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To the Graduate Council:

I am submitting herewith a thesis written by Warren Allen entitled "Backgrounds of the Scopes Trial at Dayton, Tennessee." I recommend that it be accepted for nine quarter hours of credit in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

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BACKGROUNDS OF THE SCOPES TRIAL
AT DAYTON, TENNESSEE

A THESIS

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CHAPTER I

WHY ANOTHER PAPER ON THE SCOPES TRIAL

In July of 1925, the trial of John Thomas Scopes brought the focus of world-wide attention upon the small American town of Dayton, Tennessee. Like a plague of locusts, literally hundreds of reporters settled upon the village, to be followed by tens of thousands of curious visitors. At one time there were sixty-five telegraph operators on duty to relay dispatches to news services and publications all over the world.

With a pitiless glare, the spotlight of publicity projected the silhouette of this southern hamlet in vivid relief across the world's horizon. The portrait lens of sensational journalism picked up and magnified each blemish on the local countenance so as to make it appear as a defect, while each fault was made to seem a calamity. The home-spun virtues of the rather normal people who resided at Dayton were lost in the resulting haze. The image which was fastened upon the minds of millions of people was a grotesque caricature of the Tennessee town.

A recent and somewhat similar occurrence has provided a comparable illustration of Dayton's ordeal. This was the drama which attended the integration of Central High School in Little Rock, Arkansas, during the latter part of 1957. After a retrospective summing up of the total impression created by the millions of words which were spoken and written in this connection, Harry S. Ashmore, executive editor of the Arkansas Gazette and 1958 Pulitzer Prize winner wrote, "We've got to learn

that a set of indisputable facts does not necessarily add up to a whole truth."¹

Although Mr. Ashmore generously conceded that the publicizers of the Little Rock incident were conscientious and capable, he felt that they wrote without perspective, and that they created a false impression of the local scene. With the aid of every modern device, they sped to the ends of the earth a factual account of the daily events, but they missed entirely an appreciation of local causes and results. The why of Little Rock failed of perception.

Mr. Ashmore expressed it in this way:

What gives me professional pause is the odd, distorted and grossly incomplete image of Little Rock carried around by those who got their facts straight, and in great abundance. Among my present afflictions is the gloomy suspicion that somehow as we improve the mechanical means of communication we are losing the fundamental ability to communicate; we are talking more, that is, and saying less.²

This is essentially a description of what happened a third of a century earlier at Dayton. A large number of reporters, strange to the environment and culture of the region, wrote stories about the unusual events which transpired there in a manner calculated to arouse the greatest possible interest. The public, in reading these exaggerated accounts, formed a mental picture of the people of Dayton.

The image, or stereotype, was eventually applied to all those who believed in the Divine inspiration of the Bible through a process

¹Harry S. Ashmore, "The Untold Story Behind Little Rock," Harper's Magazine, 216 (June, 1958), 19.

²Ibid., 10.

of logic in which it was assumed that since the people of Dayton were (or were said to be) fundamentalists, therefore fundamentalists were like the people in Dayton. And these people were described as being ignorant and uncouth. Monkeytown, U.S.A. What a depraved and unwashed lot!

What Mr. Ashmore kindly omitted to say in his analysis was that in addition to ordinary weaknesses in communication which distort our perception, there is also the human failing of witnesses to inject subjective prejudices into their reports. This happened at Little Rock³ and it happened also at Dayton.

The record of the Scopes Trial, written at the time it occurred, is now a part of our cultural heritage. Most current references, such as the play "Inherit the Wind," are based upon these sources. Practically nothing has ever been done to uncover the local background of the events or to check the accuracy of the hastily written records. Occasionally a news service has dispatched a reporter to the scene to pick up "local color" for an anniversary story, or a so-called "expert witness" has given his version to the press. On the whole, however, the local story has not been recorded.

This paper has been written in a sincere attempt to give a perception in depth to the scene of the famous trial. The history of the area has been studied, many of the leading characters have been interviewed personally, and a large amount of reading has been done in the

³Newsweek, November 11, 1957, p. 82.

records relating to the events. Although greater emphasis has been placed upon those aspects of the case which were purely local, a number of the larger factors contributing to its background and meaning have been presented briefly.

The chapter on the history of the area is significant in showing that Dayton had had its moment of destiny. Greatness had touched the little village, and passed on. But it left in its wake a consuming desire and a burning determination in the hearts of the rugged, if rustic, citizens to recapture the departed glory.

Because of these aspirations, the moth deliberately sought the torchlight. Far from persecuting a teacher for the exercising of his academic freedom, the citizens of Dayton sought the trial as a test case of a law which some thought might inhibit this freedom. No other town in the nearly one hundred counties of the state had the courage or initiative to ask so promptly and so insistently. But lurking beneath this progressive banner there was a Chamber of Commerce promotional attitude which was unrivaled anywhere in its time except in Florida or California.

It was found necessary to make mention of some of the larger aspects which transcended the local scene in order to demonstrate the magnitude of the public curiosity and the interests which were at stake. The local town fathers unwittingly fused together a number of elements, some of which were unknown, to produce what amounted to a social atomic blast.

Finally, some of the aftermath of the trial has been traced, and the local scene today has been pictured. The event was not an unmixed blessing for Dayton; neither was it all loss.

CHAPTER II

DAYTON'S UNFULFILLED PROMISE OF GRANDEUR

Dayton, Tennessee, is beautifully situated between mountains and river in the scenic county of Rhea. This county consists of a thirty-two mile strip of land bounded on the east by the Tennessee River. Its ground rises from the lush farmland along the water to a series of "broken knobs" and then dips sharply to form a narrow, trough-like valley extending from north to south. To the west of the valley are the rising slopes of Walden Ridge, crammed with natural riches, and garnished with natural splendor.

Although white settlers had penetrated the area prior to the admission of Tennessee into the union of states, it was still Indian country until 1805, when a treaty was concluded with the Cherokee Chief Doublehead which opened the door to a greater influx of pioneers.¹

In 1807 the military post formerly stationed at Kingston was moved to a site near that now occupied by Dayton.² The new post was called Hiwassee Garrison because it held a position opposite the mouth of the Hiwassee River. Colonel Return J. Meigs moved his Indian agency there from Tellico Blockhouse and the Rev. Gideon Blackburn established

¹John Trotwood Moore, ed., and Austin P. Foster, The Volunteer State, 1769-1923, 4 vols. (S. J. Clarke Publishing Company, Chicago, 1923), I, 832.

²T. J. Campbell, Records of Rhea (Rhea Publishing Company, Dayton, Tennessee, 1940), 9.

the first school in the vicinity, a missionary project for the Cherokees.³

Rhea County was established by an act of the Tennessee legislature December 3, 1807, and on January 25, 1808, the county court was organized at the home of William Henry, whose situation was at Big Springs, "about half way between the present towns of Darwin and Dayton."⁴

With such a good start, it seemed likely that Rhea County would develop into a thriving frontier community. Unfortunately for its prospects, however, much of the land in the county was included in the questionable grant made in favor of Stockley Donelson by the state of North Carolina after it had previously ceded the territory to the United States. Charles McClung of Knoxville purchased a portion of this grant which included the Garrison Agency and proceeded to establish his claim in the courts. After several years of litigation, he was awarded the area, and Colonel Meigs took his interests across the river into the section which bears his name today.⁵ The garrison was withdrawn, and the Rev. Mr. Blackburn's health forced him to leave the scene.⁶

Since the waterways of the country provided the best means of transportation for the early settlers, it was the destiny of the river

³ John P. Brown, Old Frontiers (Southern Publishers, Kingsport, Tennessee, 1938), 468.

⁴ Goodspeed Publishing Company, History of Tennessee from Earliest Times to the Present (Goodspeed Publishing Company, Nashville, 1887), 818.

⁵ Campbell, Records, 27, 42.

⁶ Brown, Frontiers, 468.

towns to develop rapidly. So it happened that the town of Washington, located to the north and east of the garrison, became Rhea County's early metropolis.⁷ Not only was it well situated for the purpose, but it had good financial backing as well. Among others who had a stake in its prosperity was Richard B. Waterhouse, who purchased much of the Stockley Donelson grant in the vicinity and who owned 48,800 acres of land in Rhea County and 15,000 in Bledsoe.⁸

The county government was seated at Washington, and a jail, and later a courthouse, were built there. An academy was set up for the instruction of the new generation and it received state recognition and assistance in 1809.⁹

A persistent tradition has it that Washington was considered as a possible site for the state capital at the time a change was being made in its location, and that it narrowly failed to achieve this distinction.¹⁰ Whatever the prospects may have seemed at that date, it soon appeared that the new town of Chattanooga, formerly Ross's Landing, would provide a more glittering prospect. The setting up of Meigs County out of Rhea in 1836 affected the town's prosperity adversely, and the destruction of the War Between the States fell heavily upon it.

⁷T. J. Campbell, The Upper Tennessee (Published by the Author, Chattanooga, 1932), 57.

⁸Campbell, Records, 26.

⁹Harold E. Ward, "Academy Education in Tennessee Prior to 1861" (Unpublished M.A. thesis, George Peabody College for Teachers, August, 1926), 23.

¹⁰Campbell, Records, 28.

The final blow was dealt it when the Cincinnati Southern Railroad bypassed the town about 1880. An application to abolish its charter of incorporation was granted in 1881,¹¹ and in 1890 the county seat was moved to Dayton.

Shortly after the removal of the Meigs Agency to the east side of the Tennessee River, a former New England schoolmaster, William R. Smith by name, purchased a sixty-acre tract out in the valley where the trail from the river to the mountain intersected the road which ran from Knoxville to Chattanooga. There he set up a mercantile business and laid the foundations for a settlement. He gave it his own name, and for more than fifty years the new town was known as Smith's Cross Roads.¹²

It was inevitable, because of its location, that Mr. Smith's colony should grow into a community of some importance. Inns were erected for the convenience of travelers, hunters, and those seeking new homes. Stores were set up and stocked with merchandise brought from Washington and Knoxville. Wheat and corn mills were installed along Richland Creek. Sawmills, "carding machines," and a tannery were also put into operation. These elemental industries turned the grain of the farmers into flour and meal for bread, the timber into lumber for homes and other buildings, hides into leather for shoes and harness, and wool into "rolls" which were spun and woven into cloth for clothes and blankets.¹³

For a number of good reasons, the industrial development of nearly all settlements in East Tennessee was associated with the working of iron. Due to the great distances from the manufacturing centers in

¹¹Tennessee House Journal, 1881, p. 220.

¹²Campbell, Records, 38.

¹³Ibid.

the Northeast, the price of imported iron was high. On the other hand, local deposits of iron ore were plentiful and easily reached, and the necessary water power, charcoal, and labor were abundantly available. Moreover, ready markets existed for any surplus due to the ease of shipping to the south and west via the Tennessee River.¹⁴

This trend was exhibited early in Rhea County where the future site of Dayton provided one of the earliest iron workings. About 1817, James Stewart, a French Huguenot, entered 1600 acres of land near what was to be called Smith's Cross Roads. In addition to clearing and farming this large homestead, Stewart built a trip-hammer forge on Richmond Creek where he made wrought iron by water power.¹⁵ Other such establishments dotted the area from that time forward. Miles Darden, said to have been the largest man in history, worked at Dr. Addison Locke's Piney Creek forge.¹⁶

These small industrial efforts did not, however, dominate the economy of the county during the early nineteenth century. While it experienced a slow and steady growth, Rhea County remained a rural, agricultural community. Census figures in 1840 disclosed a population of 3,580 whites, 377 slaves, and 28 free Negroes. The population total increased to 4,415 in 1850 and to 4,991 by 1860.¹⁷

¹⁴Earl C. Case, The Valley of East Tennessee; The Adjustment of Industry to Natural Environment (State of Tennessee, Department of Education, Division of Geology, Nashville, 1925), 56, 57.

¹⁵Campbell, Records, 162.

¹⁶Ibid., 75.

¹⁷See Table I, Appendix.

There was a significant change in the population pattern in the county following the war. The total number of farms increased from 332 to 690! Most of the farms were very small, between three and ten acres, and the total value of all farms and buildings decreased from \$1,171,640 to \$996,474.¹⁸

At the same time, there were just twenty-seven industries with a combined capital of \$25,950, employing fifty-four persons for an annual outlay of \$4,410 in wages. There were twenty-one waterwheels in use, with a combined output of 246 horsepower. The total production of the county, both for internal use and for export, amounted to only \$97,100.¹⁹

It was in the decade following 1870 that the Industrial Revolution came to Rhea County. During this period, the city of Cincinnati, Ohio, began the construction of a railroad which was intended to reach to Chattanooga. The building of this line provided work for a large number of people in Rhea County, and many of these were retained for maintenance of the road when it was completed. Moreover, the connection it provided with the outside world gave abundant promise of what was to come.

It was enthusiastically advertised that the 168 miles of track laid down in Scott, Morgan, Roane, Rhea and Hamilton Counties in Tennessee would connect these areas with Vicksburg, Mississippi,

¹⁸See Table III and Table IV, Appendix.

¹⁹See Table II, Appendix.

Shreveport, Louisiana, and Memphis, Tennessee, as well as with the cities of the north.²⁰

The sale of lands to the railroad company and the employment afforded by its construction brought good times to Rhea County, but better times were on the way. While the track was being laid, a number of British industrialists headed by Sir Titus Salts were making plans for the exploitation of the iron and coal which lay buried in the earth just west of Smith's Cross Roads. An entry in the diary of Captain W. P. Darwin for November 9, 1875, records a trip from Washington to Chattanooga on board the steamer J. T. Wilder. With him were W. B. Benson, N. M. Deity, W. T. Broyles, J. J. Abel, and Esq. Humphrey (a roster of Rhea County patriarchs), all of whom were bound for the city to make a deal in iron and coal properties with the Englishmen.²¹

The bargain was struck, and Smith's Cross Roads became the headquarters for a new industry. Construction began in 1884 and on February 9, 1886, the first furnace was put into operation. A second was put in blast early in 1887.²²

Population figures for the period tell a portion of the story of what followed. In the decade of the 1860's the county's population had increased by just 547. The Negro population had actually decreased by 114. But in the following decade, while the railroad was under

²⁰ A. W. Hawkins, Hand-book of Tennessee (Whig and Chronicle Steam Book and Job Printing Office, Knoxville, 1882), 35.

²¹ Campbell, Records, 91.

²² Goodspeed, History, 820.

construction, there was an increase of 1,535 in the population total. The foreign population went up from 9 to 29 in this period and the Negro count went from 531 to 773.²³

It was between 1880 and 1890, however, that the greatest growth occurred. In this short time the total population jumped from 7,073 to 12,647. The foreign born population (which provides a rough index of the industrial prosperity of the area) went from 29 to 195, an all-time high. The Negro figure leaped to 1,721, an increase of more than 100 per cent.

In the same period the number of industrial establishments grew from 27 to 40; capitalization went from \$25,950 to \$640,604; the number of employees increased from 54 to 422; wages climbed from \$4,410 to \$176,097; and products soared from \$97,100 to \$1,457,361.²⁴

The figures on farm occupation indicate that hundreds of farmers forsook their lands in favor of employment in town. The number of farms from three to ten acres in size plummeted from 286 to just 18! While farms of 100 acres and less plunged from 573 to 255, the number larger than that leaped from 115 to 340. Whereas there had previously been only one farm larger than 500 acres in extent, there were in 1890 thirty-one between 500 and 1,000 acres and eleven were still larger.²⁵

On the other hand, while the value of farmland and buildings

²³See Table I, Appendix.

²⁴See Table II, Appendix.

²⁵See Table III, Appendix.

doubled between 1870 and 1890, this increase was not reflected in the productivity of the land. The estimated worth of livestock and of farm implements decreased significantly and total production figures were off by approximately 60 per cent.²⁶

Not all the new faces in Dayton were those of men who had come to work in mine or mill. The boom was on, and a number of businessmen arrived at this time to invest their money and to seek a greater fortune. They helped to swell the tide of enterprise.

Important to the town of Graysville, a suburb of Dayton, was the arrival in 1884 of Henry T. and William Fox, brothers who had inherited a large tract of land in the southern part of the county. These men opened several coal mines which they worked until 1900 when they sold their interests to others.²⁷

Arriving in the same year as the Fox brothers were Messrs. John S. Buchanan and Albion A. Crabbs, two gentlemen who had been business partners previously in Indiana. These men first opened a retail establishment after which they organized the Cherokee Medicine Company, which is said to have sold its products in every state of the Union. Together with R. N. Gillispie, H. T. Elevins, J. D. Burkhalter, W. H. DeLamator and John D. Morgan, they founded the Rhea County Bank in 1889. Their interests also included the Dayton Land Company and the J. C. Jennings Pearl-Button Works, which was described as "the only enterprise of the

²⁶See Table IV, Appendix.

²⁷Campbell, Records, 78, 79.

kind in the South, and which promises soon to be one of the leading industries in the country."²⁸

The same propitious year of 1884 brought to Dayton a most colorful character. This man, William C. Gardenhire, was born in Loudon, Tennessee, in 1838. After fighting in the Confederate army he migrated to Texas where he engaged in the mercantile business. Subsequently he handled mining stocks in San Francisco and then traveled to the Sandwich (Hawaiian) Islands where he purchased from King Thackembaugh four natives. These he transported to the United States, placed on display, and later sold to P. T. Barnum.²⁹ They may have included the original "Man from Borneo"!

Following these adventures, Gardenhire remained in California until the news reached him of the Rhea County boom. Arriving in Dayton, he at once purchased a large plot of ground, north of the town and beyond the environs of the Smith's Cross Roads area, which he developed with such vigor that it today constitutes the downtown section of Dayton. Within ten years, 125 buildings had been constructed. In addition to many homes, these included an opera house, a bank building, a hotel and a number of other business establishments. Lots and money were contributed to churches which chose to build their sanctuaries in the North Dayton plat.³⁰

²⁸A. D. Smith and Company, East Tennessee (A. D. Smith and Company, Chattanooga, Tennessee, 1893), 439.

²⁹Ibid., 437.

³⁰Ibid.

To make the new subdivision competitive in every respect, the entrepreneur, along with others, started a new bank, the Dayton City Bank.³¹ He actively participated in all civic activities of the town and county and pressed for moving the county seat from Washington to Dayton. This was done in 1890, and a courthouse was later erected in the Gardenhire Addition.

The great change which had come to the local scene by the early 1890's was described by a contemporary author as follows:

In 1884 the town commenced building in earnest; business houses were erected, dwellings came into existence as if by magic, until now there are in the town and suburbs at least five thousand people. Besides the Dayton Coal and Iron Company's immense business there are other industrial interests that add to the life of the town. There are two button factories running on full time, and an ice plant and an electric light plant, all of which are in the hands of men of energy and capital, and will succeed. Dayton has two banks. The First National Bank is the oldest institution, having been organized in 1887 as the Dayton City Bank and afterwards changed to the First National Bank. Rhea County Bank was organized later. Both of said institutions are in the hands of competent men, and are solid business ventures, paying handsome dividends to their stockholders.³²

Even in 1887 there had been a number of small industries of various kinds:

The other manufactories of the town are the Dayton Roller Mills, operated by Snow Bros., a flouring-mill, owned by Allen & Keith, which is soon to be enlarged and refitted with the latest improved machinery; two planing and saw mills, operated by Burchard and Galbraith. A foundry and machine shop will also soon be put in operation by John H. Ferguson.³³

³¹Register's Office, Rhea County Courthouse, Book Q, p. 118.

³²Smith, East Tennessee, 435, 436.

³³Goodspeed, History, 820.

In the north end of the county there was some development of the natural resources around the town of Spring City, a location which had been used by some of the earlier forges and water mills. The settlement of the town, however, began with the advent of the railroad. A lime works, a furniture factory, and a flour mill operated here at one time or another. The Tennessee and Sequatchie Valley Railroad, a narrow gauge line, was built there to bring coal to the main tracks from mines out in the hills. In 1890 a charter was taken out for the Tennessee River, Spring City, Rhea Springs and Crossville Railway Company "for the purpose of constructing a Railway from Spring City in the county of Rhea to the mouth of Piney Creek at the Tennessee River by the way of Rhea Springs in the county of Rhea."³⁴ The road was never completed.

Rhea Springs was then a fashionable watering place and contributed its part to the prosperity of the county. An article which was written several years later portrayed the advantages of this healthful spot:

The water is a wonderful tonic, appetizer and laxative and fully dretic, and has proven a specific in some diseases, such as Chronic Diarrhoea, Dysentery and Dyspepsia. Its beneficial effects in the Stomach, Liver, Kidney and Bladder trouble, in Constipation, Rheumatism, Insomnia, Nervousness, Exhaustion, Paralysis and Female Trouble are little short of miraculous. . . .³⁵

For the folks who were not too ill to appreciate them there were such sports as "Golf, Tennis, Billiards, Bowling, Croquet, Shooting,

³⁴Register's office, Rhea County Courthouse, Book T, p. 143.

³⁵T. Edgar Harvey, Commercial History of the State of Tennessee (MacGowan-Cooke Printing Company, Chattanooga, 1915), 8, 9.

Hunting, Boating, Fishing, Swimming, Horseback Riding, Mountain Climbing, all parlor games, together with Music and Dancing."³⁶

From this description and from the attractive illustrations which remain of the buildings then in use one might gather that there was play as well as work in Rhea County in the Gay Nineties.

The wave of optimism which swept the little valley left its water mark in several ways. During the year 1890, when the town of Spring City was incorporated, a real estate boom occurred. There a real estate company known as the Anglo-American Company "cut up and sold off farms and woodlands at fancy prices."³⁷

Buchanan and Crabbs were riding the crest in Dayton. In addition to the businesses already mentioned, they assisted in the chartering of the Dayton Pottery Manufacturing Company³⁸ and the Dayton Canning Company of East Tennessee.³⁹ But by 1896 all these companies had been swept away. Hard times found the capitalists overextended and unable to meet their obligations. Buchanan and Crabbs disappeared from the scene and the banks which were founded in 1886 and 1889 were replaced by others with later chartering dates.⁴⁰

In spite of the temporary setback caused by the depression of

³⁶Ibid.

³⁷Campbell, Records, 77.

³⁸Register's Office, Rhea County Courthouse, Book T, p. 106.

³⁹Ibid., p. 131.

⁴⁰Ibid., Book 28, p. 565; Book 36, p. 155.

the mid-nineties, the county showed a number of increases for the last decade of the century. An increase of 13.25 per cent in population was recorded by 1900. The Negro population gained proportionately, but the foreign born population decreased from 195 to 93.⁴¹

The number of people employed by industry was higher in 1900, and there were now two women at work in the business offices of the local plants! Manufactured products reached the dizzy total of \$1,457,361. Of this amount, \$1,332,591 was produced in Dayton alone, and, similarly, of the 648 workers employed in industry, 606 were hired in Dayton.⁴²

The country life had attracted over three hundred families during this decade with a consequent lowering of the average size of the Rhea County farms from 135 to 102.6 acres. The estimated value of farm land and buildings fell off badly, but the value of farm machinery was up and so was that of farm products.⁴³

One of the effects of the coming of rail transportation to Rhea County was the increase in fruit culture. With markets within shipping distance, growers could readily dispose of otherwise perishable crops. The topography was ideal for orchard planting and a large number of apple and peach trees were set out. However, the lowly strawberry became the king-size crop at the turn of the century and thereafter. By 1900, 1,067 acres were devoted to this product and 1,127,330 quarts were

⁴¹See Table I, Appendix.

⁴²See Table II, Appendix.

⁴³See Table IV, Appendix.

harvested. Both acreage and crop increased more than 100 per cent during the next ten years.⁴⁴

With good times seemingly assured, savings were invested again in infant industries and new companies were chartered. The Tennessee Valley Bank was incorporated by Andrew P. Haggard, W. Uhl, W. H. Rodgers, A. Johnson, and F. R. Rogers during January of 1899.⁴⁵ In 1903 the Black Haw Medicine Company was organized⁴⁶ and also the Read Stove Company.⁴⁷ The Dayton Milling Company was incorporated in 1904 with a capitalization of \$30,000.⁴⁸ In Spring City, the N. C. Blanchard Manufacturing Company was started for the purpose of making such articles as ax handles and wagon spokes.⁴⁹

There was, however, a very serious flaw in the economy of Rhea County which was only discovered with the passing of time.

For many years it had been taken for granted that inexhaustible supplies of iron and coal lay in the bosom of Walden Ridge. As early as 1835 Dr. Gerard Troost, Tennessee's first state geologist, spoke in glowing terms of the ore deposits in this place.⁵⁰ In a report

⁴⁴See Table VII, Appendix.

⁴⁵Register's Office, Rhea County Courthouse, Book 28, p. 565.

⁴⁶Ibid., Book 32, p. 141.

⁴⁷Ibid., Book 33, p. 22.

⁴⁸Ibid., Book 33, p. 119.

⁴⁹Ibid., Book 33, p. 521.

⁵⁰Campbell, Records, 70.

published in 1869, Dr. James E. Safford reported upon the outcrops of iron ore in the area. The huge and valuable deposits uncovered in Roane County and at other nearby places may have led the overseas investors to believe that an operation similar to that of the Roane Iron Company could be conducted successfully in Rhea County. The fault in this reasoning was discovered soon after the furnace was put in blast.

Within a few months after construction, the management found that sufficient ore could not be mined from the company's property to supply the demands of even one furnace. The red-fossil ore vein in Waldens Ridge at Dayton was too thin and irregular to be mined at a cost that would permit its use and the operation of two furnaces concurrently was impractical. Brown ore from North Georgia and North Alabama was purchased from various producers and the company purchased brown ore deposits in North Georgia. The red ore required was obtained from the Roane Co.'s property north of Rockwood. This ore was mined under contract by the Brown Mining Co., carrying a⁵¹ royalty charge per ton payable to the owners of the property.

Since two-thirds of the total furnace burden was made up of this red ore, and since it was secured at a reasonable price, the success of the Dayton venture was assured as long as the source of supply could be maintained. A contract extending over twenty years was executed in 1892 with the Roane Iron Company to furnish the red ore at a favorable price and the Dayton Coal and Iron Company carried on its business successfully throughout this period. Even during the panic of 1896 the company was relatively unscathed.⁵²

By the time this contract expired in 1912, the Roane Iron Company

⁵¹Morrow Chamberlain, A Brief History of the Pig Iron Industry of East Tennessee (Published by the Author, Chattanooga, Tennessee, 1942), 22.

⁵²Ibid.

had built two modern furnaces which required a larger tonnage of ore, and the contract with the Dayton company was not renewed. Its officials made a real effort to obtain a supply of ore from other sources. Red ore properties at Crescent were developed and the ore was brought by boat and rail to Dayton. This ore was not equal in quality to that previously bought under the contract with the Roane Iron Company. Moreover, the cost of bringing it in was greater. These circumstances, together with the concurrence of a drop in the market price of pig iron, brought about the failure of the company in 1913.⁵³

Since the Dayton Coal and Iron Company had operated the coal mines, the furnaces and the coke ovens, the effect upon the economy of the town was stunning. Whereas there had been six coal mines operating at the beginning of 1913, only one was open in 1914. Where 211 men had worked an average of 183 days (the mines closed in July of 1913), just 77 men worked an average of 94 days in 1914. In the largest mine of the company, seven men and one mule worked during just three months of the year.⁵⁴

Whereas in the pig iron industry 160 men had worked 356 days in 1912 (plus the jobs in the company's office), in 1914 there were no jobs at all. It was a dark hour for the prosperity of Dayton.⁵⁵ The events which followed provided a splendid demonstration of the pluck and

⁵³Ibid., 23.

⁵⁴George E. Sylvester, Mineral Resources of Tennessee (Williams Printing Company, Nashville, 1915), 85.

⁵⁵See Table V and Table VI, Appendix.

ingenuity of the local citizenry.

During the influx of outsiders in the mid-eighties, a young lawyer two years out of National Normal University at Lebanon, Ohio, moved to Dayton. Just twenty-three years of age, Andrew P. Haggard set about to make himself a part of the community. He was successful in law practice, and in 1899 he assisted in founding the Tennessee Valley Bank.⁵⁶

When the crisis came in 1913, Haggard, together with A. B. Andrews, T. W. Caudle, J. F. Morgan, and W. C. Godsey formed a company known as the Dayton Hosiery Mills. It was capitalized at \$60,000 and its charter is dated July 24, 1913, which indicates that it began in the same month in which the Coal and Iron Company shut down.⁵⁷

This venture was an immediate success. While it did not take up all the slack in the county's economy, it provided a foundation for it, hiring between 200 and 250 workers during the years of the First World War.⁵⁸

In September of the same year another group of local citizens organized the Dayton Canning Company with capital assets of \$15,000.⁵⁹ This business was carried on successfully through the war years. In

⁵⁶See p. 20.

⁵⁷Register's Office, Rhea County Courthouse, Book 42, p. 65.

⁵⁸Personal interview, February 23, 1958, with Elmer Kelly, Manager, The Nolde and Horst Company, Dayton, Tennessee.

⁵⁹Register's Office, Rhea County Courthouse, Book 42, p. 116.

July of 1914 the Dayton Veneer and Package Company was organized, also at \$15,000, for the purpose of making crates for the local strawberry crop.⁶⁰

A most enterprising stunt by R. L. Godsey, Joe F. Benson, and J. T. Crawford was the organization in September, 1914, of the Dayton Ginning Company. For this type of work they purchased the entire machinery of the Lummas Cotton Gin Company of Muscogee County, Georgia.⁶¹ In order to operate the new industry it was necessary to secure the co-operation of the farmers in the area for the raising of cotton, a crop not regularly farmed there. Under the pressure of the war effort it was done, and the factory ran until the end of the First World War.

The Dayton Hosiery Mill was doing so well by 1917 that Messrs. Haggard and Andrews, together with A. D. Paul, J. F. Collins, and J. C. Ketchersid raised \$50,000 to establish the Spring City Hosiery Mills.⁶²

Although native courage and intelligence went to work quickly to remedy the distress caused by the closing of the pilot industry, the loss to the area was more than could be overcome. Population, which had gained 7.6 per cent in 1910 had fallen off by 10.2 per cent in 1920. Negro population was less than 50 per cent of what it had been in 1900 and foreign born population was down to thirty-nine. Forty-one

⁶⁰ Ibid., Book 42, p. 443.

⁶¹ Ibid., p. 452.

⁶² Ibid., p. 398.

establishments hired 371 industrial employees for \$182,105 in wages, but inflation was responsible for much of the apparent increase in this figure.

Coal mining made a small come-back by the end of the decade, and a rise in the price of coal, especially in 1920, must have provided a real boost to local finances.

Dayton's great moment had come and gone. The gilded age lasted from 1884 to 1913, with a temporary interruption due to the depression of the 1890's. Those who had a part in it could never forget it. A constant hope was held by many that the furnaces would reopen at a later date, but this hope was never realized. The heroic efforts put forth by the minor captains of industry were helpful, but they did not provide the remedy. As women workers took over many of the jobs in the textile industry and the hard times of the early 1920's closed in upon the people it became clear that help must come from somewhere outside. To recapture the prosperity of the former days, Dayton needed a sizeable and suitable male-employing industry.

Dayton had everything at hand that might be needed for such an industry. It had transportation, power, a labor pool, good water and a receptive attitude. The only thing lacking was an adequate means of telling the world about it. In May of 1925 this means was suddenly offered and immediately grasped. But the fathers of Dayton were soon to discover that the results of press agency cannot be guaranteed in advance.

CHAPTER III

SOME CAUSES OF THE CONSUMMATE PUBLIC INTEREST

IN THE SCOPES CASE AT DAYTON

It can scarcely be imagined that the Dayton strategists were unaware of the dynamic possibilities of a trial involving the Tennessee Evolution Law. As a matter of fact, all evidence points toward the conclusion that they asked for it because they realized that it would bring a certain amount of notice to the town where it would be held. But no one planned or anticipated the eruption of human emotions which poured out from every city and hamlet of the country, and which was expressed in foreign lands as well. While it was in progress, the wave was too great for analysis, but viewed over the distance of the years, it can be related to the factors which helped to produce it.

Every circumstance is the outworking of a multitude of causes, some of which are too small for notice and others too insignificant for mention. Doubtless there were a thousand and one factors at work in building up this small-town affair to the proportions of world-wide interest, but of these causal factors, four were outstanding as an explanation for the sudden release of pent-up feelings throughout the Christian world. These included: (1) the journalistic practices of the day; (2) the modernist-fundamentalist controversy; (3) the political implications of the anti-evolution movement; and (4) the collision of gigantic personalities.

The newspapers, and this expression stands for publishers, reporters, advertising staffs, editors, circulation departments and whatever else went into their manufacture and distribution, were at a crucial stage in their development as a public medium in the mid-twenties. In the first place, because there were more of them, they were more competitive than they are today.

Although the news services, such as the Associated Press, had been organized and were in business at the time, they were strongly supplemented by writers working for individual papers. There was a strong emphasis, especially by papers located in the same city, upon "scoops" which would allow one paper to print a lively story before the others could get it out on the street.

Because advertising volume and rates were harnessed together with circulation, extravagant efforts were made to sell papers.¹ One of the means commonly used to accomplish this was the featuring of human interest stories. If a story had strong emotional appeal coupled with drama and suspense, it usually received a "big play" at the expense of more legitimate news.²

Furthermore, the constant advances in technology made it possible

¹H. A. Innis, The Press A Neglected Factor in the Economic History of the Twentieth Century, University of London Stamp Memorial Lecture (The Athlone Press, University of London, 1949), 26.

²Frank Luther Mott, American Journalism A History of Newspapers in the United States Through 260 Years: 1690 to 1950 (The Macmillan Company, New York, 1950), 696; A Newspaper Man, "Sell the Papers," Harper's Magazine, CLI (June, 1925), 1 ff.; Wickham Steed, "The Disease of the Press," The Review of Reviews, LXXII (July 15-August 15, 1925), 28.

for the newspapers to treat such stories in a new manner. Frank Luther Mott has pointed out that: "Communication had developed to the point that very large volumes of material--pictures, news, features--were always made immediately available on any promising news-break."³

This was the era in which the tabloid was born and in which newspaper chains were forged. The impetus for mass-produced sensationalism was furnished by a number of concurring influences.

For a number of years in succession, the population of the United States had been on the increase, both by reason of internal growth and from immigration. The swelling tide of industrialization had lifted multitudes of people out of rural environments and had settled them in cities. At the same time, laws had been passed in the various states requiring a certain minimum of education. The tens of thousands who availed themselves of the least legal amount of schooling were adequately equipped for the type of reading material which was now provided for them by the new journalism and the modern high-speed presses.⁴

The public's voracious appetite for thrills in print was well illustrated at the time in this doggerel by Lou Wedemar:

Oh, print us views without much news
Of nudes and sheiks and racing horses,
Knife-battles, mobs and kidnapping clues,
Fire-setting fiends, love theft divorces.
Let's have some warships, railroad wrecks,
A riot caused by racial trouble,

³Mott, American Journalism, 696.

⁴Simon Michael Bessie, Jazz Journalism the Story of the Tabloid Newspapers (E. P. Dutton and Company, Inc., New York, 1938), 26 ff.

True stories, contests and some sex -
 Why, in a week your sales will double.
 For THAT'S THE STUFF WE LIKE \$

An example of how this trend in news handling affected the Dayton case is furnished in the record of the history of "The Sunpapers of Baltimore":

It was their peculiar interest in the so-called cultural lag which led the two Sunpapers, in 1925, to take the Scopes Trial in Tennessee seriously, and to cover it somewhat elaborately. Essary and Kent were dispatched to Dayton by THE SUN, and Hyde and Mencken by THE EVENING SUN. Edmund Duffy, who had become cartoonist for THE SUN, went along to study at first hand the gyrations of William Jennings Bryan. . . . The people of Baltimore were left in no doubt on which side of the Evolution controversy the Sunpapers stood, but in case there should be any the two provided Scopes' bond and when he was found guilty paid his \$100 fine.⁶

If the unvarnished facts of the Scopes case at Dayton had been set down in print, the results would have been disappointing to many a city editor. A stereotype was created, therefore, and upon this most of the legion of reporters who attended the trial elaborated. It was made to appear that an evil conspiracy existed in primitive Tennessee to thwart the way of truth. A brave, young teacher who had dared to utter the words which would make one wise was now fast upon his way to martyrdom. But reinforcements were on the way. The American Civil Liberties Union would snatch him from the grim clutches of a determined state government which was controlled by ignorant mountaineers.

It was pointed out in an editorial in the New Republic magazine

⁵Ibid., 17, 18, quoted from the New York World, May 27, 1926.

⁶Gerald W. Johnson, Frank R. Kent, H. L. Mencken, Hamilton Owens, The Sunpapers of Baltimore (Alfred A. Knopf, New York, 1937), 378.

that even the defense attorneys had become infected with this idea:

Moreover, the battle which Mr. Scopes' attorneys are waging is insincere as well as inept. They cannot seriously expect that the courts can or will prevent the legislature of Tennessee from prohibiting the teaching of certain real or alleged branches of science in the public schools of that state. They have apparently been using the trial in order to advertise and dramatize for the American people the issue between those who attribute the origin of the human race to describable natural processes and those who attribute it to Divine magic, masquerading as a fairy tale of creation. The trial is merely a pretext for placing before the American people some startling publicity about the evolutionary hypothesis. They have schemed and labored to present the court proceedings to American opinion in the guise of a melodrama in which William J. Bryan, the Attorney General of Tennessee and Judge Raulston are portrayed as reprobates who are conspiring to convict and punish an innocent man, and to deprive the jury and the American people of the evidence in the case. What they have actually succeeded in doing is to cheapen not only the trial but the issue by subordinating both of them to the exigencies of theatrical newspaper publicity.⁷

So successful was this effort that the impression remains to the present day. A recent letter to the Mayor of Dayton from Durban, South Africa says:

According to this trial, the people of Dayton in 1925 were so ignorant it isn't true! They were so abysmal in their crudity they could not be deemed to be properly human but were sub-human! . . . Are they now, in 1956, civilized? They certainly were not civilized in 1925 but then, they were a disgrace to the great and enlightened nation of the United States of America.⁸

The reporters had their excuse for writing as they did--they had to do something. Speaking for the fourth estate, one of the men wrote:

⁷ Editorial, The New Republic, XLIII (July 29, 1925), 249, 250.

⁸ Letter from Prof. Victor Filmer to the Mayor, Dayton, Tennessee, May 6, 1956. The letter is in the possession of the author.

The two hundred newsmen who had journeyed from most of the cities within the borders of the Nation, sent out to cover a big story and under the necessity of finding a big story to cover, were hard put to it, but, being used to such disappointment, they bore it bravely and spread it over much space.⁹

But of all the uncharitable and malicious things which were printed about the people of the area, only the columns of H. L. Mencken aroused their anger. His cruel, if erudite, bombast dried up the good nature of the local citizenry, and he was asked to leave town.¹⁰ His name is spoken there only in contempt until this day.

Some have felt that the trial should never have happened, or that the case should have been handled in a different manner.¹¹ This is probably true, but since many phases of the affair were precipitated by cannibal-like headline hunters, the blame must be absorbed, at least in part, by those who voice it. If the Scopes Trial at Dayton was an abortion, the press was the midwife.

After all this has been said, it must be acknowledged in all fairness that the newspapers can only arouse emotions where these emotions exist. Probably the leading cause for the deep-seated interest in the Dayton trial lay in the fact that it touched upon the historic doctrines of the Christian religion. ✓

⁹Dixon Merritt, "Smoldering Fires," Outlook, 140 (July 22, 1925), 421.

¹⁰A fair sample of this invective can be found in "The Hills of Zion," H. L. Mencken, Prejudices, Fifth Series (Alfred A. Knopf, New York, 1926), 75 ff.

¹¹Editorial, The New Republic, XLIII (July 8, 1925), 167; XLIII (July 15, 1925), 191; Bill Woolsey, "Did Anybody Win at Dayton?" The Nashville Tennessean Magazine (June 18, 1950), 6 ff.

It is one of the coincidences of history that the theory of evolution and the propositions of German Higher Criticism were set forth at approximately the same time.¹² They fit each other as hand to glove. Those theories which discarded the Mosaic authorship of the Pentateuch also cast aspersions upon the Genesis account of Creation and therefore demanded an alternative. The theory of evolution, on the other hand, stood opposed to a Creation by fiat and needed a new interpretation of the Bible.¹³

The dual progress of these schools of thought brought about a crisis in all the churches of Christendom. Those who advocated the new views were called "modernists," while those who remained loyal to their ancient faith were dubbed "fundamentalists." For several years prior to the Scopes case, these opposing forces had been engaging in the final phases of a battle to determine who should control the governments and properties of the major Protestant denominations.

The term "modernist" was first used in the Roman Catholic communion to describe those who, having accepted the propositions of German Higher Criticism, treated the Bible as a writing devoid of supernatural characteristics. The term was only applied within the church, since those outside were more fittingly called unbelievers or agnostics.¹⁴

¹²George Birney Smith, "A Quarter-Century of Theological Thinking in America," Journal of Religion, V (November, 1925), 576, 589.

¹³John Orr, English Deism: Its Roots and Its Fruits (William B. Eerdmans Publishing Company, Grand Rapids, Michigan, 1934), 249 ff.

¹⁴Smith, "A Quarter-Century of Theological Thinking in America," 581.

In 1907, an anathema was pronounced by Rome upon "all the critical theories about the dates and origin of the biblical books" and the leaders in the movement were excommunicated.¹⁵

Although the term had not been applied previously to the advocates of modernism in the Protestant churches, the philosophy had long been at work there. It had encountered sporadic opposition in the various denominations, but by 1925 it was strongly entrenched in all the churches, having control of many strategic positions in the denominational organizations. A liberal writer gives the following description of the change in preaching which had come about up to that time:

The older dogmatic statements do not appear as often as they did a quarter-century ago. The sovereignty of God; the divine election; the substitutionary blood atonement of Christ; the total depravity of man and his inability to choose God without the aid of prevenient grace; the inerrancy of the Bible; the austere negative demands of the Puritan pulpit; the threat of hell and the rewards of heaven--all these great interests of the pulpit in America are either wholly absent or held in abeyance.

On the other hand, the following doctrines are in constant evidence: The reality and reasonableness of religion; a Christ-like God, not so much the transcendent sovereign as "the God and Father of our Lord Jesus Christ"; the redemptive power of sacrificial love, evident and potent in the death of Christ, a fact which is greater and more vital than any or all explanations of it; the interpretation of the Christian experience in terms of a moral union with Christ; therefore a tendency to renew the meaning of Paul's "in Christ" and to accent the mystical rather than the dogmatic or institutional phases of the Christian religion; the representation of the Christian religion as "a way of living according to the principles of Jesus and in fellowship with him"; therefore a major

¹⁵Gabriel Herbert, Fundamentalism and the Church (The Westminster Press, Philadelphia, 1927), 22.

accent upon the central reality of the living Christ; intense moral passion concerning the practical matters of daily life; yearning for social justice and the realization of the Kingdom of God; international sympathy and passion.¹⁶

Many of the communicants of the churches were completely unaware of the changes taking place in the pulpits. This was partly due to the gradualness of the change and partly to the fact that many ministers used orthodox terminology to conceal their heretical leanings. This practice was censured by a fellow-modernist in these words:

It appears, then, that in the central doctrine of the incarnation, modernism is a departure from historic Christianity . . . Modernism can speak of the Godlikeness of Jesus, or of the Christlikeness of God, but it is unwarrantably misleading when modernists call God's indwelling in Jesus "the deity of Christ." Modernism can properly call Jesus "God manifest in the flesh" only if it is understood that "God manifest" means nothing else than "the manifestation of God." Modernism can heartily say "God was in Christ," but it cannot, unless words are to lose all meaning, say, "Christ is God."¹⁷

It was the serious effort on the part of those who held their faith in historic Christianity to warn their fellow-believers of the threat to their churches which gave the name to fundamentalism. A series of booklets entitled "The Fundamentals" began to appear in 1909 in which the Protestant doctrines were defined and defended. These paper-covered volumes were distributed to pastors and Christian workers all over the world. Twelve titles were published in all, and upwards of three million copies were distributed.¹⁸

¹⁶Ozora S. Davis, "A Quarter-Century of American Preaching," The Journal of Religion, VI (March, 1926), 143, 144.

¹⁷Eldred C. Vanderlaan, "Modernism and Historic Christianity," The Journal of Religion, V (May, 1925), 232, 233.

¹⁸Herbert, Fundamentalism, 17.

Orthodox preachers, who came to be termed "fundamentalists," led reactionary movements both within the separate denominational frameworks and, cooperatively, apart from such boundaries. A Bible study movement spread across the land which was characterized by conferences similar to Chatanqua but entirely religious in purpose.

Mark Matthews, Clarence Edward McCartney, and J. Gresham Machen were a few of the leading ministers in the conservative faction of the Presbyterian Church while John Roach Straton, W. B. Riley, and J. Frank Norris were some of the more noted Baptist pastors. L. W. Munhall, a Methodist layman who had been instrumental in bringing into the church more than fifty thousand members over a period of forty years, was one of the few remaining voices raised against the altered situation in the Methodist church.¹⁹ In a well documented indictment, he lashed out against the new doctrines taught in college and seminary and in the church literature. He said:

The spiritual interests of the Church are languishing; and worldliness, ritualism and formalism are alarmingly upon the increase; and the propagandists [modernists] are responsible for this sad and shameful condition of affairs.²⁰

In their 1910 meeting of the General Assembly, the Presbyterians set forth five doctrines which they felt constituted an absolute minimum of orthodoxy to which a man must subscribe in order to become a minister of the church. These were popularly known as "The Five Points."

¹⁹L. W. Munhall, Breakers! Methodism Adrift (Charles C. Cook, New York, 1913), 7.

²⁰Ibid., 201.

They included the Virgin Birth of Christ, the Vicarious Atonement, the Resurrection of Christ, the inerrancy of Scriptures, and the miracles of Christ.²¹

A revival of Chiliasm accompanied the new interest in Bible study, and in 1918 and 1919, conferences for the study of Bible prophecy were held at Philadelphia. In each case, the content of the lectures and discussions attracted delegates from all over the country. Attendance totaled 5,000 and better.²²

But until 1922, all this drum-beating on the part of the fundamentalists did not rate the front page of the newspapers. An abrupt change which took place about that time has been described quite graphically by one who was on the scene at the time:

A few years ago we couldn't have imagined the United States eagerly awaiting the news from some church convention. . . . The break came suddenly, about two years ago. What had happened nobody seemed to know; but the Virgin Birth presently began to run neck and neck with murder and politics for front-page layouts, even in such newspapers as the New York Times. Ever since then religion has been the livest news there is. . . . And it was the fundamentalists, we must remember, who put it there. When the new heresies came storming out of the theological seminaries, few were able to state exactly what they were. Finally, after much soul-searching, the sainted brethren were able to draw up four [sic] dogmas, too sacred to be questioned, which, as they saw

²¹Eldred C. Vanderlaan, Fundamentalism versus Modernism (The H. W. Wilson Company, New York, 1952), 21. It would seem incredible that an author writing what purports to be a record of the modernist-fundamentalist controversy should err in stating the famous Five Points, but see Norman F. Furniss, The Fundamentalist Controversy (Yale University Press, New Haven, 1954), 13.

²²Robert Hastings Nichols, "Fundamentalism in the Presbyterian Church," The Journal of Religion, V (January, 1925), 22, 23.

it, were the four cardinal points of orthodoxy. They were: the literal inspiration of the Scriptures; the Virgin Birth; the Vicarious Atonement; the Second Coming of Christ.²³

This writer was correct in saying that religion was in the news, but he was mistaken as to the number and nature of the "points." He was also wrong in his estimate of the ability of the fundamentalists to command publicity for their cause. The Five Points had been formulated for more than a decade prior to the period under discussion.

It was a very famous modernist who finally brought the controversy into the publicity floodlight. In May, 1922, as the fundamentalists in the Northern Baptist Convention were grooming for the annual contest with the modernists at their yearly convention, a Baptist minister, Dr. Harry Emerson Fosdick, who was supplying the pulpit of the First Presbyterian Church in New York City vented his displeasure upon his fellow ministers and upon believers in general in a famous sermon: "Shall the Fundamentalists Win?" The answer, roughly, was "No." Dr. Robert Hastings Nichols of the Auburn Theological Seminary reported, "It was thus that fundamentalism first became a matter of newspaper publicity and general discussion."²⁴

Following this incident, the Philadelphia Presbytery, which was predominantly fundamentalist, made overtures to the General Assembly to do something about the New York Presbytery, which was predominantly modernist, for sheltering a minister whose declarations were so rabid.

²³Charles W. Wood, "Religion Becomes News," The Nation, 121 (July 15, 1925), 88.

²⁴Nichols, "Fundamentalism in the Presbyterian Church," 25.

This brought the Five Points to the attention of the Assembly and they were once again approved, although by a narrow margin.²⁵ The prominent fundamentalist layman, William Jennings Bryan, was passed over for the Moderatorship, and a modernist minister, Dr. Charles F. Wishart, was elected.²⁶

The Rev. Dr. Fosdick was not censured but continued to trumpet his new religion. He issued a treatise on "The Modern Use of the Bible" in which he explained how through Ritschl's value-judgment philosophy he was able to separate the wheat of Scripture from the chaff.²⁷ His every word and adventure were reported with great interest and news publications fairly quivered with anticipation of each succeeding step. Would Fosdick resign? Would the church accept his resignation? Where would he go to continue his great ministry?²⁸

Once the news-break came, everything concerning the controversy made the headlines. A series of debates between Dr. John Roach Straton, a Baptist minister, and Dr. Charles Francis Potter, a Unitarian minister, stirred New Yorkers during the winter of 1923-1924, and was carried by

²⁵Ibid., 26.

²⁶The Literary Digest, 77 (June 16, 1923), 30.

²⁷Harry Emerson Fosdick, The Modern Use of the Bible (The Macmillan Company, New York, 1924); The Biblical Review Quarterly, X (April, 1925), 286.

²⁸Time, September 1, 1924, p. 18; October 13, 1924, p. 19; November 17, 1924, p. 17.

the press to the entire nation.²⁹ The renewed efforts of the Northern Baptists to correct their imperiled situation were eagerly followed by readers everywhere. There were stories in great abundance, and every professing Christian was alerted in his most sensitive feelings.³⁰

It was also in 1922, that William Jennings Bryan published his famous book entitled In His Image wherein he identified evolution as the villain the piece.³¹ He was not alone in this feeling, for the fundamentalists in general had come to this conclusion independently.

As a matter of fact, the believer in the inspiration of the Bible had little choice in the matter. If the evolutionary hypothesis were demonstrated to be true and man's history turned out to be one of irresistible unfolding and development, then the doctrine of man's fall was untenable. If there was no fall, it followed that man was not lost, and if man was not lost there was no need of a Savior from sin. If no salvation was needed, Christ had died in vain.

Stated more briefly, the dilemma of evangelicals was this: Christ had said, "Moses . . . wrote of me."³² The non-existence of Moses

²⁹ Editorial, The Journal of Religion, IV (March, 1924), 203.

³⁰ Robert A. Ashworth, "The Fundamental Movement Among the Baptists," The Journal of Religion, IV (November, 1924), 611 ff.

³¹ William Jennings Bryan, In His Image (Fleming H. Revell Company, New York, 1922), 88 ff.

³² The Bible, John 5:46, "For had ye believed Moses, ye would have believed me: for he wrote of me." See also Matthew 8:4; 19:8; Mark 7:10; 12:26 and Luke 24:27,44. In all of these places Christ commits himself to a belief in a historic Moses as the author of the Pentateuch.

pointed to a fallible Christ, and if Christ was not Divine, the Christian had lost his God.

Walter Lippman illustrated this quandary in an imaginary conversation between a modernist and a fundamentalist who were seeking to reconcile their differences:

Modernist: We can at least discuss it like gentlemen, without heat, without rancor.

Fundamentalist: Has it ever occurred to you that this advice is easier for you to follow than for me?

Modernist: How so?

Fundamentalist: Because for me an eternal plan of salvation is at stake. For you there is nothing at stake but a few tentative opinions none of which means anything to your happiness. Your request that I should be tolerant and amiable is, therefore, a suggestion that I submit the foundation of my life to the destructive effects of your skepticism, your indifference, and your good nature. You ask me to smile and to commit suicide. . . .³³

The Scopes Trial, therefore, was a test between two religions, neither of which could feel secure if the other could be demonstrated to have a reasonable basis in fact. ✓

A third reason for the wide-spread appeal of the case lay in its political implications. That there should have been such an interest was due to an unequal mixture of thought and worry, but, since it is the essence of politics to sense trends and to plot a hypothetical future from such projections, it was to be expected that such interests would develop.

³³Walter Lippman, American Inquisitors A Commentary on Dayton and Chicago, Barbour-Page Lectures, University of Virginia, 1928 (The Macmillan Company, New York, 1928), 65, 66.

That a new Fundamentalist party was about to arise with Cromwellian purpose, seemed certain to a writer in The Nation:

The Fundamentalist Party, engaged just now at Dayton in defending an ancient Chaldean creation myth which was copied into the first chapter of Genesis twenty-three hundred years ago, is by far the most interesting factor in American politics.

.....

Nominally and to outward appearance, the Fundamentalist Party is a religious organization and that alone. In effect, however, it is much more. Without troubling to name candidates for office, it aims to control the men who are already in office by coercing legislatures and ultimately Congress and thus securing what all political parties strive to secure--namely, laws embodying its own convictions.³⁴

Not only was there in the country a large fundamentalist constituency, but there was available to them one of the most colorful and enduring leaders of American political history. Actually, William Jennings Bryan was beyond the age where he could have made a vigorous race for the presidency, but he had already been counted out so many times by his antagonists, and had returned, that they just could not take it for granted that another boom of "Bryanism" would not occur. And so, it was charged that Mr. Bryan aspired to the presidency on a ticket of fundamentalism and that the Scopes Trial was a political weapon.³⁵

³⁴Rollin Lynde Hartt, "What Lies Beyond Dayton," The Nation, 121 (July 22, 1925), 111.

³⁵Russell Owen, "Hot Lands and Cold," We Saw It Happen, the News Behind the News That's Fit to Print, Hanson W. Baldwin and Shepherd Stone, eds. (Simon and Schuster, New York, 1939), 231; The Chattanooga Daily Times, May 16, 1925, p. 4.

This fabulous potentiality stirred one writer deeply:

Bryan for president on a platform which will demand that the compulsory study of the Bible in the schools shall be made a part of the Constitution! . . . If Bryan could succeed in making the religious issue the central one in a national political campaign, if he could persuade the people that the choice between God-fearing morality, industry and sobriety on the one side and atheism and immorality on the other, he might succeed in breaking party lines and securing a majority of the popular vote in a large number of states!³⁶

After the trial had closed and the reporters were returning to their respective cities, Robert T. Small wrote from Chicago that:

The farther you get away from the never-to-be-forgotten Scopes Trial at Dayton, Tennessee, the more you find the people of the country speculating as to the possibility of political intentions on the part of William Jennings Bryan.³⁷

Even those who did not compliment Mr. Bryan's abilities in this manner saw an evil portent in the case. To them there loomed the spectre of a constitutional amendment forbidding the teaching of evolution in tax-supported institutions--and for this there was a reasonable fear.

In the first place, Mr. Bryan successfully worked for a number of constitutional changes in matters relating to the direct election of Senators, the income tax, woman suffrage and prohibition.³⁸ If

³⁶ Editorial, The New Republic, XLIII (July 22, 1925), 219.

³⁷ The Chattanooga Daily Times, July 26, 1925, p. 7. See also "Larger Aspects of the Dayton Trial," The Literary Digest, 86 (August 1, 1925), 11.

³⁸ U. S. Congress, William Jennings Bryan Memorial (73d Congress, 2d Session, House Document No. 408, U. S. Government Printing Office, Washington, D. C., 1934), 35.

he put his mind and will behind such a movement, it would go far.³⁹

Furthermore, the strategy which had been used in securing the passage of the prohibition amendment was not being used by those who were trying to prohibit the teaching of evolution in the public schools. As local option laws had been passed in town, counties and states, eventually leading to an act which affected the entire nation, so now, the anti-evolution forces were working in fifteen states and threatening others.⁴⁰ All of this led one writer to utter a dire prophecy:

Journalists laugh. But they are the same journalists who laughed when these same people, not satisfied with capturing State after State for prohibition, began to talk of an Eighteenth Amendment.⁴¹

Another political eventuality was pointed out by a young Chicago lawyer. David E. Lilienthal called the attention of the country to the increasing concentration of power in the hands of the federal government and wondered what would be the end if the national authority should decide to intervene in state-controlled education.⁴² Perhaps Mr. Lilienthal has that answer today.

Against all this accumulation of highly combustible material was laid the tinder of conflicting personalities. The trial at Dayton would

³⁹Attorney John R. Neal professed to see this threat in Bryan's address at the banquet which welcomed him to Dayton. The Chattanooga Daily Times, July 9, 1925, p. 1.

⁴⁰Editorial, The New Republic, XLIII (July 15, 1925), 192.

⁴¹Hartt, "What Lies Beyond Dayton," 111.

⁴²David E. Lilienthal, "The Tennessee Case and State Autonomy," Outlook, 140 (July 29, 1925), 453, 454.

have been big news without Bryan and Darrow, but their coming into the situation charged it with electrical potentialities.

William Jennings Bryan was a Christian statesman. He was born and reared in a spiritual environment, and early embraced the faith of his fathers.⁴³ His early life on the farm developed him physically and the schooling which followed equipped him mentally for the labors which would follow. At college, he excelled in a curriculum composed largely of Liberal Arts subjects and became the valedictorian and speaker of his graduating class.⁴⁴

While he was in college, Bryan met and fell in love with Mary Baird. They were married and, as it says in the fairy tales, "They lived happily ever afterward." Late in life Col. E. M. House was to say to Bryan at Miami, "Your marriage was a great romance."

"Still is," Bryan would reply with a happy smile.⁴⁵

After studying law, he practiced successfully first in Jacksonville, Illinois, and then in Lincoln, Nebraska. His gifts and inclinations, however, drew him into politics and he served two terms in the United States House of Representatives. His work on the tariff question during this period established the Democratic party's position

⁴³William Jennings Bryan and Mary Baird Bryan, The Memoirs of William Jennings Bryan (John C. Winston Company, Philadelphia, 1925), 44.

⁴⁴J. C. Long, Bryan the Great Commoner (D. Appleton and Company, New York, 1928), 38.

⁴⁵Ibid., 14.

for years to come.⁴⁶

Retiring from Congress, Bryan secured his party's nomination for Senator in the state of Nebraska, and he made a strong effort to swing that Republican stronghold into line. Although he did not know it, he had already won his last election. From this time on he would speak for the minority.

He was the youngest man ever to run for the first office of the land when, in 1896, the Democrats chose him as their standard bearer. It was at this time that he gained the antagonism of the press which was to be his cross throughout life.⁴⁷ Representing the agricultural West and South against the industrial North and East, and the debt-ridden farmer against the eastern bankers, Mr. Bryan was defeated only by the most slender margin. It was no secret then, and certainly isn't today, that Mark Hanna raised and disposed of one of the largest campaign chests ever known up to that time, and that most of this was spent in areas where the margin of votes was critical.⁴⁸

Comparing his achievements with those of Roosevelt, Wilson, and Lincoln, his career was summarized by one scholar in these terms:

William Jennings Bryan is a different type of leader from any of those thus far considered. Here was a man who maintained himself in a position of very great political power

⁴⁶Dr. Charles McDaniel Rosser, The Crusading Commoner (Mathis, Van Nort and Company, Dallas, 1927), 22.

⁴⁷The Nation, 121 (August 5, 1925), 154; Edgar Lee Masters, "The Christian Statesman," The American Mercury, III (December, 1924), 386.

⁴⁸Long, Bryan, 113; also see William Jennings Bryan, The First Battle (W. B. Conkey Company, Chicago, 1896), 617, 618.

for a generation, without a political organization, without wealth except his own earnings, without professional position, without holding office except for a brief period. Four years in Congress as a young man and two years as Secretary of State in his maturity constitute his official career. Yet his personal influence upon legislation and public policy is written large in American public life for over thirty years. Since 1892 he was defeated in all elections in which he appeared as a candidate, but no one during this time on the whole wielded greater influence over the minds of men politically than he did. Other men have been far more powerful at given moments than Bryan, but none maintained his ascendancy over the minds of millions of voters for so sustained a period as the Nebraska statesman.⁴⁹

During his later years, Mr. Bryan's interests changed only in emphasis. His religious concerns eventually took first place over all others and his active participation in the affairs of his own denomination made him a logical candidate for its highest office.⁵⁰ He taught one of the world's largest Bible classes during the winter season at Miami and his weekly Bible lessons were syndicated and appeared in newspapers all over the country.⁵¹

His interest in the faith of his fathers led him to take an active part in preserving the faith of the children. His concern for youth led him to propose a three-fold program which would assist them spiritually. The pulpits of the churches should contain only men who believed in the fundamentals of the faith. Teachers in church schools

⁴⁹Charles Edward Merriam, Four American Party Leaders (The Macmillan Company, New York, 1926), 63.

⁵⁰M. R. Werner, Bryan (Harcourt, Brace and Company, New York, 1929), 300.

⁵¹Ibid., 301; Long, Bryan, 374.

should necessarily have a "spiritual conception of life." Tax-supported schools should be in the control of the tax-payers who should have the right, if they wished it, to prevent the teaching as fact of any hypothesis that "links man in blood relationship with the brutes."⁵²

Since people were more inclined to listen to lectures in his day than they are now, a method of support was offered to the gifted orator which he was not slow to accept. He did well at his trade and eventually invested his earnings in Florida real estate which, at the time, did quite well.⁵³

It is quite possible that a diligent search the world over would have revealed no one who was so nearly the antithesis of Bryan as was Clarence Seward Darrow. This amazing lawyer was the agnostic son of infidel parents. As he tells it in his autobiography, "My father was the village infidel, and gradually came to glory in his reputation."⁵⁴

Although he did not do well at school,⁵⁵ he more than made up for any deficiency in his education through reading and conversation.⁵⁶ His path early crossed that of Bryan, and they had even worked together on occasions.

⁵²Bryan, In His Image, 121, 122.

⁵³When maligned by the press for his success in this area, he said, "Political enemies continue to search for something to condemn, which would indicate that their search of more than 30 years is still unrewarded." Time, May 11, 1925, p. 4.

⁵⁴Clarence Darrow, The Story of My Life (Charles Scribner's Sons, New York, 1934), 14.

⁵⁵Ibid., 26, 27.

⁵⁶Irving Stone, Clarence Darrow for the Defense (Garden City Publishing Company, New York, 1943), 366.

Darrow had been the partner of Bryan's old friend and supporter, Governor Altgeld. Darrow had defended the Chicago anarchists in the nineties, and Altgeld had pardoned them, believing their guilt unproved. Bryan as the friend of Altgeld and Darrow had suffered from the incubus of the Chicago case in the '96 campaign. . . . When Altgeld died, Doctor Frank Crane had preached the sermon, Clarence Darrow had given the eulogy, and Bryan had spoken at the grave.⁵⁷

From this it must not be inferred that there was any intimacy or harmony between the men, for nothing could be farther from the fact. Darrow was particular about his company, and did not prefer the company of moralists. Commenting upon the popular treatise concerning the Jukes' and Edwards' families, he philosophized:

"If one were confined to a choice of neighbors between Max [Jukes] and Jonathan [Edwards], which would one take? I am free to confess that I would take Max without a moment's hesitation."⁵⁸

As to his personal life, Darrow was an advocate of "free love" and evidently practiced it. Even when he was sixty-five years old, having divorced one wife and forsaken one companion, he found it difficult to content himself with his third regular choice. His biographer points out that:

. . . Clarence found these suspicions and jealousies intolerable, though he was by no means completely innocent of bringing them on: he was not by nature a one-woman man; he enjoyed the company and especially the adoration of attractive women; he enjoyed matching wits against them, savoring of their female humor and logic;

⁵⁷Long, Bryan, 378.

⁵⁸Clarence S. Darrow, "The Edwardses and the Jukeses," The American Mercury, III (October, 1925), 157.

he liked feeding his ego with their admiration. Nor is it unthinkable that upon occasion he might have been above a little adultery.⁵⁹

The philosophy upon which he based his life was naturalistic and mechanistic. Concerning most of the dogmas that govern the lives of human beings, he maintained that he was an agnostic. However, in those things of which he was convinced, he was most dogmatic. For instance, here is one of his statements regarding the nature of man and the punishment for crime:

No well-informed person believes that one is born a criminal or even with a tendency to crime. If so, crime would not be of the individual's own choosing nor his ends be due to his own volition. No child is born a criminal. He may be born weak or strong and, therefore, his power of resistance be more or less; but the course he takes is due to training, opportunity, and environment.

It is not difficult for the student to find the causes of crime. When they are found, it is not hard to prescribe for their cure. To ignore reason and judgment and all the finer sentiments that move men, to follow blind force and cruelty in the hope that fear will prevent crime and make all people safe, is bad in practice, philosophy, and ethics. ⁵⁹ 60

Pursuant to this philosophy, Mr. Darrow in his law practice chose the side of labor as opposed to capital and the side of the guilty criminal as opposed to the system of law with its stringent penalties. Mr. Stone has attempted to express the impelling force of his convictions in these terms:

It was from this early conception of man as a machine, which he evolved as an antidote to the conception of man

⁵⁹Stone, Darrow, 366.

⁶⁰Clarence S. Darrow, "Crime and the Alarmists," Harper's Magazine, 153 (October, 1926), 544.

as a spark of the godhead, that he developed into one of the leading proponents of the mechanistic philosophy in America. It was at base a philosophy of love and understanding, but to people who did not grasp its implications--that you cannot blame or punish a steel machine that has broken down; that instead you repair it without moral judgment or abuse so that it may carry on with its work--this view of humanity seemed fraught with pessimism and despair.⁶¹

It is possible that this feeling of despair finally caught up with the author of the philosophy, for in his later years, Mr. Darrow seemed beset with feelings of frustration. In introducing the story of his life he makes this remark relating to its value:

It is obvious that I had nothing to do with getting born. Had I known about life in advance and been given my choice in the matter, I most likely would have declined the adventure. At least, that is the way I think about it now. There are times when I feel otherwise, but on the whole I believe life is not worth while.⁶²

Prior to the Scopes Trial, Mr. Darrow's most recent success had been his defense of the thrill-slayers of little Bobbie Franks, the wealthy and brilliant Leopold and Loeb.

The antipathy which Bryan and Darrow were to show for each other during the trial was not of recent origin. One of the "expert witnesses" who was close to Darrow during the Dayton episode later said, "I think that Darrow also had an old score to settle with Bryan, whom he had known for many years and had come to regard as a charlatan."⁶³

⁶¹Stone, Darrow, 90, 91.

⁶²Darrow, My Life, 4.

⁶³Winterton C. Curtis, Fundamentalism vs Evolution at Dayton (By the Author, Falmouth, Massachusetts, 1956), 27.

This feeling had been shown several years previously, when Darrow, in response to one of Bryan's articles in the Chicago Tribune, had inserted a list of questions in the same paper, demanding that Bryan submit his answers. Bryan ignored the questions, saying, "I decline to turn aside to enter into controversy with those who reject the Bible as Mr. Darrow does."⁶⁴

Mark Sullivan in his Our Times makes note of this personal antagonism,⁶⁵ and it is elsewhere demonstrated that the name-calling on both sides had begun even before the trial started. Bryan's financial success evidently worried Darrow, also, for in his telegram seeking a place in the defense he wrote:

We are certain you need no assistance in your defense of Prof. Scopes, who is to be prosecuted for teaching evolution, but we have read the report that Mr. William J. Bryan has volunteered to aid the prosecution.

View of the fact that scientists are so much interested in the pursuit of knowledge that they cannot make the money that lecturers and Florida real estate agents command, in case you should need us, we are willing, without fees or expenses, to help the defense of Prof. Scopes in any way you may suggest or direct.⁶⁶

As the clouds gathered over Dayton, the residents of the village prepared for the shower. Had they but known the gathering fury of the tempest they might have run to their storm cellars, for when the gale struck, the town found itself to be in the middle of a storm which disturbed the entire nation.

⁶⁴Stone, Darrow, 426, 427.

⁶⁵Mark Sullivan, Our Times, the United States, 1900-1925, 6 vols. (Charles Scribner's Sons, New York, 1935), IV, 642.

⁶⁶The Chattanooga Daily Times, May 17, 1925, p. 2.

CHAPTER IV

THE TOWN AND THE TRIAL

House Bill No. 185¹
(by Mr. Butler)

AN ACT prohibiting the teaching of the Evolution Theory in all the Universities, Normals and all other public schools of Tennessee, which are supported in whole or in part by the public school funds of the State, and to provide penalties for the violations thereof.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, that it shall be unlawful for any teacher in any of the Universitis [sic], 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.

SECTION 2. Be it further enacted, that any teacher found guilty of the violation of this Act, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense.

SECTION 3. Be it further enacted, that this act take effect from and after its passage, the public welfare demanding it.

Passed March 13, 1925

W. F. Barry,
Speaker of the House of Representatives

L. D. Hill
Speaker of the Senate

Approved March 21, 1925

Austin Peay
Governor

¹The State of Tennessee, Public Acts, 1925, pp. 50, 51.

This is the remarkable bill which was introduced into the proceedings of the Sixty-fourth General Assembly of the State of Tennessee by Representative John² Washington Butler on Wednesday, January 21, 1925.³ The measure required just a week to pass through the processes necessary for approval, and it was signed and delivered to the Senate on January 28.⁴

There the bill passed its first and second readings and was referred to the Committee on Judiciary. Within twenty-four hours, this committee recommended Bill No. 185 for rejection, but the Committee on Education recommended it for passage, so it was set for special order for February 10.⁵

There was no settlement of the disagreement in February, but on Wednesday, March 11, the Committee on Judiciary reported again, and recommended the bill for passage.⁶ Two days later, by a vote of twenty-four to six, with one abstaining, the Senate concurred with the House in voting the measure into law.⁷ Some superstitious person who noticed such

²Not "George" as in Norman F. Furniss, The Fundamentalist Controversy (Yale University Press, New Haven, 1954), I.

³State of Tennessee, House Journal, 1925, p. 180. For a detailed description of the circumstances and events relative to the passage of this law see Kenneth K. Bailey, "The Enactment of Tennessee's Antievolution Law," The Journal of Southern History, XVI (November, 1950), 472-490.

⁴Ibid., 269.

⁵State of Tennessee, Senate Journal, 1925, pp. 225, 251, 254, 286.

⁶Ibid., 466.

⁷Ibid., 516, 517.

things might have commented that this particular Friday the Thirteenth boded ill for someone.

The omen would have given small concern to the optimistic citizens of Dayton, Tennessee, who had other matters upon their minds. Their chief interest in the current assembly had been represented even earlier in the session by the Speaker of the Senate, Mr. L. D. Hill of Sparta, who represented an electoral district of seven counties, including Rhea County. Through his efforts, Senate Bills No. 43, 44, 45 and 46 were well upon their way to passage.⁸ These measures asked permission for the city of Dayton to issue bonds for the purpose of paving streets, building a new hospital and paying school warrants.⁹ So it was that on the same day that Mr. Butler threw his bill into the hopper in the House, the measures affecting Dayton passed their third and final reading in that chamber.¹⁰

For a number of years there has been on display in Robinson's Drug Store in Dayton, a table. In the center of this table, under the glass top, a card has been inserted which bears this inscription:

A T T H I S T A B L E
T h e S c o p e s E v o l u t i o n C a s e
W A S S T A R T E D
M A Y 5, 1 9 2 5

⁸Ibid., 59.

⁹Ibid., 142.

¹⁰State of Tennessee, House Journal, 1925, pp. 184, 185.

This table has been seen by multitudes of people, not only at Dayton, but all over the country, for it has been packed frequently and has been shipped here or there for celebrations which have a connection with the Scopes Trial or which are using it for publicity. But in the interest of truth it must be said that the Scopes case did not start at this table. It did not start in Dayton, and it did not start in Tennessee.

It was in the office of the American Civil Liberties Union in New York City that a decision was made to precipitate a test case of the law recently passed in Tennessee. For its own reasons, this organization decided to ignore the liberties of the students whose attendance in public school is compulsory and to defend instead the academic freedom of their teachers. A hand-out was issued to the press to the effect that the organization would pay the expenses of a trial which would test the validity of the new statute. Prof. Clarence R. Skinner of Tufts College, who was chairman of the Union's Committee on Academic Freedom stated: "We are looking for a Tennessee teacher who is willing to accept our services in testing this law in the courts."¹¹

On Monday morning, May 4, 1925, the Chattanooga Times contained a variety of comments on the subject of evolution. Only a few ministers had announced sermon topics relating to the subject, but those who had spoken upon it were featured. Excerpts were given from the message of Dr. W. M. Taylor, the Unitarian minister who opposed the "throttling of

¹¹The Chattanooga Daily Times, May 4, 1925, p. 5.

minds and strangling of souls" caused by this piece of anti-legislation.¹² On the other hand, Dr. W. L. Packard, pastor of the Central Baptist Church, defended the measure.¹³ In a feature story on page one, Dr. Charles Francis Potter, a Unitarian minister in New York City, was quoted as saying that the new system of education would soon render the churches unnecessary.¹⁴

In the midst of all this confusion was the announcement of the purpose of the A.C.L.U. to seek a test case:

PLAN ASSAULT ON STATE LAW ON EVOLUTION¹⁵

That morning George W. Rappleyea shuffled into the Robinson Drug Store on his way to work. "What's the name of that science teacher over at the High School," he asked. "Is it Scoops?"

Richard Rogers had opened the store that morning, and he told him that the name was Scopes, John T. Scopes.

Later that morning the telephone rang at the store, and Mr. Rappleyea asked for the proprietor of the store, Mr. F. E. Robinson. The call was one which would be remembered.

George Rappleyea was a comparative newcomer to Dayton. Prior to his migration to Tennessee he had lived in New York City, where as a boy he had sold newspapers on Times Square. He met a Dayton girl in a

¹²Ibid., 12.

¹³Ibid.

¹⁴Ibid., 1.

¹⁵Ibid., 5.

Chattanooga hospital when he was being treated there for snakebite and they fell in love and were married. Following this, he moved to Dayton and secured a position with the Cumberland Coal and Iron Company.¹⁶

The man was quite confused in his philosophy of life due to the fact that his mother was a Roman Catholic and his father a nominal Protestant, while he himself had embraced no particular faith. After coming to Dayton, however, he had come into contact with a modernist preacher whose beliefs seemed reasonable to him and he had been accepted into the Methodist church.¹⁷

Frank Earle Robinson, on the other hand, was a local resident. His ancestry could be traced quite readily to the colonial progenitor, Christopher Robinson, who was secretary to Governor William Berkley of Virginia, and whose son, John Robinson, was president of the Virginia Council in the early eighteenth century.¹⁸

On his mother's side, "Mister Earle," as most of the town called him, was descended from Captain W. E. Colville, who organized and commanded the first company of recruits from Rhea County to answer the call of the Confederacy.¹⁹

Robinson called himself "the hustling druggist," and that he was. He had courted and won the hand of the daughter of the town's leading

¹⁶Charles Francis Potter, "Ten Years After the Monkey Show I'm Going Back to Dayton," Liberty, 12 (September 18, 1935), 38.

¹⁷The Chattanooga Daily Times, July 2, 1925, p. 1.

¹⁸T. J. Campbell, Records of Rhea (Rhea Publishing Company, Dayton, Tennessee, 1940), 157.

¹⁹Ibid., 156.

banker, and he continued to hustle in her support. He was full of ideas of his own for civic betterment, and was seldom adverse to pushing the ideas of others. He was the chairman of the School Board for the Rhea County schools.

"Mister Robinson," said Rappleyea, "You and John Godsey are always looking for something that will get Dayton a little publicity. I wonder if you have seen the morning paper."²⁰

The "morning paper" was the Chattanooga Times, and Mister Earle had seen it, but nothing suggested to him the possibility of publicity for Dayton. So Rappleyea pointed out to him the article on page five regarding the A.C.L.U., and told him to read it. Once Robinson saw the article and grasped its meaning, the significance of the telephone call was obvious. Rappleyea reported that he knew some of the people connected with the Union, and that he could contact them to see whether they would guarantee the expenses of a trial if it were held at Dayton.

A steady customer at the drug store was Walter White, the county superintendent of schools. He was extremely fond of "strawberry Coke,"²¹ an order which the clerks invariably filled with cherry syrup.²² Rappleyea,

²⁰Personal interview with F. E. Robinson. No dates were kept for these interviews, which were many, and which occurred prior to his death, May 3, 1957. In this instance, as in all those following, the direct quotation was furnished by the person who was interviewed, and not by the author of this paper. The persons interviewed are from Dayton, Tennessee, unless otherwise indicated. The dates given for interviews with other individuals are those at which information given at previous interviews was summed up and confirmed.

²¹Personal interview, June 22, 1959, with Mrs. Sarah Allison (Morgan) Cate.

²²Personal interview, June 29, 1959, with Dr. A. M. Morgan, Sr.

Robinsen and White spent hours in earnest conversation during the waiting period for a reply to come from New York, and they were occasionally joined by Wallace Haggard, a recent graduate from the law school at Vanderbilt and Robinson's brother-in-law, and by Bert Wilbur, local expressman and justice of the peace. John T. Scopes, the young science teacher concerning whom Rappleyea had inquired, was also in the group on several occasions.²³

Late in the afternoon on Tuesday, May 5, Walter White toiled up the stairway to the offices of the Hicks Brothers, attorneys. These young men, Herbert E. Hicks and Sue K. Hicks (named for the mother who died at his birth) were recent graduates of the University of Kentucky and were serving as city attorneys.²⁴

"Boys," said White, "I would like to have the answer to a legal question."

"All right, Mr. White," replied Sue Hicks, "What is the question?"

What was troubling him, said the Superintendent of Schools, was this new law about teaching evolution in the public schools. Did the Hicks brothers think that it would be necessary for him to send out a questionnaire to all former and prospective teachers to find out how they stood on the question of evolution before he did any re-hiring?

Well, that was indeed a hard question, they thought, but inasmuch as no one had so much as a copy of the new law, and since no one

²³Personal interview, July 3, 1959, with F. R. Rogers.

²⁴Personal interview, May 21, 1959, with Judge Sue K. Hicks, Athens, Tennessee.

knew how it would be interpreted or how it would be enforced they felt that he would be justified in ignoring it for the time being.

Then the suggestion came that they all go over to Robinson's store for some refreshments, and this idea was approved all around. At the drug store, F. E. waited upon them personally. Within a few minutes George Rappleyea appeared, bringing with him, of all people, John T. Scopes. By a further coincidence, Wallace Haggard was also present.

It was not long before the conversation shifted around to the new evolution law and the offer of the A.C.L.U. Someone wanted to know whether Scopes would qualify under the offer--had he actually taught evolution in his classes.

"You can't teach Hunter's Biology without violating that law," volunteered the teacher. "Here, I'll show you."

Tennessee students at that time purchased their own textbooks, and these were on sale at the drug store. So it was just a moment's task to respond to Mister Earle's, "Yes, let's see that."

The textbook was handed to young Sue Hicks who looked at it carefully. He had often double-dated with Scopes and the two were good friends. He paused and looked at the young teacher before he answered.

"Yes," he said, "If you taught that you violated the law and we could prosecute you. What about it Scopes?"

"I don't care. Go ahead," said Scopes quietly.

"Well, you can get John Godsey to defend you, and these boys and

Wallace Haggard can prosecute you," said Robinson.²⁵

That settled it. Sue Hicks started to write out a warrant, and Rappleyea went out to search for a justice of the peace. He didn't have to look far, for Bert Wilbur, "just happened to be" nearby. The hearing was set a week later to give time to the attorneys to secure copies of the law, and to give it some thought and study.²⁶

Rappleyea signed the complaint and rushed out again, this time for a constable. Perry Swafford was found to serve the warrant, and a "case" had been manufactured for the A.C.I.U.

As he left for his home, Walter White met the Rev. A. C. Stribling in front of the old Gardenhire mansion, where John and Madge Brown were then living. In addition to his pastoral duties, Stribling was the local correspondent for the Chattanooga News. "Something has happened here that's going to put Dayton on the map!" the school superintendent exclaimed, and he told the minister the main details of what had transpired.²⁷

A call was immediately placed to the Chattanooga Times to inform the press of these developments, but it seemed to the conspirators that a spirit of enthusiasm was lacking there, so they called the Nashville Banner, where the news was greeted with gusto.²⁸ The Associated Press and other news services picked it up and within twenty-four hours the country knew about it.

²⁵Ibid.

²⁶Ibid.

²⁷Personal interview, March 29, 1958 with Rev. A. C. Stribling, Red Bank, Tennessee.

²⁸Personal interview with F. E. Robinson.

Two days later, Sue Hicks received a long distance telephone call from Forrest Bell, the southern editor for the Associated Press. Mr. Bell was astounded at the proceedings and wished to have more information. Would Mr. Hicks and some of the principals in the case meet the midnight train and give him a brief interview? The young men gladly obliged him, and shortly after the visit the first direct telegraph wire was installed for continued news coverage.²⁹

John T. Scopes was well liked in Dayton. He was quiet and unassuming but he entered heartily into the social life of the town. At Rhea Central High School he doubled in coaching athletics along with his teaching. The Junior Class that year had chosen him as their class sponsor.³⁰

Returning to his room that evening at the home of Mr. W. C. Bailey, the local hardware merchant, he told the folks there about the arrest. Young C. E. Bailey, who was near his age and who chummed about with Scopes a great deal, whistled, and said, "You don't know what you've let yourself in for. Why, William Jennings Bryan will be in here prosecuting you in three weeks time."³¹

Everyone had a good laugh at that, and on the following Monday, Scopes left to spend the summer with his folks in Paducah.³²

²⁹Personal interview with Judge Sue K. Hicks.

³⁰Personal interview, May 23, 1959, with Mrs. Evelyn (Parnell) Bullington.

³¹Personal interview, June 22, 1959, with Walter Bailey.

³²The Chattanooga Daily Times, May 17, 1925, p. 33.

But young Bailey was not the only one to whom such a thought occurred. Mr. Bryan was engaged in a tour with the Redpath Chautauqua in Indiana at the time. Scarcely had the news of the arrest broken into print before he was approached by the press with the question as to whether he would assist in the prosecution at Dayton. He replied that if the people of Tennessee wanted him, he would be glad to help them uphold this law.³³

Next the reporters at Dayton wanted to know from the Hicks brothers whether they would accept the "offer" of Mr. Bryan. They indicated that they would be only too glad to have the assistance of such an esteemed person on their side, and a wire was prepared to this effect. This message was mis-sent, and took quite a while to reach Mr. Bryan, but the press, having been apprised of its contents, carried the news to him promptly.³⁴ When the Commoner made reference to the possibility in a speech before the Pittsburgh (Penna.) Presbytery, another wave of publicity swept the land.³⁵

Meanwhile, the preliminary hearing had been held on Saturday, May 9, at Dayton, where John Randolph Neal, a brilliant, although eccentric, local lawyer had joined the defense. Together with John Godsey, he entered a plea that the law was unconstitutional, but Haggard and the Hicks brothers maintained that the hearing was not for the purpose

³³Personal interview with Judge Sue K. Hicks.

³⁴Ibid.

³⁵The Chattanooga Daily Times, May 13, 1925, p. 13.

of judging the law, but rather it concerned facts and evidence. Scopes was bound over to the grand jury hearing with bond set (but not demanded) at \$1000. He was permitted to go on his own recognizance.³⁶

On the afternoon of the same day, the women of the Dayton Reader's Club met at the home of Mrs. G. P. Dawn. Their subject was: "Literature That Gives a Knowledge of Human Nature."³⁷ Although the ladies were unaware of it at the moment, they were to receive quite an education in the quirks of human nature during the ensuing three months.

Now that it seemed certain that there would be a trial, Rappleyea approached Mr. A. P. Haggard and asked him, in his capacity as city manager, to appoint three citizens as trustees of a fund which should be raised to pay the expenses relative to Scopes' defense.³⁸ One is left to wonder what had happened to the generous offer of the A.C.L.U. When Mr. Bryan announced that the World Christian Fundamentals Association was interested in having him come to Dayton, George was quick to shift the responsibility for the expenses of the prosecution to this organization. When he learned that Bryan might come to assist the prosecution, he announced that he would try to get H. G. Wells to come to the assistance of the defense!³⁹

³⁶Ibid., May 10, 1925, p. 1.

³⁷Ibid., 35

³⁸Ibid., May 13, 1925, p. 13.

³⁹Ibid., May 15, 1925, p. 11.

These false starts kicked up a great deal of dust, but resulted in little progress. An unusual offer of help from a most unexpected source did, however, raise the hopes of the defense and create a furor of newspaper activity. Clarence Darrow, America's leading criminal lawyer, and Dudley Field Malone, a brilliant New York divorce lawyer, wired their offers to contribute their services to the cause without charge.⁴⁰ Neal hastened to accept the offer.

That week-end brought trouble to the Dayton citizens. Just as it seemed certain that they had achieved their goal of a big trial with plenty of famous people, the neighboring city of Chattanooga stepped in to steal their show.

The attempt for a change was made in two ways. First, the Chattanooga Times sent a telegram to Neal proposing a change of venue for the case. It was suggested that the Memorial Auditorium be used for the sessions of the trial, and the trustee, Mr. George Patton, was approached very tactfully. The Times reported: "The matter was put up to Mr. Patton as an enterprise that would cause the eyes of the nation to focus on Chattanooga for a week or more."⁴¹

The second attempt was made in the form of a competitive arrest. Local students were called before a grand jury and the name of a Chattanooga instructor was put up for a test case.⁴²

⁴⁰Ibid., May 17, 1925, p. 1. See also page 51, this thesis.

⁴¹The Chattanooga Daily Times, May 18, 1925, p. 5.

⁴²Ibid., May 19, 1925, p. 5.

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These unseemly efforts caused no end of dismay at Dayton. Newspapermen and wire services deserted the town as rats leave a sinking ship. Bill Morgan, president of the Dayton Progressive Club said, "Something has to be done."⁴³

The two-pronged attack of the enemy was met with a two-fold strategy. In the first place, a special meeting of the grand jury was called at once instead of waiting for the regular meeting which would not be until August.⁴⁴ Scopes, called back from his vacation, herded some of his students into the back of "Stumpy" Reed's taxicab, and coached them in their answers as he had never done in school. They were to be the witnesses against him!⁴⁵

Rappleyea, who was beginning to feel sick in his role as prosecutor in the case, dropped out in favor of the county superintendent, White. This may have been due in part to a letter from his mother, who said to him, "You always have had a lot of book sense, but never any common sense."⁴⁶

In the second place, Bill Morgan, with the consent of his co-Progressives, called for a "protest meeting," where the citizens could air their complaint against the city which was seeking to encroach upon the rights of the small town. They would tell the merchants of

⁴³Personal interview, June 20, 1959, with Thurlow Reed.

⁴⁴The Chattanooga Daily Times, May 20, 1925, p. 16.

⁴⁵Personal interview, June 22, 1925, with Franklin A. Reed.

⁴⁶The Chattanooga Daily Times, May 21, 1925, p. 2.

Chattanooga that Dayton would take its trade elsewhere if the Chattanoogaans didn't tend to their own business.⁴⁷

To make sure a crowd would attend the meeting, it was planned that Rappleyea should deliver an address upon the subject of evolution. And, in order to bring the reporters back to Dayton, a further refinement was secretly plotted as a climax to this lecture.⁴⁸

Two of the best-known citizens of the area at that time were Thurlow Reed and Virgil Wilkey, barbers, whose stand was located almost directly across the street from Mr. Robinson's drug store. They played the violin and guitar at dances and furnished dialogue and jokes to fill in. Buck and wing dancing was another of their specialties. They had performed only recently in the local minstrel show with Bill Morgan as the master of ceremonies.

It was Bill who called upon the showmen with a most unusual request, and with him were Bert Wilbur, the justice of the peace, and Wallace Haggard and Gordon McKenzie, lawyers. Virgil laughed long and loud, "Gosh, fellows, I'd love to do it, but I couldn't keep my face straight. Why don't you try Thurlow there. He could do it without laughing."

What was it they wanted, Thurlow wanted to know, and they explained that they wanted him to start a fight with Rappleyea at the close of his speech.

⁴⁷Ibid., May 20, 1925, p. 16.

⁴⁸Personal interview, June 20, 1959, with the Rev. Virgil Wilkey.

"You want me to take a poke at him, you say," queried Thurlow.

"All right. What's my cue."

Rappleyea had indicated that when he said, "I'm just as certain as I am standing here today that my ancestors swung by their tails out of the grapevines . . . ," he would be practically out of material--and the barber should come out swinging.

To make certain that everything would go as scheduled, Bill took his seat in the audience next to Thurlow. Nervously he elbowed the barber again and again, but the latter shook his head. He wanted a good line.

Finally George spoke his piece about monkeys, but he elaborated upon it. He said, ". . . and speaking of monkeys, there are more monkeys here in Dayton than there are in the Chattanooga zoo."

Morgan punched Reed again and said, "Go get him!"

Thurlow replied, "I sure will."

"You can't call my ancestors monkeys," he shrilled, and threw his punch. Knowing it was coming, Rappleyea was prepared for it and didn't get hurt. He secured a headlock on the barber and the two thrashed about.⁴⁹

Rappleyea later said to Reed, "You were the maddest-looking man I ever saw."

Evidently others were taken in by the performance, for a melee

⁴⁹Personal interview with Thurlow Reed. Although many published the story, no one had ever checked its accuracy, according to Mr. Reed.

started which showed promise of getting out of hand. Wilkey meanwhile had slipped outside and was holding the door shut. He now opened it and Mrs. Maude McKenzie was the first to come out.

"Oh, Virgil," she said, "Those men are fighting in there."

Virgil allowed that they were only having a little fun, but the Pathe News Service played it straight, saying that the local barber had chewed up the man who lectured on evolution. From then on, Thurlow was famous as the "man-biting barber."

His case came up in court in a few days, and he was "fined" thirty-five dollars. This was only for the appearance of the thing, however, and no fine was collected. Thurlow received several bushels of mail as a result, which he didn't answer. What could he say?

With all this noise, plus the fact that the teacher backed out of the Chattanooga test case,⁵⁰ the spotlight swung back on Dayton. Glory seemed assured.

With all this hilarity, it is not strange that some began to doubt the dignity of the trial. This doubt would continue to grow with good reason. However, Scopes, back in Dayton with his attorneys, issued a statement declaring that his intentions were serious, and the lawyers for the prosecution also stated that the trial was no joke.⁵¹

Sue Hicks was compelled to appear before the bar association in its meeting in Memphis in order to avoid being censured and perhaps

⁵⁰The Chattanooga Daily Times, May 20, 1925, p. 16.

⁵¹Ibid., May 21, 1925, p. 2.

debarred. After the charges against him had been answered to the apparent satisfaction of his accusers, many of them expressed the wish to be included in the Dayton case!⁵²

John Godsey, who had not been pleased with the advent of Neal in the case, was even less pleased with the prospect of Darrow's coming. But when Scopes accepted their services the matter was settled.⁵³

About this time, Sue Hicks' brothers received a letter from Mr. Bryan in which he stated that in the event a fine was levied upon the young teacher: "I will let the defendant have the money to pay it if he needs it. It is a test case and will end all controversy."⁵⁴

On Wednesday, June 3, Scopes attended a candlelight dance at the Old Mansion which was put on by the town's younger element.⁵⁵ Two days later, he and Rappleyea left for New York City where they expected to be interviewed by the A.C.L.U., and have their first meeting with the lawyers for the defense.⁵⁶

The town of Dayton now began serious preparation to take care of its prospective guests. A systematic check was made of all the homes in Dayton, Morgantown, Hill City, Morgan Springs, Graysville and Cumberland Springs to find accommodations for the visitors. A card system

⁵²Personal interview with Judge Sue K. Hicks.

⁵³The Chattanooga Daily Times, Jay 29, 1925, p. 1.

⁵⁴Letter from William Jennings Bryan to the Hicks Brothers, May 28, 1925. In possession of Judge Sue K. Hicks.

⁵⁵The Chattanooga Daily Times, June 7, 1925, p. 34.

⁵⁶Ibid., June 5, 1925, p. 1.

was set up and indexed for reference. It was anticipated that about 5000 people could be entertained by one means or another.⁵⁷

The question of a place to hold the trial was discussed. Since the people of Chattanooga had suggested their Memorial Auditorium, the Dayton Progressives felt that perhaps a new grandstand should be built at the local ball park to handle the crowds. The Hicks boys didn't think too much of the idea and wrote to Judge Raulston, who would sit on the case. It would have been all right with him, he indicated, for quite a few of his friends had already asked him for tickets of admission, and he thought that a large group would want to attend. However, the attorney general, Tom Stewart, squelched the whole idea.⁵⁸

The Progressives could at least announce that an air strip had been provided for planes which might care to alight there.⁵⁹

Scopes, meanwhile, was having a most difficult and tiring experience in New York. He was having a struggle to maintain his own identity in the case where other great personalities had their own reasons for wishing to get into the affair. A news magazine reported:

In Manhattan, Teacher Scopes was rushed about, nervous and bewildered, to conferences where lawyers who were allegedly interested solely in seeing justice done squabbled amongst themselves as to who should be chosen and in what order they should rank. In the excitement, Teacher Scopes became the forgotten instrument of a Great Cause. In the minds of one group of the Scopes advisors, this Cause was the dignified

⁵⁷Ibid., June 4, 1925, p. 1.

⁵⁸Ibid., May 26, 1925, p. 2; personal interview with Judge Sue K. Hicks.

⁵⁹The Chattanooga Daily Times, June 6, 1926, p. 3.

one of abstract academic freedom. This group wanted Lawyer Charles E. Hughes to lend distinction to the case. Others were for "jazzing" the case, splashing it in even larger type through the headlines of the newspapers, thoroughly airing and "teaching the people" the theory of evolution. These men wanted Lawyers Clarence Darrow and Dudley Field Malone for popular appeal, Lawyer Bainbridge Colby for a modicum of distinction. Hardly consulting the defendant himself, the latter group won. . . .⁶⁰

Scopes, reported to be near collapse from the strenuous nature of his activities, started back to Dayton, reading up on evolution as he traveled. When he returned, he immediately applied for his contract for the fall term. The school board deferred his request pending developments.⁶¹

The attorneys for the prosecution traveled to Atlanta where they had a meeting with Mr. Bryan. No announcement was made of their strategy, but Mr. Bryan declared that he could not see any sign of a violation of free speech in the case. Indicating Scopes, he said, "He can speak on the corner or hire a hall."⁶²

The state sanitation inspectors now made the first of many trips to Dayton to check upon the facilities for lodging and eating there. New telephones were being installed, and new telegraph lines as well. A flurry of excitement was caused when an application was received from the Toronto Evening Telegram for an accommodation.⁶³

⁶⁰Time, 25 (June 22, 1925), 18.

⁶¹The Chattanooga Daily Times, June 18, 1925, p. 3.

⁶²Ibid., June 20, 1925, p. 1.

⁶³Ibid., June 21, 1925, p. 1.

Sensing the difficulties involved in policing such a large picnic, A. P. Haggard and Sheriff R. H. Harris called upon Governor Peay to send in troops from the National Guard. When he refused to do this on the grounds that no emergency existed, the men turned to their erstwhile foe, Chattanooga, for help.⁶⁴

On Monday, June 22, Clarence Darrow arrived in Dayton and made the rounds. In addition to his conferences with his own side, he called upon the lawyers for the prosecution and chatted with them for some time. The Progressive Club feted him with a banquet in his honor at which he was the leading speaker.⁶⁵

Mr. Neal then whisked him away for the graduation exercises of his tiny law college at Knoxville, where the LL.D. degree was conferred upon Darrow, Malone and Colby.⁶⁶

A great many Dayton families had their own summer homes or cottages at Morgan Springs, Cumberland Springs or at some other cool and rambling location up on the mountainside. Others rented such accommodations, or stayed at the resort hotels in the warmer weather. The migration to these places now began, and additional quarters were thus provided for the swelling crowd.⁶⁷ Because of this, and also in view of the press of increased business for those who remained in the village,

⁶⁴Ibid.

⁶⁵Ibid., June 23, 1925, p. 1; personal interview with Judge Sue K. Hicks.

⁶⁶The Chattanooga Daily Times, June 24, 1925, p. 1.

⁶⁷Ibid., June 28, 1925, p. 38.

few of the townspeople actually viewed the trial. For the most part, the reporters who wished local color had to interview the Entertainment Committee or other visitors.

A new aspect in the local situation developed during the closing days of June which gave an indication of the underlying feelings of the people in the area. Mr. Rappleyea, who aligned himself with the proponents of the evolution theory, suddenly found himself persona non grata at the Five Points (nothing to do with fundamentalism) Methodist Church where he had been the Sunday School superintendent. He was at once welcomed into the fellowship of the Dayton Methodist Episcopal Church (North), however, by the Rev. H. G. Byrd, who was pastor of both churches.⁶⁸

This bit of kindness so touched Rappleyea that he later conferred upon the Rev. Mr. Byrd the honor of having been the person responsible for the starting of the Dayton evolution case! As he saw it, it was Byrd's inspired teaching of modernism which had won Rappleyea's heart, and this, indirectly, had resulted in the trial.⁶⁹

To make certain that his store would get its proper share of the traffic and business from the developing extravaganza, Earle Robinson had a banner made and hung above the street before his place of business. It said, "Robinson's Drug Store. Where It Started." The Chicago Tribune

⁶⁸ Ibid., June 29, 1925, p. 1.

⁶⁹ Ibid., July 2, 1925, p. 1.

announced that it would broadcast the trial, and that it would also install twenty loud speakers above the courthouse lawn and in other public places. J. H. Hinson, manager of the local telephone company, made arrangements for a writing room adjoining the telephone office, where the press, at no charge, could prepare their dispatches.⁷⁰

Now a startling thing happened. With preparations nearly complete for Dayton's Great Event, the lawyers for the defense, in a split decision, moved to take the case directly to a federal court, thus bypassing the local scene. Scopes, who had once again slipped away in a vain effort to get a short vacation, was hastily summoned to Dayton by Rappleyea, evidently to assert his control over the scrapping legal staff.⁷¹

The danger to the town was averted just a few days before the case came to trial when Judge John J. Gore refused to issue a federal retraining order to halt the proceedings.⁷² This was evidently regarded as a set-back by Bainbridge Colby, the former secretary of state, and the one lawyer who was expected to give the defense a semblance of dignity. He made an excuse and withdrew from the case.⁷³ A day later, the senior defense counsel, John Godsey, also withdrew.⁷⁴ This left

⁷⁰ Ibid., July 1, 1925, p. 9.

⁷¹ Ibid., July 4, 1925, pp. 1, 2.

⁷² Ibid., July 7, 1925, p. 1.

⁷³ Ibid., July 10, 1925, p. 2.

⁷⁴ Ibid., July 11, 1925, p. 1.

the "jazz" element in complete control of Scopes' defense.

Since Dudley Field Malone had gone to New York with the announced intention of securing the aid of Harry Emerson Fosdick for the defense,⁷⁵ Walter White took it upon himself to communicate with Billy Sunday to enlist his aid for the prosecution! Neither modernist nor fundamentalist was found to be available.⁷⁶

Although many of their members were now in their summer quarters, the local bridge clubs continued to meet, and, doubtless, the ladies had plenty to talk about.⁷⁷

In view of the fact that the courtroom space was limited, it was expected that tickets would be issued for admission to the trial. J. B. Goodrich and his boss H. H. Frasa, both working for the J. A. Sloan Grocery Company, made a tentative deal that, provided a ticket could be obtained, each would cover the other's responsibilities while they got away for a peek at the performance.

Shortly after this, "Jess" Goodrich encountered Sheriff "Blutch" Harris in town and heard him ask, "Jess, would you like to see that trial?"

Thinking that he was about to secure the desired ticket, Jess said, "Sure I would."

"All right," replied Blutch, "I hereby summons you for the jury."⁷⁸

⁷⁵Ibid., June 29, 1925, p. 1.

⁷⁶Ibid., July 4, 1925, p. 2.

⁷⁷Ibid., July 12, 1925, p. 32.

⁷⁸Personal interview, June 21, 1959, with J. B. Goodrich.

So was the panel made up from which the jurors were later drawn. Jess became one of the twelve men and true who saw little of the trial because most of it was taken up with arguments concerning what might be admitted as evidence, and from these and other technical discussions the jury was excluded.

As the opening day of the trial drew near, the town began to bloat with its steady influx of people. The Aqua Hotel, named for its fine spring of health-giving water, was the town's leading hostelry. W. R. Nighbert, the proprietor, removed the large beds from the commodious rooms and filled them with cots rented from Bill Morgan's store. The large ballroom on the first floor was entirely taken up by telegraph installations which lined every wall.⁷⁹

The Mineral Springs Hotel was also in operation, and Walter E. Nixon rented and opened the old Dayton Hotel which had been closed for some time. He also built a lemonade stand on Main Street for his sons, Wilfred and Howard, to operate. They sold some of the liquid, but, as they remember it now, they drank even more.⁸⁰

It was at the Dayton Hotel that Col. Miller of the famous 101 Ranch put up his gorilla. The animal came in a baggage car and alighted from the train wearing two ropes with men at their ends. Timber was quickly secured, and a cage built, the beast observing meanwhile. After he was placed in the new habitat, he delighted his owners and the crowd

⁷⁹Personal interview with Mrs. Evelyn Bullington.

⁸⁰Personal interview, June 28, 1959, with Wilfred Nixon.

by sawing a board and hammering upon it as he had seen the carpenters doing.⁸¹

It was also at the Dayton Hotel that one of the more comical episodes of the week took place.

The notoriety of the case drew to Dayton many of the most extreme people in the country, both on the side of the Bible and opposed to it. One old gentleman who claimed to be an atheist and who had been imbibing something stronger than lemonade, came out on the porch of the hotel during a thunderstorm and volunteered to demonstrate that there was no God. He would shake his fist in the face of Deity, he would, and nothing would happen to him!

He made his way to the edge of the curbing, and stood there in the mist, waiting for the flash of lightening. When it came, he raised his fist toward the skies and shouted, "If there's a God, may He strike me dead."

What he did not know, but everyone else could plainly see, was that a Chattanooga policeman had followed him and was now standing behind him with a large pistol cocked close to his ear. As the atheist issued his challenge, the lawman pulled the trigger, firing into the air.

Convinced that he had been killed, the old fellow dropped into the street. He had to be lifted back into the inn, much to the amusement of the onlookers.⁸²

⁸¹ Ibid.

⁸² Ibid.

F. R. Rogers, who worked with Mr. Robinson in the drug business, had made it his contribution to write to Mr. Bryan and offer the use of his home to the Commoner. When Mr. Bryan arrived, Rogers arranged a dinner for him and invited all the lawyers for the prosecution. It was noticed that Mr. Bryan was a hearty, but careful, eater and that he drank huge amounts of water.⁸³

Mr. Bryan visited easily with the men, and he later informed Mr. Rogers during a late evening conversation that the reason he left the cabinet of President Wilson was because he was being by-passed in the work of the department. The President was dealing directly with Ambassador Walter Page in his relations with Britain. Under those circumstances, the Secretary felt that he had little choice in the matter.⁸⁴

Prior to the start of the trial, the Progressives held still another banquet. This one was for Mr. Bryan, and it was held at the Morgan Springs Hotel. The orator spoke to his hosts about the seriousness of the case. Whether due to his suggestions, or on their own initiative, the clubbers began a program of restraint upon the more excessive features of the local scene. The general tone thus became more restrained.⁸⁵

Out on the edge of the town was the beautiful, old residence of Peter Donnelson, who had at one time been the proprietor of the

⁸³Personal interview with F. R. Rogers.

⁸⁴Ibid.

⁸⁵The Chattanooga Daily Times, July 9, 1925, p. 1.

Dayton Coal and Iron Company. For some time the 23-room house had been unoccupied but it became Rappleyea's own venture to open the commodious place and to make it headquarters for the defense. For \$350.00 he rented enough furniture to fill the "Old Mansion," as it was called, and the guests were moved in.⁸⁶ Mr. Darrow stayed there the first night he was in town, but when Mrs. Darrow joined him, he moved into the home of the Luther Morgans, whose son, Howard, was a trial witness. Mr. Morgan was cashier of the Dayton Bank and Trust Company, and the family had a summer cottage at Cumberland Springs.⁸⁷

Many of the homes which offered rooms to the visitors preferred and stipulated that they should not smoke in the house. To reporters, this was most difficult, for, as one of them complained, "I just can't think unless I'm smoking."⁸⁸

A favorite rooming place for members of the journalistic fraternity, therefore, was the large apartment over the Morgan Furniture Store, where there were no women, and no house rules. A Negro porter was installed to do a minimum of housekeeping, and one of the reporters turned over his writing to his buddies while he devoted his full time to

⁸⁶Personal interview, June 22, 1959, with Whitney Morgan.

⁸⁷Personal interview, May 22, 1959, with Mr. and Mrs. Luther Morgan. But see Fay-Cooper Cole, "A Witness at the Scopes Trial," The Scientific American, 200 (January, 1959), 122, 123. This "expert witness" says, "None of the residents would provide accommodations for the Defense," and on the opposite page shows the defense in a picture taken in front of the Morgan home!

⁸⁸Personal interview with Dr. A. M. Morgan, Sr.

clowning and to mixing drinks.⁸⁹

Time hung heavily upon the hands of the newspapermen both before and during the trial, and many of them resorted to alcohol to dilute the delay. There was little liquor to be found in Dayton, but many had brought a supply with them. Others found that Chattanooga was well fortified with the commodity, and the taxis did a thriving business bringing it out. The Hotel Patton seemed to be a favorite spot for picking up the bulging baggage which would "clink" suspiciously if not handled just right.⁹⁰ It is also said that an area bootlegger kept two cars running to Savannah, Georgia, throughout the days of the trial.⁹¹

But some of the scribes wished to taste the moonshine liquor of which they had heard. They asked to be taken to the source of the "Mountain Dew," and the "White Lightening." When the huge, Philadelphia reporter, Dick Bemis, returned from such a foray with Bill Morgan he was told that he must pick up the gallon and carry it to the apartment.

"Why do you want me to carry it in," he wanted to know.

"Well, you see it's this way," explained Bill. "If you get in to jail for transporting the stuff, I can get you out. But if I am put in, you can't get me out!"

⁸⁹Personal interview with Whitney Morgan.

⁹⁰Personal interviews, June 22, 1959, with C. S. Smith and with Franklin A. Reed.

⁹¹Personal interview, June 22, 1959, with Darwin Cunningham.

Bemis carried it in, and neither one went to jail.⁹²

At long last the opening day of the trial arrived. The crowd gathered at the courtroom, which, although it was said to be "larger, brighter, and pleasanter" than any in New York City,⁹³ was still far from large enough to contain all who wished to view the proceedings. To increase the air of pleasantness, Mr. and Mrs. George H. West, friends of Judge Raulston, had brought down from the mountain a lovely bouquet of rhododendrons, which rested in a glass bowl upon the judge's stand. Later in the day he inadvertently brushed them to the floor and broke the container.⁹⁴

Judge John T. Raulston began the action by calling upon a minister to offer prayer for Divine guidance. At this, the startled Darrow inquired of Whitney Morgan, "Does he always do that?"

Morgan, who did not know, said, "Not that I know of."⁹⁵

As a matter of fact, Judge Raulston usually had some clergyman or Christian layman offer such a prayer, but there had never been an objection to it previously. In this case, it was to constitute one of the main points for discussion.

The first day was consumed with preliminary skirmishing and with the selection of a jury, after which the court was adjourned until the following Monday.⁹⁶

⁹²Personal interview with Whitney Morgan.

⁹³The Chattanooga Daily Times, July 5, 1925, p. 33.

⁹⁴Personal interview, June 28, 1959, with Mrs. George West.

⁹⁵Personal interview with Whitney Morgan.

⁹⁶The World's Most Famous Court Trial: Tennessee Evolution Case (Cincinnati: National Book Company, 1925), 3 ff.

A most peculiar development on Sunday provided grist for the news-mill. A poster appeared in Mr. Robinson's store window which read:

Dr. Potter has cancelled his
evolution sermon this morning
at the Methodist Episcopal Church
owing to the threat of the congregation.⁹⁷

It developed that the publicity-seeking Dr. Charles Francis Potter had secured an invitation to speak in the pulpit of the Rev. Mr. Byrd on that Sunday morning on the subject of evolution. Hearing about this, the members of the congregation had expressed their disapproval in no uncertain terms, and some of the more uninhibited ones had threatened to tear the church apart if the man lectured.⁹⁸

The indignity was more than the minister could bear. "I have quit," he told the press. "I have not resigned--I have quit!"⁹⁹

The congregation did not attempt to change his mind.

On the same Lord's Day morning, Mr. Bryan addressed the people of the "South" Methodist church and, in the afternoon, spoke to a mammoth crowd on the courthouse lawn. Darwin Cunningham thought that there must have been at least 5000 people present, for the mass of humanity pressed down his picket fence although it was at least 200 feet removed from the platform.¹⁰⁰

⁹⁷The Chattanooga Daily Times, July 13, 1925, p. 1.

⁹⁸Ibid.

⁹⁹Ibid.

¹⁰⁰Personal interview with Darwin Cunningham.

On Monday, the defense moved to quash the indictment against Scopes on the grounds of the unconstitutionality of the law. They wished, however, to present all their arguments in favor of the theory of evolution prior to the judge's decision on this point. Arguments from both sides were heard, and the judge reported that he would have a decision on the matter the following day.¹⁰¹

On the third day of the trial, Mr. Darrow again objected most vehemently to the practice of opening court with prayer, and when overruled, stood before the interceding minister and glared his defiance at him as he prayed.¹⁰² The day's session was shortened by the judge who reported that his decision on the motion to quash the indictment had either been anticipated by the press or there had been a news leak. He appointed a committee of reporters to discover how it had happened, and ordered them to report back the following day.¹⁰³

When the story was told on the following day, it turned out that the judge had been hoodwinked by a young reporter, William K. Hutchinson, into giving out the information himself.¹⁰⁴ The "girl reporter," Nellie Kenyon, told it in these words:

It happened this way:

¹⁰¹Most Famous Court Trial, 45 ff.

¹⁰²Personal interview with the Rev. A. C. Stribling; Most Famous Court Trial, 91.

¹⁰³Ibid., 94.

¹⁰⁴Ibid., 97, 98.

"Hutch," as he was known, saw a bundle of papers under the judge's arm, and asked him if that was his decision. The judge said no, that the decision was being compiled and would be read that afternoon.

The reporter next asked "innocently," would the judge adjourn court until tomorrow? The judge innocently replied "yes."

The reasonable inference was, if the motion to quash the indictment was affirmed, the trial would be ended. If the motion was denied, the trial would continue.

Hutchinson made this deduction and wrote his story, which was carried in the St. Louis Star and other Metropolitan papers.¹⁰⁵

The judge excused the young man for his trick and the crowd was then treated to a display of oratory by Mr. Darrow who objected to the epithet of "infidel" which had been applied to him, and presented the proper one. He said he was an agnostic.¹⁰⁶ Raulston read his opinion by which he overruled the motion to quash.¹⁰⁷ The trial would go on.

The judge had plenty of employment for his evening hours, but almost no one else did. The local movie had little appeal in view of the human drama which was being enacted in real life each day, and the traveling shows which had set up for the duration appealed to few.¹⁰⁸

One of the remarkable characters who had been attracted to the scene was a woman who called herself "Lady Roper." It was claimed that

¹⁰⁵ Nellie Kenyon, "That Famous Monkey Trial," The Nashville Tennessean Magazine (June 10, 1956), 15.

¹⁰⁶ Most Famous Court Trial, 99.

¹⁰⁷ Ibid., 100 ff.

¹⁰⁸ The Chattanooga Daily Times, July 12, 1925, p. 2; Personal interview with Mrs. Evelyn Bullington.

she was a niece of the great Civil War General John B. Gordon. "Lady" wore dresses with trains as her regular street apparel, and always attracted her share of attention wherever she went. It was she who proposed to the men of the fourth estate that she would give them a party they'd never forget if they would promise not to write it up for their respective papers. The agreement was made, and the affair was put on at Morgan Springs with a Chattanooga dance band furnishing the "song." The next morning Charlie Smith brought back the last of the derelicts, the clown reporter who stayed with the men housed over the furniture store.

"I'll give you twenty-five dollars for a chunk of ice as big as your hand," he groaned, holding his poor, abused head.

Charlie brought him to town where he could be cared for by the other members of his fraternity.¹⁰⁹

Bert Wilbur helped many a news-starved correspondent by spinning fabulous yarns about the people of Tennessee. These all made good copy, and no matter how much went out over the wires, the papers still cried for more. Russell Owens complained that it didn't matter how many words he sent his paper, it wasn't enough.¹¹⁰

An impromptu concert by Bill Morgan lightened one of the evenings for the scribes. Bill had a most pleasing voice and had been trained at the Chadek Conservatory in Chattanooga and at the Cincinnati Conservatory of Music. He was ordinarily much in demand for singing at weddings,

¹⁰⁹Personal interview with C. T. Smith.

¹¹⁰Personal interview with Whitney Morgan.

funerals and entertainments. For the reporters, however, he sang hill-billy songs, much to their delight.¹¹¹

Charlie Merrill of the Boston Globe was staying in Darwin Cunningham's roomy house on the town square. On one evening during the trial, he wished to go out to the Old Mansion where he could see Darrow on some special business. So Darwin started up his Model T and took the man out. The reporter returned almost at once, but Darwin stayed to watch the poker game which was in progress. When Darrow finally expressed his wish to get back to his quarters, Mr. Cunningham said he would be happy to oblige him.

Unfortunately for the travelers that dark night, the streets of the town were torn up and made hazardous by ditches which had been dug in the course of installing a sewage system. When he pulled over to deposit Mr. Darrow at his house, the driver went a bit too close to the ditch, and the wheels on the right side slid in. The lawyer volunteered to help him push the light vehicle out of its trap, and the two men set their shoulders to the task. Not accustomed to such employment, Mr. Darrow soon fell to cursing rather than pushing. He would resume pushing and then resort to cursing, at which he was very eloquent, and then push a little again. Finally, Darwin, who was almost overcome with laughter, proposed that they leave the Ford where it was until the morning.¹¹²

¹¹¹Personal interview, June 22, 1959, with Mrs. Daisy Morgan.

¹¹²Personal interview with Darwin Cunningham.

Prior to Mr. Bryan's arrival at Dayton, the lawyers for the prosecution had labored under two false illusions. They thought that the orator would have little information on the subject to be discussed, and that, due to his prominence and reputation, Bryan would be hard to work with. They were wrong on both counts.

According to Judge Sue K. Hicks, Mr. Bryan had a tremendous collection of information both regarding the subject under discussion, and about his opponents in the case. The local attorneys, however, suggested that the case was not one where the matter of evolution could be decided, but that it rested upon an interpretation of the law as passed. He explained it as follows:

Tom Stewart, my brother, and I studied the law. We decided that the only position to take was that "and" in the latter part of Section 1 meant "and/or" and that the last phrase was interpreted by what went before. There was, therefore, no need for evidence about Genesis, or about what Genesis meant. The only way to violate the law was to teach that man came from a lower order of animals.

When the proposition was put up to Mr. Bryan he said, "Boys, that's the proper interpretation and I'll go along."¹¹³

On the fifth day of the trial, Thursday, July 16, Mr. Hicks had the opportunity of presenting this position to the court.¹¹⁴ In the arguments relating to the admission of the testimony of the so-called "experts," Mr. Bryan finally found his voice. When he did, he gave Mr. Darrow his worst moments of the entire trial.

¹¹³Personal interview with Judge Sue K. Hicks.

¹¹⁴Most Famous Court Trial, 114 ff.

In cross-examining little Howard Morgan on the previous day, the great criminal lawyer had extracted from the lad a judgment to the effect that he had not been adversely affected by the propaganda he had been taught. His inference was that even children could distinguish between the true and false, and that no matter what the teaching might be, the pupil would instinctively follow the pathway of light.

But Mr. Darrow was not consistent in this philosophy, and Mr. Bryan knew it. As soon as he began to mention Darrow's defense of Leopold and Loeb, the Chicago lawyer, sensing what was ahead, rose to his feet, screaming objections and charging that Bryan was not telling the truth. Although he succeeded in diverting the attention of many of those present from the significance of the argument, he did not prevent Bryan from reading his own words into the record. Darrow's words, as read by the Commoner, were:

I will guarantee that you can go down to the University of Chicago today--into its big library and find over 1,000 volumes of Nietzsche, and I am sure I speak moderately. If this boy is to blame for this [murder], where did he get it? Is there any blame attached because somebody took Nietzsche's philosophy seriously and fashioned his life on it? And there is no question in this case but what it is true. Then who is to blame? The university would be more to blame than he is. The scholars of the world would be more to blame than he is. The publishers of the world--and Nietzsche's books are published by one of the biggest publishers in the world--are more to blame than he. Your Honor, it is hardly fair to hang a 19-year-old boy for the philosophy that was taught him at the university.¹¹⁵

This made Darrow's position in the case appear ridiculous, and he appealed to the judge to prevent any further quotations from his

¹¹⁵Ibid., p. 161 ff.; see also Long, Bryan, 390-394.

previous cases. Although Mr. Bryan had many others, he refrained from using them.

On Friday, the judge ruled against the admission of "expert" testimony in the case, but then, evidently with a desire to please the visiting attorneys, he reversed himself and confounded the prosecution by allowing the defense to file statements of such witnesses in the records of the case. This allowed them to present their propaganda to the world through the agency of the trial without giving the prosecution an opportunity to question the witnesses.

Nothing could have been better for the purposes of the defense, but Darrow, not satisfied with his victory, chose to insult the Tennessee judge in a most crude and deliberate manner. When he complained that the judge was wasting the time of both the prosecution and the defense, and that judge was consistently overruling Darrow's own "competent" suggestions, the following dialog ensued:

The Court - I hope you do not mean to reflect upon the court?

Mr. Darrow - Well, your honor has the right to hope.

The Court - I have the right to do something else, perhaps.

Mr. Darrow - All right; all right.¹¹⁶

This expression of bad manners and the threat of a contempt citation gave the newspapers plenty of copy for the week-end.

Dayton was fast tiring of its troublesome guests. It seemed that all their goodwill and courtesy was rewarded with the most degrading and

¹¹⁶ Most Famous Court Trial, 201 ff.

insulting propaganda imaginable directed against the culture and intelligence of the villagers.

A graduate of the Vanderbilt School of Dentistry in 1916, Dr. A. M. Morgan had practiced in Dayton for the better part of a decade prior to the trial. His office and equipment were the most up-to-date then available. Answering an appeal from the boys over the Morgan Furniture Store for emergency aid at a most unusual hour, Dr. Morgan was persuaded to make an extraction on the spot. He was rewarded when he saw an article on the primitive and unsanitary methods of dentistry used at Dayton.¹¹⁷

Since Mr. Bryan had said that Howard Morgan's mother was a better judge than he of the effects of evolutionary teaching upon her child, one enterprising scribbler toiled up the mountain to ask her. She was described as an old and ugly mountain woman.¹¹⁸ (*Mamie Morgan*)

A clipping was sent to F. R. Rogers which showed a picture of Lawyer Ben McKenzie milking a cow. Over his picture was this caption: "If this man did not spring from a monkey, what in high heaven did he spring from."¹¹⁹

John Porter Fort described the citizens thus:

The hills are the background of Dayton and its men are hill men, "southern mountaineers," they call them. One could imagine that in time of stress all the storekeepers and the bankers, and yes, even the lawyers would shed

¹¹⁷Personal interview with Dr. A. M. Morgan, Sr.

¹¹⁸Personal interview, June 29, 1959, with Mrs. Luther Morgan.

¹¹⁹Personal interview with F. R. Rogers.

their small-town clothes, go back into those hills, and that all the enemies in the world could not dislodge them.¹²⁰

Two of these "southern mountaineer" storekeepers were Mr. and Mrs. E. B. Arnold. Mr. Arnold was a graduate of Western Kentucky State College while his wife, a native of Pittsburgh, Pennsylvania, was a graduate of Sue Bennett College. They vacated a lovely 9-room apartment to make way for the leg-men of the press. Noting that one of their guests never attended the sessions of the trial, they commented upon the fact. "Oh, I don't have to know what's going on," he said, "I know what my paper wants me to write."¹²¹

Leland Rodgers, who worked with Jack Brown in the Chevrolet agency, found this attitude hard to understand. One of his guests asked to be taken to see a local sage who was noted for his intelligence and knowledge. When he later read the story that was written, he commented upon the use of "hain't" and "sech" in his friend's speech. "Oh, my paper wouldn't have accepted the story without some 'local color' in it," he was told.¹²²

Mr. Bryan understood all this and had a philosophy for it. His picture also appeared in a most uncomplimentary cartoon, but when the indignant Mr. Rogers showed it to his guest, the Commoner laughed and said, "Once you get into the public eye, you belong to the public." And

¹²⁰ John Porter Fort, "Behind the Scenes in Tennessee," Forum LXXIV (July, 1925-December, 1925), 258.

¹²¹ Personal interview, February 14, 1959, with Mrs. E. B. Arnold.

¹²² Personal interview, June 28, 1959, with Mrs. Madge Brown.

he immediately dictated a letter to the artist in which he requested the original of the drawing.¹²³

But what came so readily to an old campaigner like Bryan did not get through to the people of Dayton. Their wounds continued to smart. Especially singled out for their wrath was that master of satire, H. L. Mencken. Nothing he saw escaped ridicule. When he visited Scopes' room in the home of W. G. Bailey, he likened it to a monk's cell.¹²⁴ Dr. A. M. Morgan, with whom he was staying, soon heard via the grapevine that a committee was forming which meant no good for Mencken. The host sent back the message that the man would be protected as long as he stayed under his roof.

Whether by his own intention, or by constraint, the Sage of Baltimore left the scene early and with a whole skin.¹²⁵ He made no reference to the committee in his writings.

Both sides in the case were beset with fears as the week-end passed. Darrow was crying to the papers that the trial was a farce, and intimating that the court was not giving him a fair deal.¹²⁶ The prosecution, on the other hand, feared that Darrow, by insulting the court, was attempting to have himself put into jail in order to create another martyr for the cause he represented.¹²⁷ The Hicks brothers

¹²³Personal interview with F. R. Rogers.

¹²⁴Personal interview with Walter Bailey.

¹²⁵Personal interview with Dr. A. A. Morgan, Sr.; The Chattanooga News, July 18, 1925, p. 1.

¹²⁶The Chattanooga Daily Times, July 19, 1925, p. 1.

¹²⁷The Chattanooga News, July 18, 1925, p. 1.

and Haggard dealt with Judge Raulston, pleading with him not to be harsh with Darrow.¹²⁸

On Monday, the seventh day of the trial, Darrow was cited for contempt. He apologized and the judge, in Christ's name, forgave him. Years later, he still wondered if this was not his greatest mistake in the case. He is reported to have said prior to his passing: "I don't now whether I made a mistake in not putting Clarence Darrow in jail for contempt. I don't guess I did. I hope not."¹²⁹

Since the testimony of the scientists was not to be admitted, the case was at a standstill. Evidence of the guilt of the accused had been presented, and no defense had yet been offered. The newspapers had hinted that Darrow might call Bryan to the stand,¹³⁰ and this happened in the dying hours of the trial. Attorneys for the prosecution were upon their feet in vigorous protest against this irregularity, but Mr. Bryan stated that he would gladly defend his faith in a cross-examination, provided he would have the privilege in return of subjecting his opponents to a similar experience. The promise was given, and the final bizarre scene was enacted.¹³¹

Using as his basis the doubts he had early gleaned from the writings of Ingersoll, Darrow set out to make Bryan look ridiculous.

¹²⁸Personal interview with Judge Sue Hicks.

¹²⁹Kenyon, "That Famous Monkey Trial," 14.

¹³⁰The Chattanooga Daily Times, July 20, 1959, p. 1.

¹³¹World's Most Famous Trial, 284.

He appeared to be interested mainly in exposing Bryan's beliefs about the Bible even though it was already understood by all that Bryan was a strict literalist. Bryan was an old hand at repartee, and the wrangle continued until both men were angry and frustrated. Finally, even Judge Raulston was convinced that nothing was happening which would reflect credit upon him, and the affair was stopped.¹³²

The next morning His Honor ruled that the testimony be expunged from the record.¹³³ This again gave the defense a tremendous propaganda advantage, for they would not now have to face the keen questioning of Bryan who was prepared to expose the bias of his opponents.

Bryan was also prevented from delivering his final speech when Darrow asked the judge to instruct the jury to return a verdict of guilty. The judge did so and later fined Scopes the minimum fine of \$100.00.¹³⁴ The decision was later upheld in a state court although the fine was remanded.¹³⁵

A sad anticlimax was provided to the trial when Mr. Bryan passed away at Dayton on the Sunday following the trial. He had gone to a doctor in Chattanooga for an examination after the trial, and had been warned of a heart condition. It was recommended to him that he refrain from speaking for a time.¹³⁶ However, he had promised Tom Stewart that

¹³²Ibid., 285 ff.

¹³³Ibid., 305.

¹³⁴Ibid., 306.

¹³⁵Kenyon, "That Famous Monkey Trial," 25.

¹³⁶The Chattanooga Daily Times, July 27, 1925, p. 1.

he would speak at the fair at Winchester, and on Saturday he fulfilled this promise.

It was unreasonably hot, but Mr. Bryan did not spare himself in the effort. An observer stated:

. . . For more than two hours he stood and talked under a broiling hot sun - he stripped off his shirt and finished his address in his undershirt - then spent the evening in Chattanooga correcting the proofs of his undelivered defense of the Tennessee anti-evolution law.¹³⁷

In spite of the word of his enemies, Bryan did not eat an unusually large meal, nor die of the effects of over-eating.¹³⁸ He passed away as he would have wanted to, in the press and strain of his labors.

A memorial service was held for him in the local Methodist Church (South), and the body was taken to Washington where the burial, at Mrs. Bryan's request, was held in the Arlington Memorial Cemetery. A few local citizens who accompanied the family were awe-stricken when they saw the thousands who gathered along the way, even at stations where no stop was scheduled. Flowers were held aloft in his memory, and flags were flown at half-mast.¹³⁹

The trial of John Thomas Scopes was now history. Would that history add anything to the stature of Dayton as the years passed?

¹³⁷The Nashville Tennessean, June 18, 1950, p. 24. For a transcript of this speech see Frank A. Pattie, ed., "The Last Speech of William Jennings Bryan," Tennessee Historical Quarterly, VI (March-December, 1947), 265-283.

¹³⁸The Chattanooga Daily Times, July 27, 1925, p. 1.

¹³⁹Ibid.

CHAPTER V

"WATCH US GROW"

One fact relating to the Scopes case at Dayton which will not be disputed by anyone is that prosperity smiled upon the village all the while the excitement lasted. The two hundred newsmen, most of whom were on unlimited expense accounts, spent money freely and tipped generously. Other visitors, who were spending their own money, were still good customers and swelled the receipts where food and lodging were sold. Other businesses multiplied also, due to the vast increase in traffic.

The dining room at the Aqua Hotel served 6000 meals during the ten days the court was in session. The seats were filled continuously during serving hours and, as the guests would leave the tables, Evelyn Parnell would unhook the screen door at the entrance and admit others, taking their tickets as they entered. All in all, the Aqua netted \$3500.00 during those days.¹

Next to the hotel business, the taxi trade proved to be most remunerative. The Smith Brothers Garage had five vehicles in almost continuous service, and could have used more. One of their most unusual "fares" during the trial was Joe Mendi, the trained chimpanzee. The keeper of this famous vaudeville personality delighted to ride him about town in an open car, and paid well for the service.

The Smiths' profit of around \$4200.00 during the entire period

¹Personal interview, May 23, 1959, with Mrs. Evelyn Bullington.

of the excitement enabled them to purchase a large building which has served as headquarters for their automobile parts business ever since 1925.²

Although his was just a one-man, one-car operation, Franklin A. (Stumpy) Reed nevertheless made it pay quite handsomely. His 1924 Dodge touring car was commandeered for seven hours each day by a motion picture cameraman who paid him \$75.00 per day for the service. This left Stumpy seventeen hours in which to make a living, and he used all of it. He rarely left the cab during the money shower, but caught his naps while waiting for a client--for a fee.³

One newsman who sped to Dayton just to get two pictures placed himself in Reed's charge with the instruction that time was of the essence. The first picture, one of the church the Rev. Mr. Byrd had left, was not hard to get, but the second was supposed to be of the defendant, Scopes, and this ordinarily was a difficult assignment.

But the taximan drove as close as he could to the "Blue Hole" where Scopes was swimming, posted the photographer in the lee of a great rock, and called Johnny out on some pretext. When he deposited his passenger once again at the station, he was asked what the fare would be. He thought twenty dollars would be good payment for his driving and assistance, but the visitor insisted that he take seventy-five.

²Personal interview, June 22, 1959, with C. T. Smith.

³Personal interview, June 22, 1959, with Franklin A. Reed.

As he remembers it today, Reed thinks that his fees might have amounted to \$100.00 per day, plus tips. At the close of the trial he sold the Dodge, which had had hard use, and purchased a new Model T for a difference of \$450.00.⁴

But all this flurry of small trade, so eagerly welcomed by the local tradesmen, did not fulfill the larger purpose for which the case had been planned originally. To reach the larger prospect, the one who might be interested in reviving the workings of the Coal and Iron Company, or who might launch some other enterprise at Dayton, an attractive 28-page brochure was prepared and printed by Bill Morgan and Earle Robinson.

The provocative title, "Why Dayton - of All Places," was taken from a full-page article on the trial which appeared in the St. Louis Post-Dispatch.⁵ The contents of the booklet answered the question so raised by telling about the many assets in the area and picturing the factories and businesses located there. To sum it up, the pamphlet said:

Dayton bids for new industries with advantages second to none. Her municipal form of government administers its affairs with a constant eye to conserve investments. Dayton's water and electric lighting systems are municipally owned and are marvels in unique maintenance and service. No community enjoys so low a tax rate. The products of her storehouses of nature furnish her with just about everything she needs and it only remains for the exercise of

⁴Ibid.; after 36 years of taxi-driving, Reed turned in his commercial tags on the day of this interview.

⁵The St. Louis Post-Dispatch, May 31, 1925, p. 1B. The article carries the by-line of Paul Y. Anderson, who was one of the boys who stayed over Morgan's Furniture Store, according to Mr. Whitney Morgan.

man's ingenuity to build the Dayton valley into an empire of astonishing supremacy. Her coal, her iron, her lumber resources have never been estimated. Dayton has all these advantages. Dayton does not theorize in these. They are realities. The only unknown quantity is: How soon will the opportunities that she holds attract enough added energy to extract and transform her treasures into the possessions of life that make for wealth, health and happiness.⁶

But this glowing spark failed to kindle a flame; the world was not reading the brochure, it was reading the headlines. That these boded no good for the town is recalled today by one businessman who says: "It wasn't ninety days until we realized that it was the worst publicity we could get."⁷

Therefore, when the trial folded up, the little town which had endured such a thorough shaking out was also folded up preparatory to being placed upon the shelf.

There was one more area of continued opportunity, however, which had opened to the Daytonians in the course of the trial and which they now proceeded to exploit.

In the midst of the heat and fury of the discussion about the merits of evolution, a rumor had stirred the participants to the effect that Columbia University in New York City might withhold recognition from academic work taken in Tennessee if the law were allowed to stand. When the reporters asked the "hustling druggist" how this would affect

⁶ Andrews Printery, Why Dayton - of all places? (Chattanooga, Andrews Printery, 1925), 19. Enough copies were printed so that Mister Earle could still distribute copies (one to the author) shortly before his death, May 3, 1957.

⁷ Personal interview, June 22, 1959, with Whitney Morgan.

matters locally, he replied, "We'll build our own university."⁸

The echo of this sentiment came in an offer by the successful businessman and realtor, G. F. Washburn, to provide \$10,000.00 for the erection of a Bryan College at Dayton, provided twenty-five others could be found to match his generosity.⁹

The Dayton fathers, never the kind to overlook such leading remarks, pursued the idea. Offers were made of various tracts of land in the vicinity, and one of Mr. Bryan's last worldly chores was the tramping of some of the rugged terrain about Dayton in search of a suitable site for such a school. His sudden death there made the erection of a memorial almost a necessity, and the building of a fundamentalist college seemed appropriate.

Josephus Daniels and other friends of Bryan at Washington, D. C., had in mind the erection of a memorial school there, while others wanted it built in Miami, Florida. A meeting was called in Washington to resolve these differences, and Robinson and Dr. A. C. Broyles went to represent Dayton's claim.

Prior to leaving Dayton, however, Mister Earle gained a commitment from Bryan's widow to the effect that she preferred Dayton as the site. This served to win the day for the Tennesseans, and plans were made accordingly.¹⁰

⁸Personal interview with F. E. Robinson.

⁹The Chattanooga Daily Times, July 17, 1925, p. 16.

¹⁰Personal interview with F. E. Robinson.

Professional fund-raisers were sought to launch and direct campaigns successively in Dayton, Chattanooga, Tennessee, and the nation. Each campaign would pay for the next, and the last would raise a million or more dollars to build a great university.¹¹

Writing to his cousin in Panama, Mr. J. T. Crawford, President of the Dayton Bank and Trust Company, wrote:

The trial, the death of Bryan here and the influx of visitors has kept Dayton on the jump. Bryan had selected the Broyles hill back of the V.C.A. home as a site for his school and would have built a summer home here.

We are going to try to build the school now as a memorial to the Commoner. Will try to raise one million, or two million.

"Watch us grow."¹²

In spite of the high hopes and abundant energy of the Dayton community their plans for a great branching university were thwarted by unforeseen circumstances. The expected assistance from the Bryan estate was not forthcoming because Florida real estate, in which Mr. Bryan had been heavily involved, took a sudden drop in value. Moreover, the scheme which had been chosen for fund-raising was expensive and slow. Initial contributions were consumed in the continuing effort, and the pledges from over the country, when they did come in, were largely worthless due to the economic stress of the depression.

¹¹ Ibid. Robinson was elected president of the William Jennings Bryan Memorial Association and of the William Jennings Bryan University for a total of thirty years.

¹² A card from J. T. Crawford to Mrs. Jennie G. Henry, July 31, 1925. In possession of Mrs. Henry, Dayton, Tennessee.

When the "University" finally opened its doors in 1930, it made use of the structure vacated by the Rhea Central High School upon its moving into a new building in 1928. The laboratory equipment formerly used by Scopes and others was pressed into service in the new venture. At the time it appeared that the school had a great name, but little other than enthusiasm to go with it.¹³

After a number of lean years and considerable struggle, the college was able to present a curriculum and academic standards which won the recognition of the state university. Its building program, enthusiastically conceived, resulted in the erection of a million dollar building and several other buildings, on one of the hills which overlooks Dayton and Chickamauga Lake.

With a student body of about two hundred and fifty, and with a well-qualified faculty of about twenty-five teachers, the institution is doing such acceptable work that it recently was recognized by the State Department of Education for certification of teachers. Its membership in the regional association for accreditation awaits a program which will increase the endowments of the college by approximately \$300,000.00, a type of improvement which is much needed by all schools today.

When one asks the Dayton resident today whether he feels that the Scopes Trial was good or bad for the town, the answer invariably is, "Well, we got Bryan College." But while this is an obvious benefit,

¹³The Dayton Herald, September 18, 1930, p. 1.

it is also possible that an invisible dividend was collected by these people.

It was the evident hope of the Dayton planners that somehow, due to the extensive publicity accompanying the trial, someone, some Peter Donnelson, or Sir Titus Salts, or John D. Rockefeller would recognize the obvious advantages of the Rhea County location and come, almost as an angel, bringing jobs and prosperity in his train. This did not happen, and, possibly, the residents of the little village learned never again to wait for it to happen.

But in 1937, the citizens rolled up their sleeves as they had done in 1913, and started to do something for themselves. Forming the Dayton Improvement Corporation, they reached into their own pockets to make up a fund to build a hosiery mill.

Hearing of their determination, Walter Schroeder, a mill owner at Niota, Tennessee, communicated with a Philadelphia, Pennsylvania, friend, William Forsten, about the prospect, and the two men met the Dayton committee. They matched the local offer dollar for dollar in the building of a plant, and later paid back the original investment. The S. & F. Hosiery Mill has since then put many a dollar into the homes and stores of the town, and has also produced another and larger plant, the Zenith Company, which manufactures seamless hosiery.¹⁴

Again, after the Second World War this process was repeated. Sparked by Frazier Davis, who was ably assisted by the former jurymen,

¹⁴Personal interview, July 7, 1959, with William Forsten.

Jess Goodrich, a corporation was formed to build a foundry. No one in Dayton knew anything about the operation of a foundry, but they knew it employed men, and they needed a plant like that.

Seventy-nine stout souls put up amounts ranging from \$100.00 to \$10,000.00 in order to capitalize the Dayton Foundry and Stove Works.¹⁵ When the plant was built, it was leased to the Hunt Heater Corporation of Nashville, which later took over the building and paid off the investors. In 1957, the facilities were sold to the Suburban Propane Gas Company of New Jersey which expanded it to twice its former capacity for the manufacture of gas appliances.¹⁶

In 1958 the people of Dayton had the opportunity presented once again whereby they might help themselves and they met the challenge. By a vote of 562 to 5, they decided to float a bond issue to build another factory, this time for a paper-box manufacturer. The Old Dominion Box Company of Lynchburg, Virginia, is occupying that plant today, and Daytonians again are saying, "Watch Us Grow."¹⁷

Here are a few of the larger improvements which have been instituted in Dayton only recently:

With the assistance provided under the Hill-Burton Act, a forty-bed, \$600,000.00 hospital was built and dedicated.¹⁸ To secure this

¹⁵Personal interview, July 7, 1959, with Igan L. Hodges. Mr. Hodges was the Secretary and Treasurer of this company.

¹⁶The Dayton Herald, September 19, 1957, p. 1.

¹⁷Ibid., September 25, 1958, p. 1.

¹⁸Ibid., January 30, 1958, pp. 4, 5.

modern, air-conditioned hospital, the town of Dayton spent over \$50,000.00 to extend utilities service to its location.

Within the past two years, twelve new classrooms have been added to the Rhea Central High School facilities, and a new gymnasium has been erected. The Dayton City School also has a new gym.

For improved recreation, a golf course has been laid out, and playgrounds and tennis courts have been provided. The river-front has been renewed completely with the erection of boat docks and restaurant facilities to cope with the new boating craze.

The FCC approved a radio frequency for Dayton in 1957, and WDNT is now a vital part of the community.¹⁹

In the field of transportation, Highway 30W, now passes under the railroad, and a lovely, broad approach leads toward the mountains. A by-pass is being built for Highway 27 which will relieve the congestion of the town's main street. In September, 1959, a bridge was opened over the Watts Bar Dam, providing access to Meigs County.²⁰

The formation of the Middle Tennessee Gas Utility District has brought natural gas to Dayton for the first time. It will supply industrial as well as residential needs for this utility.²¹

These developments, while not phenomenal by some standards, are none the less healthy indications that the people of Dayton are in a measure realizing what they hoped for nearly thirty years ago.

¹⁹Ibid., August 8, 1957, p. 1.

²⁰Ibid., September 20, 1956, p. 1.

²¹Ibid., July 28, 1958, p. 1.

While he was at Dayton, Mr. Bryan once said, "You boys may live to know whether evolution is true or not, but I will not."²² The "boys" are still interested in the answer to this perplexing problem but now, as then, they are also interested in making things hum around Dayton, Tennessee.

²²Personal interview, May 21, 1959, with Judge Sue K. Hicks.

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Personal Interviews

The author of these pages lived in Dayton, Tennessee, for nearly six years, and in that time had many conversations with these witnesses. The dates given for the interviews, for the most part, mark the occasion when the material to be used was reviewed and confirmed.

Mr. E. B. Arnold, a merchant in Dayton at the time of the trial and now.

Walter Bailey, son of W. C. Bailey in whose home Scopes rented a room.

Mrs. Madge Brown, lived in the Gardenhire home where a number of newspapermen stayed.

Mrs. Evelyn (Parnell) Bullington, niece of Rufe Nighbert who was the proprietor of the Aqua Hotel in 1925. She was a member of the Junior Class of which Scopes was the sponsor.

Mrs. Sarah Allison (Morgan) Cate, daughter of Bill Morgan and one time secretary to Walter White.

Darwin Cunningham, kept reporters in his home on the courthouse square.

William Forsten, owner and manager of the S. & F. Hosiery Company.

J. B. Goodrich, one of the men on the jury.

Judge Sue K. Hicks, an attorney for the prosecution.

Elmer Kelly, manager of the Holde and Horst Hosiery Mills at Dayton.

Dr. A. M. Morgan, Sr., a dentist who opened his home to H. L. Mencken and other newsmen.

Mrs. Daisy Morgan, wife of Bill Morgan.

Mr. and Mrs. Luther Morgan, parents of Howard Morgan who was a prosecution witness at the trial. Darrow stayed in their home while at Dayton.

Whitney Morgan, office manager of the Dayton Progressive Club during the trial and brother of Bill Morgan.

Wilfred Nixon, operated a lemonade stand on Main Street during the trial.

Franklin A. (Stumpy) Reed, a local taxi driver.

Thurlow Reed, called the "man biting barber."

Frank Earle Robinson, owner and operator of the drug store "where it all started."

F. R. Rogers, opened his home to Mr. and Mrs. W. J. Bryan and their staff.

C. S. Smith, one of the Smith Brothers who engaged in the taxi business at the time of the trial.

The Rev. A. C. Stribling, pastor of the Cumberland Presbyterian Church at the time of the trial, led in prayer on one of the days of the trial, served as correspondent for the Chattanooga News.

Mrs. George West, a friend of the Raulstons.

Correspondence

William Jennings Bryan to the Hicks Brothers, May 28, 1925. In possession of Judge Sue K. Hicks, Athens, Tennessee.

J. T. Crawford to Mrs. Jennie O. Henry, July 31, 1925. In possession of Mrs. Henry.

Prof. Victor Filmer to the Mayor, Dayton, Tennessee, May 6, 1956. In possession of the author.

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APPENDIX

TABLE I

SELECTED POPULATION STATISTICS FOR RHEA COUNTY, TENNESSEE, 1820-1920^a

Year	Total Population	Total Foreign	Free White	Slave	Free Colored
1820	2,647		2,290	334	23
1830	8,186		7,536	647	3
1840	3,985 ^b		3,580	377	28
1850	4,415		3,951	436	28
1860	4,991	1	4,346	615	30
1870	5,538	9	5,007		531
1880	7,073	29	6,300		773
1890	12,647	195	10,921		1,721
1900	14,318	93	12,440		1,876
1910	15,410	70	14,072		1,316
1920	13,812	39			901

^aSource: United States Census Reports.^bMeigs County was formed out of Rhea in 1836.

TABLE II

SELECTED INDUSTRIAL STATISTICS FOR RHEA COUNTY, TENNESSEE, 1870-1920^a

Year	Establish- ments Reporting	Capital	Employees	Wages	Products
1870	27	\$ 25,950	54	\$ 4,410	\$ 97,100
1880	1	10,000	3	1,000	1,218,372
1890	40	640,604	422	176,097	1,218,372
1900	45	672,703	648	144,510	1,457,361
1910					
1920	41		371	182,105	1,303,391
Dayton only:					
1900	21	621,268	606	134,030	1,332,591

^aSource: United States Census Reports.

TABLE III

DISTRIBUTION OF FARM ACREAGE IN RHEA COUNTY, TENNESSEE, 1860-1920^a

Year	Total Farms	Under Three Acres	3- 10	10- 20	20- 50	50- 100	100- 500	500- 1000	Over 1000
1860	332		12	26	64	88	137	5	
1870	690	2	286	42	117	128	114	1	
1880	592		18	40	98	99	298	31	11
1890	800		30	59	167	179	335	23	7
1900	1,131		83	131	271	268	357	16	5
1910	1,377		141	157	387	314	357	17	4
1920	1,201		58	112	332	304	375	16	4

^aSource: United States Census Reports.

TABLE IV

VALUES OF FARM PROPERTIES AND PRODUCTS IN RHEA COUNTY, TENNESSEE
1860-1920^a

Year	Land, Fences, Buildings	Implements, Machinery	Livestock on Hand	Farm Products
1860	\$1,171,640	\$ 48,872	\$258,249	
1870	996,474	55,036	262,120	\$717,727
1880				
1890	1,807,160	51,510	260,400	282,450
1900	1,479,580	77,650	283,249	432,595
1910	2,651,349	112,815	470,625	
1920	5,566,120	307,902	848,684	

^aSource: United States Census Reports.

TABLE V

EMPLOYMENT IN THE COAL MINES IN RHEA COUNTY, TENNESSEE, 1895-1920^a

Year	Total Workers	Average Days Active	Short Tons	Total Value	Average Price per Ton
1895	165	240	109,817	\$ 76,838	\$.70
1896	314	143	97,490	83,725	.85
1897	325	266	139,072	97,349	.70
1902			201,373	213,985	1.06
1903			225,349	244,930	1.09
1904			204,989	220,007	1.07
1905		233	242,786	275,163	1.13
1906			267,870	319,892	1.20
1910	262	286	148,896	208,976	1.40
1912	192	258	135,204	159,312	1.18
1913	221	183	107,179	113,704	1.06
1914	77	94	44,126	46,393	1.05
1919			80,877	181,256	2.30
1920	117	205	59,596	230,913	5.48

^aSource: State of Tennessee, Reports of the Bureau of Labor, Statistics and Mines for the respective years.

TABLE VI

SELECTED STATISTICS FOR THE PIG IRON INDUSTRY IN RHEA COUNTY,
1905-1914^a

Year	Employees	Days Worked	Pig Iron Produced (long tons)	Yield, Per Cent of Treated Ore
1905	275	365	50,067	40.46
1910	180	361	51,248	40.50
1911	160	350	60,712	33.04
1912	160	356	68,978	40.18
1913	160	201	36,052	36.43
1914	none	none	none	

^aSource: State of Tennessee, Annual Reports of the Mining Department for the years mentioned.

TABLE VII

SELECTED STATISTICS ON FRUIT GROWING IN RHEA COUNTY, TENNESSEE,
1890-1920a

Year	Apples		Peaches		Strawberries	
	Trees	Bushels	Trees	Bushels	Acres	Quarts
1890	61,837	38,580	64,692	37,030		
1900	102,655	28,302	82,123	60	1,067	1,137,330
1910	59,254	22,131	67,458	24,156	2,399	3,145,218
1920	61,091	13,479	51,069	24,563	2,751	3,692,498

^aSource: United States Census Reports.