

# The History of the Twentieth Century

## Episode 247

### “Inherit the Wind”

#### Transcript

[music: Fanfare]

“He that troubleth his own house shall inherit the wind...”

Proverbs 11:29

Welcome to *The History of the Twentieth Century*.

[music: Opening Theme]

Episode 247. Inherit the Wind.

Clarence Seward Darrow was born on April 18, 1857 in Farmdale, Ohio. He passed the Ohio bar exam and became a lawyer in 1878, when he was 21 years old. Ten years later, he and his wife and son moved to Chicago, where Clarence became involved in Democratic Party politics, which in turn got him work as an attorney in the city law department. Two years later, he left that position to work as a lawyer for the Chicago and North-Western Railway Company.

Darrow left that job a couple of years later; the reasons why are unclear, but soon after, in 1894, he was on the other side, as it were, defending Eugene Debs, who at this time was leader of the American Railway Union. Debs was prosecuted for supporting the Pullman Strike of 1894; specifically, the US government charged him with interfering with the US mail, which was carried on trains. Debs was convicted and sentenced to prison, where he read Karl Marx and became a socialist. Longtime listeners already know that Debs will later run for President of the United States multiple times as candidate of the Socialist Party.

The administration that prosecuted Debs was that of Democrat Grover Cleveland. Darrow and his political mentor, Illinois governor John Peter Altgeld, were angry at Cleveland for supporting the railroads and at the 1896 Democratic National Convention, worked to insure that Cleveland was not nominated for a third term as President. It was William Jennings Bryan who got the nomination instead, and this convention is where he gave his famous “Cross of Gold” speech. Particularly alert longtime listeners may recall that Clarence Darrow made a cameo appearance

in episode 3 of this podcast, when I described how after Bryan ended his speech, to thunderous applause, Altgeld turned to Darrow and asked, “What did he say, anyhow?”

Irony alert: please note that here Darrow is supporting Bryan’s Presidential campaign.

For the next fifteen years, Clarence Darrow worked primarily as a labor lawyer, until 1911, when he represented two union members charged with setting off a bomb outside the Los Angeles *Times* building. The explosion and resulting fire killed twenty people. Darrow was able to negotiate a plea agreement that allowed his clients to escape the death penalty, but along the way Darrow himself was accused of attempting to bribe a juror. His own prosecution ended in a mistrial, but enough damage had been done to his reputation to end his career as a labor lawyer.

Darrow turned to criminal law. He had always opposed the death penalty. In his first such case, in 1894, he represented a mentally ill homeless man who had killed the mayor of Chicago. Darrow attempted to save his client from execution on grounds of insanity, but failed, and the man was hanged. The case is notable, because it was the first of about 50 death penalty cases Darrow defended in his career, and it would be the only one in which his defense failed and his client was executed.

It was in his capacity as a criminal attorney specializing in capital cases that Clarence Darrow was hired for the case that would make him famous: the 1924 prosecutions of Nathan Leopold and Richard Loeb. These two were privileged teenage sons of wealthy Chicago families, and both of them were prodigies. By the age of 19, Leopold had a bachelor’s degree from the University of Chicago and was planning to attend Harvard Law School in the fall. Loeb was 18 and already had a bachelor’s from the University of Michigan.

The two of them had known each other growing up, but had only become close friends during their college years. It appears Leopold also had a romantic interest in Loeb that was *not* reciprocated. Leopold was also reading Nietzsche, and had come to the conclusion that he and Loeb were specimens of *Übermenschen*, or supermen, who in Nietzsche’s formulation, and in Leopold’s interpretation of it, were not bound by everyday ethical principles. They convinced themselves that their intellectual superiority made them capable of committing the so-called “perfect crime,” that is, a crime that could never be solved. After dabbling in petty theft and arson, successfully, they decided to commit a spectacular crime, one that would draw the attention of the press but remain unsolved. They settled on murdering a 14-year old boy known to Loeb, who was named Bobby Franks.

Leopold and Loeb were able to talk Franks into riding in their car, where they brutally killed him. Then they hid his body in a culvert under a railroad track about 25 miles outside Chicago and sent a ransom demand to the boy’s parents, hoping not only to commit the perfect crime, but to profit off of it.

But the two teenagers proved to be something less than superhuman. They had not hidden the body carefully enough, and it was soon discovered by a railroad worker, which forced an end to their efforts to collect a ransom. A search of the area where the body was found came up with a pair of glasses. The frames and the prescription of the glasses were unremarkable, but by a quirk of fate, the hinges on the frames were a special type used by only one optometrist in all of Chicago, who was able to connect the glasses to Nathan Leopold. He had lost them at the scene while struggling with Franks' body.

The two confessed. Their stories agreed on the details, except that each accused the other of the actual killing. The case attracted all the attention Leopold and Loeb had ever hoped for, along with a general sense of public bafflement. How could two young men, so intelligent, so gifted, living lives of privilege, commit so heinous and senseless a crime?

Their wealthy families hired Clarence Darrow to represent them. Darrow had his clients plead guilty, so the case boiled down to a sentencing hearing, at which Darrow gave an impassioned 12-hour argument. He cited the barbarism of the American Civil War and the Great War, as well as the rise in violence in US society. He argued that violence breeds violence and killing breeds killing. He pointed out that was virtually no precedent for executing anyone under the age of 21. He asked whether two people of such tender years could truly be said to be solely responsible for their actions. Didn't their families, their teachers, the society they grew up in, bear some of the responsibility? Would you hang a 19-year-old boy for taking seriously the philosophy that was taught to him at his university?

The judge was persuaded. He sentenced each of them to life in prison plus 99 years. It was called "the trial of the century," [grumble] which is ridiculous. It wasn't even a trial, and this is only 1924, so please stop doing this. Besides, everyone knows the real trial of the century will be the Nuremberg trials, but I'm getting ahead of myself. The point is that by 1925, Clarence Darrow was the most famous criminal lawyer in America.

All the way back in episode 13, I discussed the emergence of a new strand of Christianity in the United States, beginning with a lapsed Anglican priest named John Nelson Darby and an American theologian named Cyrus Scofield. This new Christian theology rejected the modern world and embraced instead a Biblical literalism with a heavy emphasis on the corruption of this world and the immanence of its end with the Second Coming, along with a doctrine called dispensationalism. In the years leading up to the Great War, a group of theologians produced essays on this new theology which were published in a twelve-volume compilation titled *The Fundamentals*, from which derives the movement's name: fundamentalism.

When the Great War began, most Americans were happy to stay out of it. That included fundamentalists and mainstream Protestants alike. Like everyone else, members of both groups found the carnage and bloodshed of the war appalling. It was perhaps a bit more shocking to mainstream Protestants who embraced modernism and believed that Western civilization was the

vehicle through which Christianity would realize the Kingdom of God—peace on Earth, good will toward all people—over the whole world. Remember how I told you that in 1900, the magazine *The Christian Oracle*, flush with excitement over the dawning of a new age, dubbed this new era, and itself, *The Christian Century*?

Well, trench warfare was a great disillusionment to optimists of all kinds everywhere. Cynics declared that the war proved modern progress meant little more than new and better ways for humans to kill each other, and the fact that the war was mostly Christian against Christian wasn't exactly encouraging to those looking forward to the establishment of the Kingdom of God.

It was perhaps a little easier for fundamentalists to wrap their heads around the Great War. Fundamentalism preaches a Calvinist view of the corruption of this world and the essential depravity of human nature. A fundamentalist could also argue that the churches of the nations fighting the war were fallen churches anyway, Catholics and Anglicans and Lutherans and Orthodox who had lost sight of the fundamentals of Christianity long ago.

Through Cyrus Scofield, the fundamentalists also had a set of prophecies about what events leading up to the Second Coming would look like. They involved a restored Israel and a revived Roman Empire. On a personal note, I can't help but wonder if your prophetic interpretation of the Book of Revelation involves a recreation in the modern world of the political situation that existed in the first century when St. John the Divine wrote the book, perhaps that is a sign he was actually talking about his own era, and you're missing the point. Or maybe that's just me. But take note that the prophecy also involves an invasion of the Holy Land by a northern power that Scofield identified with Russia.

Anyway, the outbreak of a terrible modern war no one saw coming might be interpreted as the first sign of the End Times, and some fundamentalists certainly viewed it that way, although the actual configuration of the Central Powers and the Allies did not map very well onto the prophecy.

Anyway, as I said, when the war first broke out, fundamentalists and mainstream Protestants in America alike were perfectly happy to stay out of it. When the US did go to war in 1917, fundamentalists and mainstream Protestants alike signed up to fight. Remember how evangelist Billy Sunday hadn't had much to say about the war until the US got involved; afterward, he was all in and Kaiser Wilhelm was the Devil's emissary, episode 153.

But it's what happened after the war that made fundamentalists sit up and take notice. The British had taken control of Palestine and endorsed Zionism. The victorious Allied powers had announced the formation of a League of Nations. And Russia had been taken over by the militantly secular Bolsheviks who were promising to spread their poisonous doctrines to the rest of the world. Suddenly, the pieces seemed to be falling into place. Restored Israel? Check. Revived Roman Empire, in the form of Britain, France, and Italy banding together into the League of Nations? Check. Aggressive Russia at war with the world? Check.

In the fundamentalist formulation, the Revived Roman Empire is the realm of the Antichrist, so that meant the US should have nothing to do with the League of Nations. The mainstream Protestants, on the other hand, mostly saw the League as a renewal of their faith in the coming Christian Century. And here we see, for the first time since the abolitionist debate, fundamentalist and modernist Protestants coming down on opposite sides of a political question.

The fundamentalists believed that instead of joining the League, the US should remain aloof from international organizations, any of which might turn out to be the secret program of the coming Antichrist, but it should also maintain a strong military, since there will inevitably be a terrible war once the Antichrist does show up, but the US should also lend its full support to the Zionist project, because God's will be done. This was the fundamentalist view of a Biblically correct US foreign policy in 1919, and not much has changed since.

The events of the recent war and its aftermath—the Balfour declaration, the October Revolution, the debate over the League of Nations, and the Red Scare, during which Americans were told that Bolsheviks were poised to seize control of the nation any day now and abolish our sacred American institutions of Christianity and life insurance, episode 203—all these events energized American fundamentalism. Since the end of the Civil War, fundamentalism had existed in essentially a defensive posture. Now, fundamentalists were ready to go on offense. The battlegrounds would be the mainline Protestant denominations of the United States, and the goal would be to isolate and remove liberal, modernist clergy and theologians from positions of authority in the various denominations. To this end, fundamentalists of different denominations would organize across denominational boundaries. Every fundamentalist was your ally, even the ones who worshipped in other churches; every modernist was your adversary, even if they sat in the pew next to you.

And by the 1920s, one of the key flashpoints in this debate would be Charles Darwin's theory of evolution. More about that in a few minutes.

Many American Protestant denominations, including Baptists, Methodists, and Presbyterians, had split along North-South lines over abolition. The Southern churches were already thoroughly fundamentalist, so the battle against modernists was fought in the northern churches. Fundamentalists in the Northern Baptist Convention put forward motions to insure that Baptist missionaries were doctrinally correct and to examine the teachings at Baptist schools, but these efforts ran afoul of the decentralized structure of Baptist organizations. There was no mechanism in the Baptist movement to prescribe doctrine or to dismiss missionaries or teachers who questioned it.

The Northern Presbyterian church was another story. Fundamentalism comes out of the Calvinist tradition and fundamentalists were firmly in charge of that church's General Assembly by 1916. They had already voted a set of "five fundamentals": the divinity of Christ, the Virgin Birth, Jesus' miracles and resurrection, substitutionary atonement, and the inerrancy of Scripture.

In 1922, a modernist clergyperson named Harry Emerson Fosdick, who was ordained a Baptist but served as associate pastor of the First Presbyterian Church of New York City, preached a sermon titled “Shall the Fundamentalists Win?” a powerful defense of Christian modernism. Liberal Christians, he argued, were simply integrating modern discoveries about the physical world and humanity’s past into their Christian faith as Christians had been doing since the beginnings of the Church. Fundamentalists, on the other hand, sought to barricade themselves and the Church behind walls of doctrine. Fundamentalists had a right to their opinions, but no right to deny the very name of “Christian” to those who disagreed with them. It was hard to conceive, Fosdick argued, that the Jesus Christ of the Gospels would claim as his own a church that demanded universal acceptance of a single doctrinal statement and cast out anyone who dared question it.

Fosdick’s sermon was reprinted and widely distributed. It gave heart to the liberals and infuriated the fundamentalists. The following year, John Gresham Machen, a professor of New Testament at Princeton Theological Seminary, published a book-length rebuttal, titled *Christianity and Liberalism*. Machen argued that Christianity was self-evidently *not* an evolving tradition based on changing human experience. It was based on historical facts, recounted in the New Testament, and the five doctrines endorsed by the General Assembly were merely a summary of those historical facts. Take them away and what was left was not Christianity, but merely, as he put it “some indefinite type of religious aspiration.”

*Christianity and Liberalism* became widely read, and not only in Presbyterian circles. Even the liberal *New Republic* magazine gave the book a supportive review. *The Nation* magazine opined “Fundamentalism is undoubtedly in the mainstream of Christian tradition, while modernism represents a religious revolution as far-reaching as the Protestant Reformation.”

Also in 1923, into this maelstrom within the Presbyterian Church strode no less a figure than William Jennings Bryan.

The name William Jennings Bryan has come up many, many times in this podcast, beginning all the way back in episode 3, in which I recounted his first run for President. Bryan ran for President three times, unsuccessfully, on the Democratic ticket and remained an influential figure within his party for years afterward. Bryan’s support was crucial to Woodrow Wilson’s winning the Democratic nomination in 1912, and after the election, Bryan was rewarded with the position of Secretary of State, which he held for two years before resigning in protest against Wilson’s intervention in Mexico.

Bryan continued to be a respected leader in Democratic Party politics. Some wanted him to bid for the 1920 nomination, but Bryan refused. He wrote at the time, “If I can help this world to banish alcohol and after that to banish war...no office, no Presidency, can offer the honors that will be mine.” He was disappointed by the nomination of Cox, who had not supported Prohibition, but in 1924 he was back at the convention, opposing the nominations of both

McAdoo and Smith, episode 230. And as you know from that episode, his brother Charles won the Vice-Presidential nomination that year.

I have to note that in American political tradition, failed Presidential candidates usually fade away and there was no precedent for someone like Bryan to continue to wield the kind of clout he had over the Democratic Party. The only comparable example I can think of is Donald Trump in our time, but even Donald Trump's record is 1-1—so far—while Bryan's was 0-3.

But William Jennings Bryan was also a Presbyterian elder, as much involved in the affairs of his church as he was of his party. He had preached at churches and revival meetings across the country for decades. The magazine *Christian Century* dubbed him “the most widely influential layman in the church.” Others called him “Mr. Fundamentalist.”

That was not entirely accurate. Bryan was theologically conservative, to be sure. He was an ardent supporter of Prohibition, but also a pacifist, as the comment I quoted a minute ago demonstrates. He was a Progressive. He had campaigned for the eight-hour day, the minimum wage, and women's suffrage. He embraced the five doctrines endorsed by the General Assembly, but he was not typically interested in arguing theology. He freely admitted he did not understand everything in Scripture, but liked to say, “If we will try to live up to that which we do understand, we will be kept so busy doing good that we will not have time to worry about the things we do not understand.”

When he spoke in churches or at revivals, he emphasized not doctrine, but ethics. In Bryan's view, the value of Christianity was demonstrated in the good it did for human society, advancing justice and equality in the world. He supported social activism in the Church, calling it “applied Christianity.”

William Jennings Bryan did not and does not comfortably fit on the spectrum of fundamentalist to modernist, conservative to liberal, Christianity. He had one foot firmly in each camp, and he liked it that way. Bryan was also an ecumenist and active in interfaith organizations like the Federal Council of Churches, the forerunner of today's National Council of Churches.

And by the 1920s, he was a strident opponent of the theory of evolution. As is characteristic of Bryan's theology, he did not oppose it on Scriptural or doctrinal grounds, but on ethical ones. Like many followers of the Social Gospel, Bryan struggled with the horrors of the Great War. He concluded the root cause was the teaching of evolution, which in Bryan's view inevitably led to what is usually called Social Darwinism, the idea that competition among individuals in human society, like competition among species in the natural world, is a tale of survival of the fittest, with the implication that the wealthy and powerful achieve that status because they are the fittest, while the poor and marginalized are unfit and deserve no better fate than they are given.

In fact, Darwinism and Social Darwinism are two separate ideas, and it is unfair to Charles Darwin to apply his name to the latter, because he never endorsed it. But Bryan was no scientist.

He saw a straight line from Darwin to Social Darwinism to Nietzsche to German imperialism to the horrors of the Great War. The teachings of Darwin were thus antithetical to the “applied Christianity” Bryan believed in, and enshrined an admiration for brute force over Christian principles of charity and brotherhood. In 1922, Bryan published a book, *In His Image*, in which he laid out his case against evolution. “I would rather begin with God and reason down, than begin with a piece of dirt and reason up,” he declared, in his characteristic oratorical style. It was also Bryan who devised, or at least popularized, the argument that evolution was after all, only a “theory.” Apparently he believed the word *theory* to be synonymous with the word *suggestion*.

I’d also add that the 1920s were the high point of the eugenics movement in the United States, which is a different thing from Social Darwinism, but also claims to be rooted in the works of Charles Darwin, though Darwin himself never endorsed it. I’ll have more to say about eugenics next week, but for now I’ll note that many church leaders of the time opposed that movement, and again, Bryan may have seen eugenics as an inseparable consequence of evolutionary theory.

At this same time, legislation was introduced in a number of states, mostly in the South, to prohibit the teaching of evolution in public schools. Florida and Oklahoma both passed such laws in 1923, and in 1925, the legislature of Tennessee passed the Butler Act, named after its sponsor, a Tennessee farmer and legislator who was also leader of the World Christian Fundamentals Association, founded in 1919. The Butler Act declared it unlawful to teach in any publicly funded school, college, or university “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.” This Tennessee act did Florida and Oklahoma one better; it not only prohibiting the teaching of evolution, but made it a criminal offense, a misdemeanor, subject to a fine of \$100 to \$500 per offense. The Act passed the legislature shortly after William Jennings Bryan appeared in Nashville, the state capital, to speak out against the teaching of evolution.

[music: Gabriel and Martin, “His Eye Is on the Sparrow”]

The American Civil Liberties Union, or ACLU, sought at once to challenge the constitutionality of the Butler Act and offered to defend anyone accused of violating it. In the small town of Dayton, Tennessee, a group of local business leaders recruited a local high school substitute teacher and football coach named John Scopes, and persuaded him to volunteer to stand trial. These business leaders appear to have been partly motivated by their opposition to the Butler Act and partly by a desire to get some publicity for the town of Dayton.

A grand jury indicted John Scopes on May 25. He was never actually arrested, and was freed on \$500 bail provided by the *Baltimore Sun*. Scopes was prosecuted by the local district attorney. The ACLU had a simple and practical strategy for Scopes’s defense: Scopes was certain to lose the case at trial on the facts, so there was no point in mounting a serious defense, but afterward the conviction could be appealed on constitutional grounds.



But those business leaders in Dayton who had goaded Scopes into the case were not happy with the idea of a quick and perfunctory trial, as that would not draw the kind of press attention they were hoping for, so they tried to stir up greater publicity, even going so far as to write to H.G. Wells to invite him to assist in Scopes's defense. Wells declined the invitation, noting that he was not a lawyer. John Neal, a law professor at the University of Tennessee, agreed to represent Scopes.

Meanwhile, at a meeting of the World Christian Fundamentals Association in Memphis, William Jennings Bryan was persuaded to help prosecute the case against Scopes. He was named counsel to the Tennessee Attorney General, and joined the prosecution team.

In response to this development, Scopes's supporters turned to America's most famous criminal defense attorney, Clarence Darrow, who also happened to be one of the few public figures of the time willing to openly declare himself an agnostic.

The entry of these famous and esteemed figures, two people of national prominence, guaranteed that Dayton would get all the attention its business leaders ever dreamed of. And then some. It also obscured the real issue in the case, which was finding the proper constitutional balance between the right of the state to control the curriculum in its public schools and the right of the individual to free expression. Instead, the case would be framed in the press as the Bible versus Darwin, science versus ignorance, God versus the monkeys. The Scopes trial would become the most famous court case of the era and what we today would call a "media circus."

For two weeks in July, the town of Dayton, population 1,700, became the most prominent newspaper dateline in America. Over a hundred reporters turned up to cover the trial and a national radio hookup carried live broadcasts over the fledgling medium of radio. The streets of the town filled up with vendors selling hot dogs and lemonade, circus performers, and inevitably, street preachers calling on the crowds to repent of their sins and avoid damnation. Every hotel and restaurant was packed. The local business leaders who started this whole thing must have been quite pleased with themselves. Indeed, it was an open secret in Dayton that the whole thing had been cooked up as a way to drum up business.

The reporters covering the trial delved much into the local color and the circus atmosphere, but none more so than Baltimore *Sun* columnist H.L. Mencken, who came to Dayton to cover the trial. We've encountered Mencken once before, as an American foreign correspondent in Berlin commenting on the excellent quality of the martinis at the Hotel Adlon, back in episode 141. Mencken was a reporter, a literary critic, and a syndicated columnist who much admired Mark Twain and Ambrose Bierce and wrote his columns in a grumpy, sarcastic style inspired by his heroes. On his arrival in Dayton, Mencken reported back to the *Sun* that "The thing is genuinely fabulous. I have stored up enough material to last me twenty years."

Mencken's columns were the most memorable reporting to come out of the trial and strongly influenced the national perception of events in Dayton. He described Bryan's supporters as

“gaping primates,” “yokels,” and “hillbillies,” and declared, “There were many...who believed that Bryan was no longer human, but had lifted himself up to some level or other of the celestial angels...It would have surprised no one if he had suddenly begun to perform miracles.” Of Darrow he wrote, “All the local sorcerers predict that a bolt from heaven will fetch him in the end.”

At the trial, the prosecution presented four witnesses who testified that they had heard John Scopes teach the theory of evolution. Then the prosecution rested its case. The defense had brought a group of fifteen prominent scientists and theologians to Dayton to provide expert testimony in support of the scientific truth of evolution and to lay out the case that the teaching of evolution was not inconsistent with Christian faith. After days of listening to their testimony in the absence of the jury, the judge ruled it inadmissible, on the grounds that the validity of the statute was not on trial, only the question of what John Scopes taught in the high school.

After all the defense’s expert testimony had been ruled inadmissible, the judge adjourned the trial to the courthouse lawn outside, owing to the intense July heat and the crowd of onlookers who had gathered for what was expected to be the high point of the trial: the dueling closing statements of first, Clarence Darrow, and then, William Jennings Bryan.

But Darrow surprised the court and those in attendance when instead of resting the defense, he called Bryan, his adversary, to the stand as an expert witness on the Bible. Needless to say, for a defense attorney to call one of the prosecutors as a witness for the defense was unprecedented. One might even call it absurd. Perhaps more important, though William Jennings Bryan might well have been a prominent and admired figure and a more-than-knowledgeable lay person in the Presbyterian Church, he was by no measure a theologian or an expert on the Bible. Even he would have admitted that, but he consented to be questioned, saying “I want the Christian world to know that any atheist, agnostic, [or] unbeliever can question me anytime as to my belief in God, and I will answer him.”

Darrow questioned Bryan on his interpretation of some of the famous stories in the Old Testament. Did he believe that there had been a literal worldwide flood? That a whale had swallowed Jonah? That Joshua commanded that the sun stand still? That Adam and Eve were the first humans on Earth? Bryan answered that if you believe in miracles, “one miracle is just as easy to believe as another.” When asked how Eve was created from a rib, or what would have happened if the Earth stood still, Bryan conceded he did not know. When Darrow asked where Cain got his wife, Bryan quipped, “I leave the agnostics to hunt for her.”

Under Darrow’s careful examination, Bryan admitted he knew little about geology, ancient history, or other religions. He acknowledged that the Earth revolves around the sun. Darrow asked whether those who wrote the Book of Joshua believed the Earth revolved about the sun when they wrote of the sun standing still. Bryan suggested the Almighty used language that could be understood at that time. Darrow pounced. So the language is open to interpretation?

“No sir, I would not call it interpretation.” To say that words mean one thing now and meant another thing then, that’s interpretation, isn’t it?

And Darrow got Bryan to agree that the six days of Creation described in Genesis 1 were not necessarily literal days and could have referred to much longer periods of time, perhaps millions of years.

After two hours of this, on a July afternoon in Tennessee, temperatures and tempers rose, until Bryan blurted out: “The only purpose Mr. Darrow has is to slur at the Bible, but I will answer his question. I will answer it all at once, and I have no objection in the world. I want the world to know that this man, who does not believe in a God, is trying to use a court in Tennessee—”

Darrow interrupted. “I object to that.”

“—to slur at it, and if it will require time, I am willing to take it.”

Darrow: “I object to your statement. I am [examining] you on your fool ideas that no intelligent Christian on earth believes.”

At this point, the judge very wisely adjourned the court for the day.

Now, a back and forth like this can come across one way on paper and another way to those who were there watching it in person, folks who not only heard the words but also the tone in which they were spoken and the timing and the body language. None of us were there, but the evidence indicates that those who were thought Darrow had gotten the better of the argument by far. After the court adjourned, the spectators swarmed him, complimenting him on his presentation. And that included a lot of people who would have counted themselves Bryan supporters.

Next, the news of that dramatic two hours went out from Dayton and across America by telephone and telegraph. The press accounts bore the same message: Darrow had carried the day, while Bryan seemed to have conceded that even he did not read the Bible literally. His answers were confusing, evasive, and all too frequently consisted of “I don’t know.”

Even Bryan understood that he hadn’t had a good day. He came back the next morning well prepared for another round. But when the court came into session, the judge announced that he had decided Bryan’s testimony was immaterial. There would be no further questioning, and the testimony Bryan had already given would be stricken from the record.

With nothing left to do and with a verdict of guilty now inevitable, the defense rested their case. Next Bryan tried to have Clarence Darrow called to the witness stand to be examined on his agnosticism, but the district attorney wisely refused to go along with that idea.

Next came closing arguments. Bryan had a lengthy closing argument already written up and ready to deliver, but the defense waived its closing statement. Under the rules of criminal procedure in effect at the time, that meant the prosecution would not be permitted to make a

closing statement either; indeed, that was likely the purpose of the move, to leave Bryan with no opportunity to make up the ground he had lost yesterday. What would have been Bryan's closing statement was eventually distributed to the newspapers and published.

It took the jury nine minutes to return a verdict of guilty. No other verdict would have been possible. In fact, the foreman of this jury later said that he personally opposed the Butler Act, but the instruction from the judge had been that the law was not on trial, John Scopes was. With the verdict returned, the judge ordered Scopes to pay a \$100 fine, the minimum penalty under the statute.

The general impression, given by the press and accepted by the public, was that the trial had conclusively demonstrated that fundamentalism was a backwater faith of uneducated people that could not survive contact with the modern world. Among fundamentalists, the view was naturally different. They felt that Darrow had been nasty and the press biased. One prominent fundamentalist preacher said, "Imagine converting the opposing attorney into a witness for the defense by putting snap judgment questions concerning the exact years when a number of heathen religions were born, and then trying to make it appear as if the failure to answer them offhand was a lack of knowledge, if not intelligence." But not even the most passionate fundamentalist tried to claim that Bryan had actually won the argument.

Had William Jennings Bryan lived longer, this debate might have continued. But in fact, he died in his sleep five days later, on Sunday night after having attended church services there in Dayton. He was 65 years old. His sudden death, just days after the debate on the courthouse lawn, seemed to draw a curtain across the proceedings. It was as if even Mr. Fundamentalist had conceded there was no longer a place in this world for someone like him.

Fundamentalists pressed on with their fight against the teaching of evolution, with new bills appearing in the legislatures of twenty states. They were successful in Mississippi and Arkansas, while the governor of Texas acted to remove references to evolution from Texas schoolbooks.

But most of these efforts failed, which again was taken as evidence that fundamentalism was a spent faith, still on the shelf perhaps, but past its expiration date. The fundamentalist movements within the Baptist and Presbyterian churches fizzled out. Most people thought that was the end of it, although H.L. Mencken didn't think so. He famously declared, "Heave an egg out of a Pullman window and you will hit a fundamentalist, anywhere in the United States today." History would prove him right.

We'll have to stop there for today. I thank you for listening, and I'd especially like to thank Scott and Chris for their kind donations, and thank you to Jacob for becoming a patron of the podcast. Donors and patrons like Scott and Chris and Jacob help cover the costs of making this show, which in turn keeps the podcast available free for everyone, so my thanks to them and to all of you who have pitched in and helped out. If you'd like to become a patron or make a donation,

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And I hope you'll join me next week, on *The History of the Twentieth Century*, as we discuss the attitude of a different group of people, those who saw in Darwin's theory the danger that the human race was going to evolve itself straight into anarchy and barbarism. Darwin's Dilemma, next week, here, on *The History of the Twentieth Century*.

Oh, and one more thing. The Leopold and Loeb murders were the inspiration for a 1929 play by English playwright Patrick Hamilton, who moved the story to London and titled it *Rope*. *Rope* was later made into a 1948 feature film directed by Alfred Hitchcock and starring James Stewart, released through Warner Brothers.

Clarence Darrow died in 1938 in Chicago, at the age of 80.

In 1955, American playwrights Jerome Lawrence and Robert E. Lee unveiled a play titled *Inherit the Wind*, a fictionalized version of the Scopes trial. It premiered in Dallas, Texas and opened on Broadway three months later. *Inherit the Wind* is sometimes criticized for taking liberties with history. It wasn't true, for example, that John Scopes had a girlfriend who was the daughter of a fundamentalist preacher who led a mob that had him burned in effigy, or that William Jennings Bryan had dramatically collapsed and died in the courthouse just after the verdict was announced, but hey, it's called dramatic license. The authors never claimed it was historically accurate; they even changed the names of the characters and the town, because they were actually using the Scopes trial as a metaphor for McCarthyism, which in 1955 was considered a far more pressing issue.

*Inherit the Wind* was made into a 1960 motion picture, directed by Stanley Kramer and released through United Artists, starring Spencer Tracy, Fredric March, and Gene Kelly. The film actually made a couple of changes to bring it closer in line with history, although it too took liberties. I promise you the townsfolk of Dayton, Tennessee did not go marching down the main street of their town singing about how they were going to hang Clarence Darrow from a sour apple tree. *Inherit the Wind* was also adapted for television three times, in 1965, 1988, and 1999.

A one-person play titled *Darrow*, written for television by David W. Rintels, was produced in 1974, with Henry Fonda in the title role. Since then, the play has been performed by a number of other actors, including Leslie Nielsen and Kevin Spacey.

As for the actual Scopes case, his conviction was appealed to the Tennessee Supreme Court, which held the Butler Act constitutional, but set aside Scopes's conviction on the technical grounds that it should have been the jury, not the judge, who set the amount of the fine. The state declined to retry the case. In 1968, the Supreme Court of the United States ruled that a state ban on the teaching of evolution violated the First Amendment to the US Constitution.

[music: Closing Theme]