Chapter 3: Science Class – Scopes Monkey Trial (1925)

“Um, neither, sir. I was just attempting to calm and center myself before continuing. I just find it odd that you seem to delight in using the Rock of Ages quote with determined authority, yet you are neither aware of who said it and in what context, nor the public humiliation this person underwent for his fundamentalist beliefs three years later.”

“By all means, Mr. Spicoli, enlighten the class as to the circumstances of that noble quote,” Mr. Vargas said, turning the discussion over to Jeff.

“Mmmkay,” Jeff began, “it was the defender of the Christian faith, William Jennings Bryan, who said this in a speech against evolution before a crowd of evangelicals at the Hippodrome in New York in 1922. By 1925 he was exposed as a closed-minded fool during the Scopes monkey trial.”

“Aha, Mr. Spicoli, that’s where you’re wrong. You’re not as smart as you think you are, after all. Bryan won the trial and Scopes was found guilty, a vindication for the Christian faithful against Godless science. You might want to check your facts,” Mr. Vargas said, smugly.

“Forgive me if I respectfully disagree, Mr. Vargas. I have here an essay on the trial that I wrote for my law class tomorrow, and I think it is you that might need to check your facts.”

“How dare you, you little—”

But Jeff cut him off and continued, “First of all, the trial judge—who was also a lay Methodist minister, a blatant conflict of interest if ever there was one—was so shamefully biased against the defense that he demonstrated his contempt towards them by reading the entire first chapter of Genesis during the Grand Jury hearing. The judge also opened each court session with a prayer, which the defense finally objected to on day three of the trial on the grounds that this biased display against the defendant was adding to an already hostile atmosphere within the evangelical community.”

“You think the judge should have been excused, just because he was a religious man?” Mr. Vargas challenged.

“Oh, of course, he should never have been allowed to hear this case. Any competent lawyer in today’s more secular society would have easily gotten a judge so overtly religious removed from a case that so closely related to the judge’s faith. But this was early twentieth-century rural America and the rules didn’t seem to apply evenly, or fairly, back then. Even on appeal the justices were obviously influenced by their Christianity and overruled the legitimate challenges to blatant violations of the Bill of Rights. This was definitely not the most impartial moment in the history of American jurisprudence if a judge’s personal theological views can so easily sway their legal opinions in order to subvert the Constitution in such a transparent manner.”

“So, you are saying God has no place in the courtroom?”

“Justice is supposed to be blind.” Like you and every other creationist, Jeff thought to himself.

“God enlightens the minds of men and provides the proper direction with his spirit. It would, therefore, have been just and proper for the judge to seek heavenly counsel in such matters.”

“If you say so,” Jeff replied, barely concealing his contempt for the total ignorance of American law Mr. Vargas was demonstrating. “Okay, so then let me disregard the judge’s character and focus purely on the legal issues. The judge refused to allow expert defense witnesses to testify and he instructed the jury to disregard the issue of whether the unconstitutional law that had been broken even had merit or not, but only to consider the violation of it by Mr. Scopes teaching evolution to his class.”

Jeff quickly scanned his essay for the right paragraph and then continued, “The law in question, known as the Butler Act, was a Tennessee statute which made it unlawful for any teacher in a publicly funded school ‘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.’ The fact that this state law was unconstitutional—it was hopelessly one-sided in favor of Judeo-Christian theology and was in violation of the principles of freedom of religion guaranteed in the U.S. Constitution—was conveniently ignored.

“Presumably, the judge did not declare the law unconstitutional, because in his mind the constitutional issue was a matter for the legislative branch and not the courts. That opinion would have been rather silly given that it ignored and set aside over one hundred years of the precedent of Judicial Review, which granted exactly this power to judges in the systems of checks and balances. The judge did have the right to declare the law unconstitutional and dismiss the case, but he wanted the national publicity the trial brought to him. He was also itching for a showdown with this uppity science teacher for daring to defy this biblically inspired legal mandate, and so he pushed the case through to trial. The jury was left with only one option, to vote guilty on a technical violation of the Butler Act. Ultimately, the conviction was set aside on appeal due to a technicality in the state Supreme Court. The judge, exceeding his authority—possibly in his Christian zeal to persecute Mr. Scopes—took it upon himself to set the fine over what he was legally allowed to impose, as he should have left it for the jury to decide.”

“Mr. Spicoli, you have failed to prove anything. Scopes was found guilty of teaching evolution, thereby winning a victory for creationism in the American legal system,” Mr. Vargas gloated naively.

“The state lost in the end,” Jeff rebutted.

“The state lost only on a minor technicality. He was still found guilty of violating the law . . . and God’s scripture,” Mr. Vargas added as an afterthought.

“It was a violation of an unconstitutional law, and one that was only repealed in 1967.”

Mr. Vargas sputtered in a dismissive tone, “U.S. law no longer applies here in the Christian States, nor is it infallible.”

“Unlike the Bible.”

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“Exactly, Mr. Spicoli, exactly.”

“So, the fact that the trial and appellate court judges, who were blatantly prejudicial in choosing to ignore the First Amendment by illegally favoring Judeo-Christian dogma, made a mockery of the U.S. justice system is okay with you?”

“My poor, misguided boy. When it comes to upholding God’s laws, the law of man is insignificant and should be set aside by any and all means necessary,” Mr. Vargas answered, with an air of condescending righteousness.

Holy crap, Jeff thought. This guy is one of those Christian Right loudmouths who rant and rage against fundamentalist Islamic regimes who want exactly the same thing with Sharia law. The power of human will to overlook its own hypocrisy, deceive and fool itself, never ceases to amaze.

“I believe you also mentioned something about Mr. Bryan being discredited during the trial. How can that be, given that Bryan won?” Mr. Vargas inquired.

“When the trial judge unfairly refused to let the defense witnesses be heard, Clarence Darrow, one of the defense lawyers, cunningly called the prosecuting attorney, Bryan, to the stand instead. Under examination, Darrow ran circles around Bryan by forcing him to admit, under oath, that the world had to be far older than biblical chronology states. Bryan also revealed that he was ignorant of many other issues regarding biblical canon, like his lack of knowledge of other cultures, their stories, and their impacts on the origins of the Bible. I shouldn’t have to point out that such an admission about the biblical chronology being wrong would contradict the literalist and inerrant stance of fundamentalists.”

“You always have to be the know-it-all, Mr. Spicoli. Where is your proof for such arrogant claims?”

“I have direct quotes in my essay from the trial transcripts of the Darrow/Bryan exchange,” Jeff said waving his paper in the air. “Darrow went so far as to ridicule Bryan saying, ‘You insult every man of science and learning in the world because he does not believe in your fool religion.’ The back and forth condemnations between the two opposing camps escalated with Bryan claiming the defense’s only goal was to ridicule people who believed in the Bible. In reply, Darrow shot back with, ‘We have the purpose of preventing bigots and ignoramuses from controlling the education of the United States.’” Just like they do here in the C.S.A. Jeff thought to himself, as he wisely chose not to voice that unpopular truth.

“Further on in the examination, Bryan claimed that ‘the only purpose Mr. Darrow has is to slur at the Bible, but . . . I want the world to know that this man, who does not believe in a God, is trying to use a court in Tennessee—’ Darrow then cut him off and fired back: ‘I object to that . . . I object to your statement. I am exempting you on your fool ideas that no intelligent Christian on Earth believes.’”

“We here in the Christian States believe it, and I believe it,” Mr. Vargas declared sincerely. The operative word was intelligent Christian Jeff stopped himself from saying just in time. “Are you trying to imply that we are all fools, bigots, and ignoramuses?” he pressed on.

Jeff, knowing better than to answer truthfully, kept his mouth shut and let Mr. Vargas continue. “The trial was a victory for Christians against evolution and you have done nothing to demonstrate that Bryan was anything other than a voice of reason and light whose reputation has been unfairly tarnished by the secular forces of evil in the liberal media, of which you are obviously a complicit dupe swayed by their false propaganda. The Scopes case is a perfect example of the increasingly liberal intellectual hostility towards our cherished, traditional Christian beliefs. A hostility that still resonates as recently as the 2005 Dover, Pennsylvania school board evolution trial amply demonstrated, and which prompted the good Pastor Mummert to speak out about yet another round of secular attacks by the intelligent, educated segment of our culture,” Mr. Vargas stated with all the conviction he could muster, completely oblivious to the irony of the statement.

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