ACLU newspaper article

May 5, 1925, Arranged arrest of John Scopes

May 25, 1925, Indictment returned by special grand jury.

July 10–21, 1925, Eight days of trial

The wheels of justice aren't usually this fast.



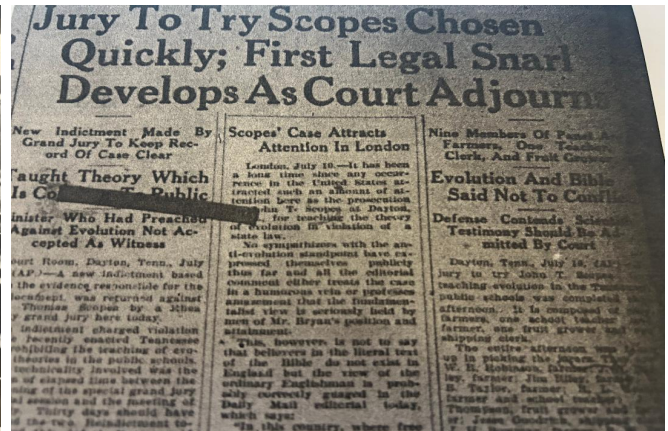
Within weeks of Scopes's arrest, William Bell Riley of the World Christian Fundamentals Association convinced Williams Jennings Bryan to be part of the prosecution team. A few days later, Clarence Darrow offered to defend Scopes without any compensation. Clarence Darrow was the most famous defense lawyer in America. With great success he defended socialists and anarchists, labor organizations and bomb-throwers. In 1924, he prevented the execution of two teenagers, Leopold and Loeb, who had killed for the thrill of it. Time magazine named him "one of the most dangerous lions of the U.S. bar." Also known as "the Attorney for the Damned", Darrow had represented thousands of defendants and had not been compensated in over a third. Darrow was a self-proclaimed agnostic and at the end of his career. (S11)

The clash between these two celebrity gladiators attracted a lot of attention. Over two hundred journalists traveled to Dayton. The trial was front page news over the entire country. It was the first trial broadcast over the radio. WGN of Chicago paid one thousand dollars a day to have four microphones in the courtroom. More than half the country could hear the proceedings over the radio. Announcer Quinn Ryan provided commentary from the courtroom. The trial riveted the nation. Famous journalist of the Baltimore Sun, H.L. Menken, dubbed it "the Monkey Trial". The New York Times reported that the trial had attracted the world's "champion of freaks". The trial was part circus and part moral crusade. This is a picture

of a monkey name Joe Mendi. (S12) Dressed in a plaid suit and bow tie, he greeted customers at Robinson’s drugstore.



So, what happened in the trial? Did it happen as I thought? Let’s see what really happened. The trial starts Friday July 10, 1924. Court opens at 9AM, there are fifty cameramen in the courtroom. Reverend William Cartwright of the Dayton Methodist Episcopal church delivers a fifteen-minute prayer. After the morning is spent with amending the indictment, jury selection begins in the afternoon. Judge Raulston has one hundred potential jurors ready to appear. The lawyers question the jurors individually. Three jurors are struck for cause, including J. P. Massingill, a minister who admitted he preached against evolution. There is applause in the courtroom in response. After Darrow objects, the judge instructed the audience to refrain from applause. Darrow uses two of his three strikes, and the state strikes one juror. After eighteen jurors are questioned a jury has been selected. This is fast for a case like this. Nine are farmers, one teacher, one clerk and one fruit grower. All but one are affiliated with the Baptist or Methodist churches. I expect Darrow knew he could not do much better on jury selection. (S13 & 14)



On the second day of trial, the defense moves to quash the indictments because the law violates the Tennessee and United States Constitutions. Tennessee’s constitution included the same language as Thomas Jefferson’s Virginia Statute for Religious Freedom. Clarence Darrow argued for two hours. Here is part of his speech:

The people of Tennessee adopted a constitution, and they made it broad and plain, and said that the people of Tennessee should always enjoy religious freedom in its broadest terms...

Suppose the legislature would say that no person in the public schools shall be permitted to read anything except Genesis, Pilgrims Progress, Baxter’s Saint Rest and (Bryan’s) In

His Image. Would that be constitutional? If it is, the constitution is a lie and a snare, and the people have forgot what liberty means. . .

And so it is, unless there is left enough of the spirit of freedom in the state of Tennessee and in the United States, there is not a single line of any constitution that can withstand bigotry and ignorance when it seeks to destroy the rights of the individual; and bigotry and ignorance are ever active. Here, we find today as brazen and as bold an attempt to destroy learning as was ever made in the middle ages and the only difference is we have not provided that they be burned at the stake, but there is time for that Your Honor:

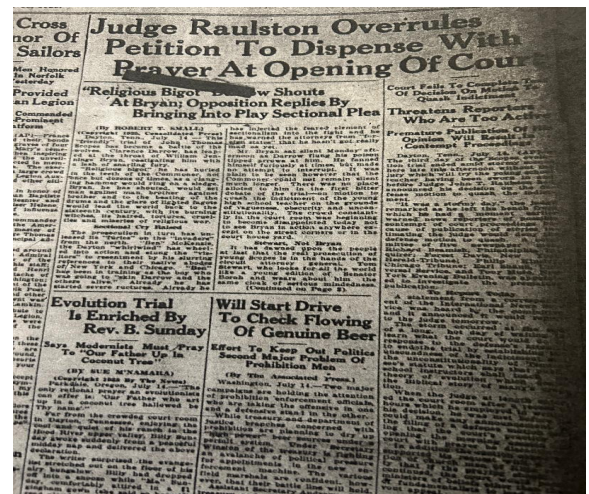
But the State of Tennessee under an honest and fair interpretation of the constitution has no more right to teach the Bible as the divine book that the Koran is one, or the book of Mormons or the book of Confucius or the Buddha or the Essays of Emerson, or any of the 10,000 books to which human souls have gone for consolation and aid in their troubles. Are they going to cut them out? . . . And they could not pick it out without violating the constitution, which is as old as Jefferson.

This law says that it shall be a criminal offense to teach in the public schools any account of the origin of man that is against the Bible. It makes the Bible the yard stick to measure every man's intelligence and to measure every man's learning.

Ignorance and fanaticism is ever busy and needs feeding. Always it is feeding and gloating for more. Today, it is the public school teachers, tomorrow the private. The next day the preachers and the lectures, the magazines, the books, the newspapers. After a while, Your Honor, it is the setting of man against man and creed against creed until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring intelligence and enlightenment and culture to the human mind.

H.L. Mencken wrote that Darrow's speech, "rose like a wind and ended with a flourish of bugles."

The temperature reaches 100 degrees each day of the trial. The courtroom is packed and hot. On Tuesday, the third day of the trial, Darrow objects to the court's practice of opening the court with prayer. He expressed his concern that the means of prayer may in some way affect the deliberation and consideration of the facts of the case. In a heated reply, the state attorney refers to Darrow as "the agnostic counsel for the defense". He emphasizes to his opposing counsel that Rhea County is a God-fearing country. The judge denies the motion to exclude prayer and says he will instruct the ministers



that they do not refer to the case in the prayers. (S15) Later in the day, counsel for the defense presents a petition by the Unitarians, Jews, and Congregationalists to rotate the clergy offering the prayers, so that all the prayers are not by Fundamentalists. Judge Raulston referred this motion to the pastor's association which is a fundamentalist group. The association agreed to rotate the clergy offering prayer. The rest of the day the court was in recess, while the judge prepared his ruling on the constitutionality of the statute.

On the fourth day, Judge Raulston denied the motion to dismiss the charge. He read his decision which took about forty-five minutes. He concluded that the law was constitutional since a teacher had the option to teach evolution in a private school. He also noted that the law did not affect a person's right to worship wherever they wanted.

Finally, the jury was sworn, and the state called its first witness, Walter White, superintendent of schools. White testified that Scopes had taught in the public school in Dayton in the last school year. After school ended on May 1, Scopes admitted to him he taught evolution out of the textbook Hunter's Biology. He said you could not teach biology without teaching evolution. White said he advised Scopes that he had violated the Butler act. The state entered in evidence the textbook which had five pages discussing evolution. Over the objection of the defense, the King James version of the Bible was entered into evidence. On cross examination from Darrow, White acknowledged that the textbook had been approved by the Tennessee textbook commission and had been in use since 1904. It was sold at Robinson's drug store in Dayton.

The state then called the first of two students as witnesses, Howard Morgan, 14. He testified that in April, Scopes taught evolution. He explained to us that man evolved from a one cell animal. Darrow read him a part of the textbook:

"We have now learned that animal forms may be arranged so as to begin with very simple one-celled forms and culminate with a group which contains man himself. This arrangement is called the evolution series. Evolution means change."

Morgan acknowledged that Scopes never said man descended from monkeys. There was laughter when Darrow asked Morgan, "Did it hurt you any?". Morgan said no.

Henry Shelton, 17, was the next witness. He testified that Scopes taught that all forms of life came from a single cell. Scopes taught them all five pages of the textbook that discussed evolution. Darrow asked Morgan if he stopped attending church after he had heard about evolution and he said no.

The state's last witness was F. E. Robinson owner of the drug store and chair of the school board. He testified that Scopes admitted to him that he violated the law by teaching evolution out of the pages of the textbook. Robinson admitted to Darrow that the textbook had been sold in his drugstore for the past six or seven years. The state attorney pointed out that the law said teach, not sell which resulted in laughter. The state's evidence took less than an hour and a half.

The next days were consumed with deciding what evidence the defense would be able to present. Darrow had arranged seven scientific experts to testify. (S16) They came from the University of Chicago, Johns Hopkins, Harvard, Rutgers, and the University of Missouri. They included an anthropologist, a chemist, an embryologist, two zoologists and two geologists. Darrow summarized the expected testimony:



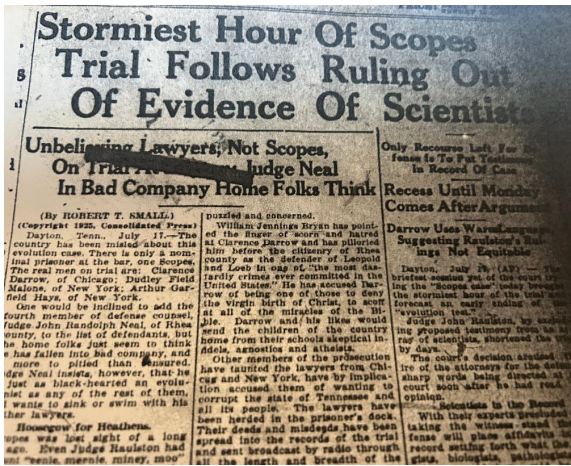
We expect to show by men of science and learning—both scientists and real scholars of the Bible—men who know what they are talking about—who have made some investigation—expect to show what evolution is and secondly, that any interpretation of the Bible that intelligent men could possibly make is not in conflict with any story of creation.

The defense had also arranged for three religious' experts, the dean of the divinity school at the University of Chicago, the rector of Saint John's Episcopal Church and a Hebrew Bible scholar and rabbi from San Francisco. They were all expected to testify that the Bible has been interpreted in many ways and there is nothing necessarily inconsistent between one's understanding of the Bible and evolution. The rabbi was expected to explain that in the King James Version, the word "created" in Genesis would have been translated from Hebrew as "set in motion". If the Hebrew Bible was properly translated, there would not be any conflict with the theory of evolution.

The state objected to any expert testimony. They argued no one needed an expert to demonstrate that Scopes broke the law. Permitting expert testimony would "announce to the world your Honor's belief that the jury is too stupid to determine a simple question of fact". Williams Jennings Bryan gave a long speech objecting to the expert testimony:

An expert cannot be permitted to come in here and try to defeat the enforcement of a law. Tell me the parents of this day have not the right to declare that children are not to be taught this doctrine. Shall man be detached from the throne of God and be compelled to link their ancestors with the jungle? To think that man is linked to monkeys (waving the textbook) not even American monkeys but from old world monkeys. (laughter). They want to come in with their little padded up evolution that commences with nothing and ends





nowhere. They do not tell you that it ended with God. They shut God out of this world. (S17)

Judge Raulston excluded all the experts from testifying, agreeing with the arguments of the state. Darrow angrily replied to the court’s decision and the judge replied that he hoped that Darrow didn’t mean to reflect on the court, Darrow replied, “Your Honor has a right to hope”. Judge Raulston found Darrow in contempt and set bond at \$5000. (S18)

The judge allowed the defense to enter in the record affidavits of the expert witnesses for appeal purposes. The jury did not hear their testimony, but the affidavits educated the public as they were widely published by the newspapers.

Included in the record was a letter from former president, Woodrow Wilson, and Bryan’s former boss. “Like every other man of intelligence and education, I do believe in organic evolution. It surprises me that at this late date such questions should be raised.”

When the case resumed on Monday, there was a huge crowd who wanted to see what the judge would do with the contempt charge against Darrow.

Darrow apologized to the judge and the judge dismissed the charge. Judge Raulston decided to move the trial to a platform on the courthouse lawn. Raulston feared that the sagging floor of the courtroom might collapse.

Off to the left of where to jury was to sit was a “Read your Bible” sign. Darrow objected and asked the sign to be removed or be to allow a sign “Read Your Evolution” or “Read Hunter’s Biology”. After heated argument, the judge had the sign removed. (S19)



Darrow then called Williams Jennings Bryan as a witness. The other state attorneys did not want Bryan to testify. However, Bryan felt he would be called a coward if he did not testify. “It will go out to the world that I am afraid to let these atheists and enemies of God’s Word question me”. There is no legal basis to call the opposing lawyer as a witness, and there are rules against it. Bryan had no personal knowledge of the facts of the case and the judge had excluded expert witnesses. Judge Raulston had lost control of the case. He was under a lot of pressure; he was up for reelection next year. (he would not be reelected). He should have never let this happen.

Darrow argued through his questioning that the Bible could not be read literally. He asked Bryan about Jonah being swallowed by the big fish, Joshua and the sun standing still, Noah and the flood, how Cain found a wife, and when the earth was created. This type questioning went on for two hours. When asked when the flood occurred Bryan replied, I do not think about things I

don't think about". Darrow replied sarcastically, "Do you think about things you think about? Darrow was able to get Bryan to admit a day was not a literal day in the creation story. At the end of the examination, Bryan completely lost his patience and yelled that Darrow was an atheist trying to slur the Tennessee court.

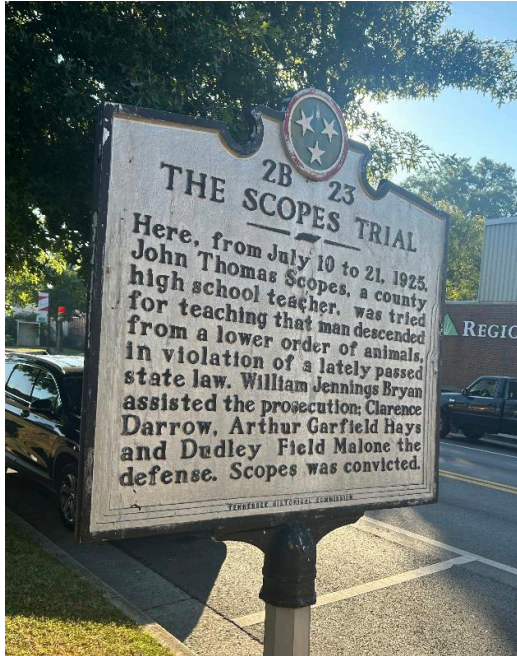
The consensus from the reporters was that while Bryan was passionate, he came off ignorant of the Bible and he was humiliated. The interrogation was seen as sad and ridiculous. Darrow did not go unscathed. He was "sarcastic, mocking, cold and contemptuous". The next day, the judge struck the testimony; it would not go in the record and the jury never heard it. The defense did not offer any other evidence. Darrow then surprised the defense by waiving closing argument. The rule in Tennessee was that if the defense waived closing argument the state could not close. The judge then instructed the jury that all they had to do was find that Scopes taught evolution, that man descended from a lower order of animal. They did not have to find that it denied the story of creation in the Bible. The jury deliberated for nine minutes and found Scopes guilty. The judge fined Scopes \$100. (S20)



I enjoyed reading the Lynchburg newspaper articles on the trial at the Jones Memorial library. The opinions in the editorials were not favorable to either Bryan or Darrow. A piece about Bryan called him, "the great enigma". He was praised for his early speeches as the great commoner. His sincerity was questioned in Dayton, and he was criticized for his lack of tolerance. Darrow was criticized for his aggressive tactics and his inability to sympathize with or understand another point of view.

In Dayton, there is a self-guided Scopes walking tour. It starts at the courthouse and includes the locations of the school, the drugstore and the houses where all the participants stayed. I walked the tour, and it covers about a mile and a half. This is the historical marker at the courthouse. (S21). This is a photo of the Rhea County Courthouse and according to the former clerk who I met, "the most famous courthouse in Tennessee." (S22) There is a statue of Williams Jennings Bryan on the lawn. It says Truth and Eloquence. (S23) At the bottom is says, Christian Statesman, Author and Orator. There is also a statute of Clarence Darrow. (S24). It says attorney for the defense at the bottom. When I walked the tour, I found the Monkey Town Brewery Company. (S25) A great place. I ate lunch and dinner there. Here is my T shirt. On display is a lot of Scopes mementos. Here is a cartoon, I thought was interesting. (S26). I asked my waitress

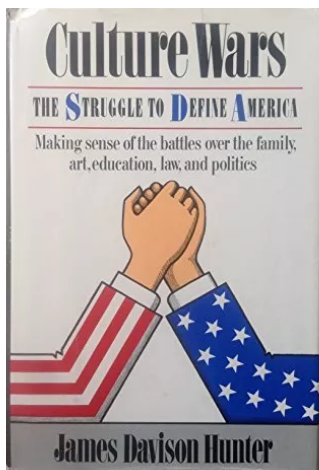
what she thought of the Scopes trial. She was from Dayton and a rising sophomore at University of Tennessee. She said, "I don't think they should teach evolution in the schools, but there should be separation from church and state."





University of Virginia Sociology professor James Davison Hunter is credited for first introducing the term “culture war” in this country in his book, Culture Wars, “The Struggle to Define

America”. He derived the term from the German word Kulturkampf (S27) which described the conflict in the late nineteenth century between Catholics and Protestants on what would be taught in public schools in Prussia during Bismarck’s unification of the empire. Hunter describes a culture war as political or social hostility rooted in different systems of moral understanding. There is a struggle for domination. Each side seeks to impose their ideology on mainstream society. There is no compromise. No search for the common good. Each side of the divide can only talk past each other. The opposing moral visions at the heart of a culture war and the rhetoric that sustains them acquire a life of their own. Voices of quiet, reflective passion are rarely heard. The rhetoric required by new communication strategies does not allow for middling positions and the subtleties they imply. (This was 1991 and he



was talking mostly about direct mail!)

The Scopes trial was this nation’s first big culture war in the schools. It was an “us versus them” conflict. The two principal actors, Bryan and Darrow, were seen as opposites, and this contributed to the divide. There are two stories that I read that exhibited the culture war. Prior to the trial, Williams Jennings Bryan was scheduled to speak at Dayton’s Methodist Episcopal Church. The Reverend Howard Byrd believed that his church should hear several points of view,

so he invited Charles Francis Potter of New York's West Side Unitarian Church to speak. Potter had been a frequent debater on the radio opposing Fundamentalists. A group of women of the church advised Byrd that they would leave the church if Byrd allowed Potter to speak. As a result, Byrd resigned from the church and said that it was the only conflict he had in three years there. (S28)

A second story is the response from John Butler, the state representative who authored the Butler Act when he learned of the court's ruling excluding experts. "I would have liked to have heard the evidence, he said. "It would have been right smart of an education to hear those fellows who have studied the subject". Maybe he should have investigated it before he promoted the act.

So, what happened on appeal? The Tennessee Supreme Court issued an opinion on January 17, 1927, approximately 18 months after the verdict. Incredibly, the record for the expert witness was not timely filed so the Court did not address that issue. The Court found the Butler Act to be constitutional. Scopes as a public-school teacher was subject to the terms of the state in his employment. His rights were not affected by the law. The law also did not preference any religion by prohibiting the teaching of evolution. However, the Court reversed the judgment. The judge erred in fining Scopes because the law in Tennessee required the jury to decide the fine. Normally the case would be remanded for a jury to decide the fine. The opinion then concluded: "The Court is informed that the plaintiff in error (Scopes) is no longer in the service of the State. We see nothing to be gained by prolonging the life of this bizarre case. On the contrary, we think the peace and dignity of the State, which all criminal prosecutions are brought to redress, will be conserved by the entry of a *nolle prosequi* herein. Such a course is suggested to the Attorney General." The Attorney General moved to *nolle prosequi* the case and it was dismissed. In Latin, it means "will no longer prosecute". I have never seen an appellate court suggest that.

So, the title of my paper is the Nolle Prosequi of the Century. From a legal standpoint, the Trial of the Century was a disappointment. It was voluntarily dismissed by the State. It was a manufactured case. No one had claimed harm. There were only four witnesses and about 90 minutes of testimony before the jury. There was no fiancé that testified against him. There were no closing arguments and the jury deliberated only nine minutes. In addition, a lot of my other impressions were wrong. Scopes was never jailed. He was not arrested while he was teaching out of Darwin's book. He was recruited to be a defendant and he taught out of the textbook approved by the state and sold at the local drug store. No one was surprised by the verdict. Bryan did not collapse in the courtroom. He did die in his sleep five days after the trial. There is no evidence that his death was connected to the trial. And lastly, did it resolve the issue of what we teach in school?



The Scopes trial did not resolve the issue of teaching evolution. Side left Dayton confident it had achieved its objective to convince the public. Discussion did not resolve the disagreement, but further information increased the divide.



Most of the South passed laws that restricted the teaching of evolution. H.L. Mencken called this area of the country the Bible Belt. In the North, antievolution efforts met stiff resistance and humiliating defeat. National textbook writers removed the term evolution from textbooks for the next thirty years. In 1930, a Fundamentalist Christian College was established in Dayton named after Williams Jennings Bryan. Bryan College currently has about 2700 students. (S29)

The Butler Act remained the law in Tennessee until it was repealed due to a pending Federal class action suit. The US. Supreme Court addressed the constitutionality of an Arkansas statute in 1968.

Arkansas passed an antievolution statute after the Scopes case in 1928. In Epperson v. Arkansas, the Court held that the Arkansas law violated the establishment clause of the first amendment and the fourteenth amendment which applied the first amendment to the states. The law was not found to be neutral as to religion by blotting out a particular theory because of its supposed conflict with the Bible.

Louisiana passed a Creationism Act in 1982. It forbids the teaching of evolution unless it was accompanied by instruction in “creation science”. In 1987, the U.S. Supreme Court found the act to be a violation of the establishment clause of the first amendment by a 7-2 vote. Edwards v. Aguillard. The majority wrote that the purpose of the Creationism Act was to restrict the science curriculum to comport with a particular religious viewpoint. Justice Scalia wrote a lengthy dissent calling the Court’s Establishment Clause jurisprudence embarrassing for its lack of clarity and predictability.

In 2008, Louisiana passed the Louisiana Science Education Act. The law permits public school teachers to use materials critical of established scientific thought with “evolution, the origins of life, global warming and human cloning”. It allows teachers to teach students alternate theories and teach the controversy over these issues. Tennessee passed a similar act in 2012. The bills are advocated by the Discovery Institute, a Seattle based public policy think tank, as a step-by-step program to “reverse the stifling dominance of the materialist worldview and to replace it with a science consistent with Christian convictions. Similar bills have failed in seven other states after a considerable backlash.

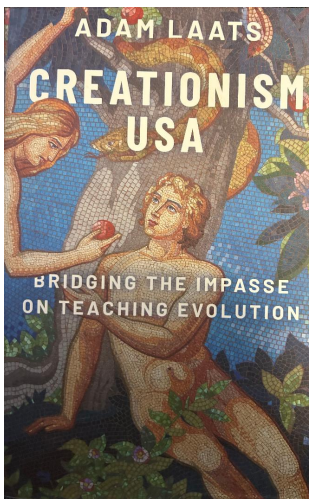
In 2011, the New York Times reported a national survey of more than 900 public high school biology teachers concerning the teaching of evolution. Researchers found that only 28 per cent of biology teachers consistently followed the recommendations of the National Research Council to

describe straight forwardly the evidence for evolution and explain the ways in which it is a unifying theme in all biology. At the other extreme, 13 per cent explicitly advocated creationism. That leaves “the cautious 60 per cent who avoid controversy by endorsing neither evolution nor its unscientific alternative. The results showed that the teachers were not limited to the South. Dr. Phizer, a Penn State professor and co-author of the paper, said that students are being cheated out of a rich science education.

This billboard has been displayed on the Lynchburg expressway for most of this year. (S30) I pass it driving from Rustburg to my home in Lynchburg. I called the phone number and accessed the web site. It offers answers for Biblical truth for the journey. I clicked on evolution, and it referred me to a creationism website.



Earlier this year, Louisiana passed a law that requires all classrooms to display the Ten Commandments. In June, Oklahoma’s state superintendent of education announced that all schools are required to incorporate the Bible and the ten commandments in the curriculum. Each class in the state from grades 5–12 must have a Bible and teachers must teach from it.



I did read one book that was hopeful. (S31) Creationism USA, Bridging the Impasse On teaching Evolution, by Adam Laats, a professor at Binghamton University in New York. It is a 200-page book so I can not do it justice here. He believes we should stop the endless debate between science and religion. He also believes most parents have shared goals. They want their children to understand what mainstream evolutionary theory is. Most also do not want public schools to promote or inhibit religion. There needs to be a building of trust that teachers will teach the theory without insisting children change their religious beliefs. Non creationism parents need to trust that creationism parents won’t cram God into the classroom through the back door. What is for sure is that the battle that started in that little town in Tennessee one hundred years ago has not resolved.