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Law Day 1998

University of Georgia School of Law

Ronald L. Carlson

University of Georgia School of Law

Edward J. Larson

University of Georgia School of Law

Thomas A. Eaton

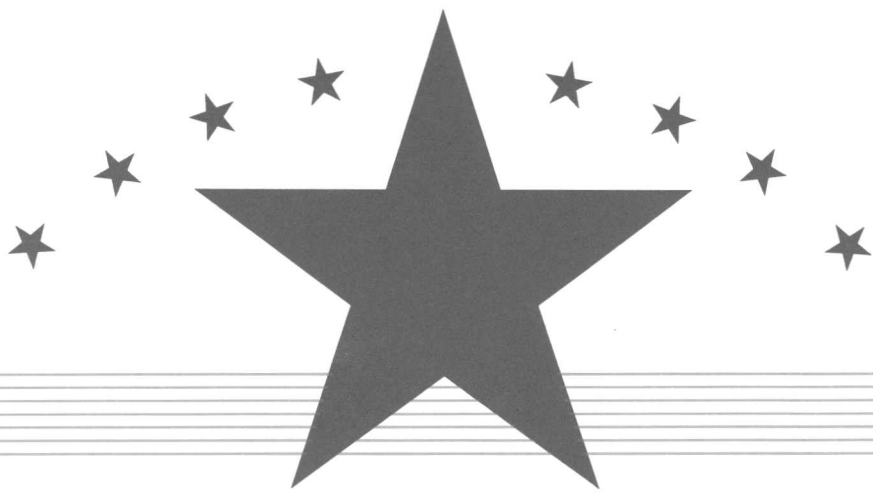
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University of Georgia School of Law; Carlson, Ronald L.; Larson, Edward J.; and Eaton, Thomas A., "Law Day 1998" (1998). *Law Day Lectures*. 8.

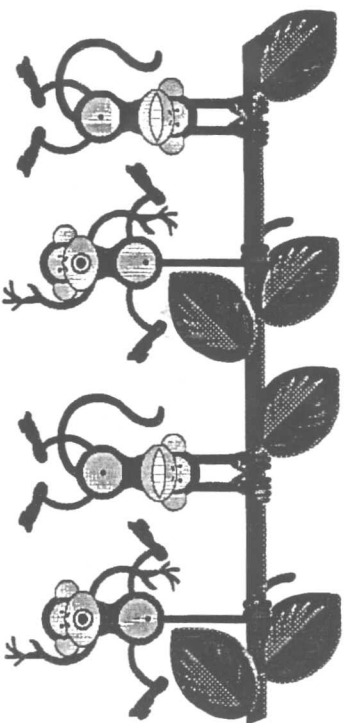
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LAW DAY UGA





THE SCOPES "MONKEY" TRIAL

(Note: Introductory and summary remarks for the program will be given by Ed Larson, Professor of History and Law and author of *Summer for the Gods*. Commentary during the re-enactment will be provided by Callaway Professor of Law Ronald L. Carlson, a leading authority on trial practice and evidence and Legal Aid Clinic Assistant Director Jo Carol Nessel-Sale.)

In the spring of 1925, Tennessee passed a law prohibiting teachers in state-supported schools and colleges from teaching Darwin's theory of human evolution. The American Civil Liberties Union ran ads in newspapers asking for someone to step forward and challenge the law. Several businessmen in Dayton, Tennessee, seeing an opportunity to generate business for their community, convinced John Thomas Scopes, an unassuming twenty-five year old high school football coach, to test the law. The result was a trial of mythic proportions after William Jennings Bryan, famed politician, orator and fervent fundamentalist, joined the prosecution and Clarence Darrow, celebrated lawyer and avowed agnostic, volunteered his services for the defense.

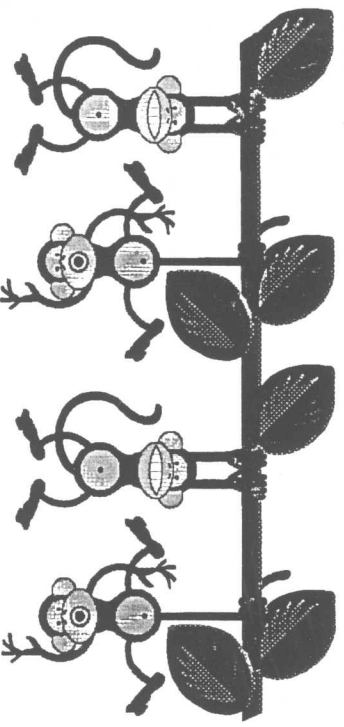
During the sweltering summer of 1925, Dayton became the lightning rod for the country's most historic legal battle and contentious drama: the Scopes trial and the debate over science, religion, and their place in public education. Live radio broadcasts and "play-by-play" newspaper coverage of the "monkey" trial captured the nation's attention for ten days during July 1925.

The trial attracted standing-room-only crowds to the Rhea County courthouse's second-floor courtroom. The courtroom had no air-conditioning or ceiling fans, and the weather was record-breaking with

relentless 100 degree days. After the first week, Judge Raulston had to move the trial outdoors because the beams supporting the second floor of the courthouse had buckled due to the weight of the over-capacity crowds.

After the court excluded testimony from the team of scientific expert witnesses brought to Dayton by the defense in support of evolutionary teaching, Clarence Darrow employed a historic courtroom tactic - - he called Bryan, as an expert witness on the Bible in an effort to expose inconsistencies in fundamentalist thinking. The judge permitted Bryan to testify even though it had little or nothing to do about Scopes' guilt or innocence. It took the jury nine minutes to convict Scopes for violating state law, and the Judge fined him \$100.

Five days after the trial concluded, Bryan, a diabetic, died in his sleep while taking a nap after consuming a large lunch. Darrow appealed the Scopes ruling, and in 1927, the Tennessee Supreme Court overturned the ruling based on a legal technicality (the jury, not the judge, should have set the fine amount). Although offered a renewed teaching contract, Scopes never taught school again. Instead, he went to graduate school and became a geologist.



The Law Day '98 program is an adaptation of the Frank Chapin play *Destiny in Dayton* with editing and script condensation by Marie Bruce, a third-year UGA law student. The program is produced by special arrangements with Frank Chapin and Bryan College in Dayton, Tennessee.

UGA LAW DAY

April 3, 1998

2:30 - 4:30 p.m.

The University of Georgia Chapel, Athens, Georgia

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

A re-enactment of portions of the historic 1925 Scopes "monkey" trial presented by members of the Mock Trial & Moot Court Programs

WELCOME Edward D. Spurgeon
Dean, School of Law

INTRODUCTION Ronald L. Carlson
Fuller E. Callaway Professor of Law

OPENING REMARKS Edward J. Larson
Professor of History and Law
and author of *Summer for the Gods*

COMMENTARY DURING SCOPES TRIAL Ronald L. Carlson
Fuller E. Callaway Professor of Law
. Jo Carol Nessel-Sale
Legal Aid Clinic Assistant Director

SCOPES TRIAL

JUDGE J. T. RAULSTON Thomas A. Eaton
J. Alton Hosch Professor of Law

LAWYERS State

Attorney General Stewart Cameron W. Fogle (third-year student)
William Jennings Bryan Joshua C. Bell (third-year student)

Defense

Clarence Darrow Preston W. Smith (third-year student)
Sarah Neal Leslie S. Pickett (third-year student)

DEFENDANT

John T. Scopes Patrick D. Conner (third-year student)

WITNESSES

F. E. Robinson Sean C. Rogers (third-year student)
(Dayton Shopkeeper & School Board Member)
Hazel Morgan F. Valerie Rusk (second-year student)
(High School Student)

Prosecution Rests

WITNESSES

Maynard Metcalf Robert D. Alexander (second-year student)
(Scientist & Expert Witness)
William Jennings Bryan Joshua C. Bell (third-year student)

Closing Statements

CLOSING STATEMENT COMMENTARY AND

CONCLUDING TRIAL COMMENTARY Professor Carlson

Jury Returns Verdict

CONCLUDING REMARKS Professor Larson

ACKNOWLEDGEMENTS Professor Carlson