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**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC Rhea County Courthouse

AND/OR COMMON Rhea County Courthouse

2 LOCATION

STREET & NUMBER Market Street between Second and Third Avenues
---NOT FOR PUBLICATION

CITY, TOWN Dayton VICINITY OF CONGRESSIONAL DISTRICT 3

STATE Tennessee CODE 47 COUNTY Rhea CODE 143

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE
<input type="checkbox"/> DISTRICT	<input checked="" type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE <input type="checkbox"/> MUSEUM
<input checked="" type="checkbox"/> BUILDING(S)	<input type="checkbox"/> PRIVATE	<input type="checkbox"/> UNOCCUPIED	<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> BOTH	<input type="checkbox"/> WORK IN PROGRESS	<input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> PRIVATE RESIDENCE
<input type="checkbox"/> SITE	PUBLIC ACQUISITION	ACCESSIBLE	<input type="checkbox"/> ENTERTAINMENT <input type="checkbox"/> RELIGIOUS
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input checked="" type="checkbox"/> YES: RESTRICTED	<input checked="" type="checkbox"/> GOVERNMENT <input type="checkbox"/> SCIENTIFIC
	<input type="checkbox"/> BEING CONSIDERED	<input type="checkbox"/> YES: UNRESTRICTED	<input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> TRANSPORTATION
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY <input type="checkbox"/> OTHER

4 OWNER OF PROPERTY

NAME Rhea County Contact: County Judge Dan Wade

STREET & NUMBER Rhea County Courthouse

CITY, TOWN Dayton VICINITY OF STATE Tennessee

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC Rhea County Register's Office

STREET & NUMBER Rhea County Courthouse

CITY, TOWN Dayton STATE Tennessee

6 REPRESENTATION IN EXISTING SURVEYS

TITLE National Register of Historic Places

DATE 1972 FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR SURVEY RECORDS National Register of Historic Places

CITY, TOWN Washington STATE D.C.

7 DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> DETERIORATED	<input type="checkbox"/> UNALTERED	<input checked="" type="checkbox"/> ORIGINAL SITE
<input checked="" type="checkbox"/> GOOD	<input type="checkbox"/> RUINS	<input checked="" type="checkbox"/> ALTERED	<input type="checkbox"/> MOVED DATE _____
<input type="checkbox"/> FAIR	<input type="checkbox"/> UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The red brick Rhea County Courthouse was built in 1890-91 after the county seat was transferred from Washington, Tenn., to Dayton. W. Chamberlin and Company, a Knoxville architectural firm, provided designs for the building, and Chattanooga contractors William Dowling and J. R. Taylor built the rectangular-shaped, hip-roofed structure, which displays an interesting amalgamation of the Romanesque Revival and Italian Villa Styles. Rhea County Courthouse still serves its traditional function of housing county offices, and despite some anachronistic intrusions, the building's exterior is essentially unaltered. Inside, the courthouse has been adapted slightly more for modern use, but the second-floor courtroom, where the Scopes trial was held, looks much as it did in 1925. Since the building has undergone no major program of repair in its nearly 85-year history, some restoration is needed. Funds for this undertaking are expected to come from both local sources and a federal grant. When the work is completed the building will continue to serve its original function, but it may also house a museum interpreting the trial.

The courthouse is situated near the center of Dayton, on a tree-shaded square that is crisscrossed by concrete walks. Measuring 70 feet by 120 feet, the structure consists of a three-story main block, a somewhat larger, two-story rear wing, and two square-shaped towers, one of which stands at the northeast and one at the southeast corner of the front facade. The building sits on a limestone foundation and over a slightly raised basement, the rusticated walls of which are topped by a smooth stone water table. Similarly rendered stringcourses encircle both the main block and rear wing and serve as sills for all windows. Exterior wall corners display decorative brick quoins, and the structure's low-hipped roof exhibits exposed, white-painted, scrolled, wood rafter ends. A single, red brick, interior chimney pierces the western roof slope over the rear wing. The stack is not original.

Of the two towers, the northeast or clock tower is the more impressive. Its flat roof holds brick corner battlements connected by a white-painted wooden latticework balustrade, and in the center is an open, arcaded, octagonal lantern exhibiting a pendant-crested, pyramidal-shaped, metal roof. Clock faces embellish the upper portion of the tower walls. An open pavilion occupies the third-floor level of both this tower and the lower, southeast tower. The latter bears a low-hipped roof resting on white-painted rafter ends.

Between the two towers, the third-story of the main block's front facade is expressed as a three-bay-wide, arcaded, open loggia. Here, resting atop the east facade's uppermost stringcourse are three semicircularly-arched openings that alternate with brick piers ornamented by Romanesque Revival-style stone capitals that complement the similarly styled features of the lower tower.

8 SIGNIFICANCE

Related to: POLITICS/GOVERNMENT;
EDUCATION; LAW; RELIGION

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input checked="" type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input checked="" type="checkbox"/> LAW	<input checked="" type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input checked="" type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input checked="" type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input checked="" type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
	<input type="checkbox"/> INVENTION			

Architect: W. Chamberlin

Builders: William Dowling and
J. R. Taylor

SPECIFIC DATES 1925 (1920's)

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

In 1925 the Rhea County Courthouse became a focal point of world attention. From July 10 to 21 the building was the scene of the controversial and widely-publicized trial of young John Thomas Scopes for teaching Darwin's theory of evolution in a Dayton public school. Originally planned as a test case to challenge the validity of the 1925 Tennessee statute prohibiting the teaching of Darwinism, the Scopes "Monkey Trial" in actuality represented what historian Ray Ginger has described as "the collision of massive social forces."¹ According to theological historian Norman F. Furniss, the Scopes trial was the "climax of the fundamentalist controversy, that acrimonious dispute over evolution in science and modernism in theology which had risen after the first World War."² John T. Scopes himself played only a negligible role in the dramatic trial and its surrounding events; in reality, it was a battle of wits between two great lawyers--William Jennings Bryan, who took charge of the prosecution, and Clarence Darrow, who represented the defense. Reverberations from the trial and the accompanying clash of social, intellectual, religious, and philosophical trends and beliefs that it symbolized still resound today.

Built in 1890-91, Rhea County Courthouse is a rectangular-shaped, red-brick, hip-roofed structure of Romanesque Revival-Italian Villa Style. It still serves its traditional function as a government facility and despite a few anachronistic additions, is structurally unaltered. The upstairs courtroom, where most of the trial was held, appears much as it did in 1925, and the north lawn of the courthouse square, which served as the scene of a portion of the trial, retains its 1925 aspect as well.

History

In the early 1920's the basic tenets of religious fundamentalists faced challenges from many sides, and in response these individuals sometimes tried to repress ideas that seemed hostile to their more ortho-

1

Ray Ginger, Six Days or Forever? Tennessee v. John Thomas Scopes (Boston, 1958), 1.

2

Norman F. Furniss, The Fundamentalist Controversy, 1918-1931 (New Haven, 1954), 3.

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Coletta, Paolo E., William Jennings Bryan: Political Puritan, 1915-1925
(Lincoln: University of Nebraska Press, 1969).

Furniss, Norman F., The Fundamentalist Controversy, 1918-1931 (New Haven: Yale University Press, 1954). (cont.)

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY circa 3.7 acres.
UTM REFERENCES

A	1,6	68,024,0	392,962,0	B	1,6	68,032,0	392,956,0
	ZONE	EASTING	NORTHING		ZONE	EASTING	NORTHING
C	1,6	68,026,0	392,946,0	D	1,6	68,018,0	392,954,0
	ZONE	EASTING	NORTHING		ZONE	EASTING	NORTHING

VERBAL BOUNDARY DESCRIPTION

The boundary of the nominated property coincides with the boundaries of the Rhea County Courthouse square situated on Market Street between Second and Third Avenues in Dayton, Rhea County, Tennessee.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
STATE	CODE	COUNTY	CODE

11 FORM PREPARED BY

NAME / TITLE

Mary Jane Gregory, Assistant Editor; with
George R. Adams, Managing Editor.

ORGANIZATION

American Association for State and Local History

DATE

March 1976

STREET & NUMBER

1400 Eighth Avenue South

TELEPHONE

615-242-5583

CITY OR TOWN

Nashville

STATE

Tennessee

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE

LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

FEDERAL REPRESENTATIVE SIGNATURE

TITLE

DATE

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I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE

DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION
ATTEST:

DATE

KEEPER OF THE NATIONAL REGISTER

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Sheltering the main entrance is an arcaded, one-story, brick porch that graces the first-floor level of the central block's east or front facade. Composed of two front and two side brick semicircular arches on brick piers, the porch carries a low-hipped roof and sits on a raised limestone foundation. Underneath is a basement entrance. Access to the porch is via two sets of curving steps, one at each end (north and south) of the porch.

Windows in the courthouse are either semicircularly arched or rectangular, and most reveal white-painted woodwork. Semicircularly arched windows are capped by similar arches of radiating brick voussoirs, whereas rectangular openings are topped by flat arches of brick voussoirs. Most first-story windows are semicircularly arched, double openings of two-over-one sashes, and each pair is topped by a boldly projecting, semicircular relief of radiating brick voussoirs. Other first-story windows are single, semicircularly arched openings. Second-story windows of the main block and towers are rectangular and either sixteen-over-one or one-over-one sash. Third-story windows on the north and south sides of the main block are also rectangular. Each facade--south, west, and east--of the upper story of the rear wing is graced by three mullion windows that illuminate the courtroom. Resting on the second-story-level stringcourse, each of these openings consists of two rectangular, sixteen-over-one sash windows separated by a brick mullion and topped by a limestone lintel. Spanning the latter fixture is a semicircular arch of brick voussoirs above a pair of quarter round mullion windows. Each quarter round window has fifteen lights. A few windows in the structure contain air-conditioning units, and three first-story windows have been sealed with brick.

The most glaring alterations to the courthouse exterior are the four modern, aluminum-framed glass entrances, one in each side. Sheltered by the front porch, the main entrance is recessed within a semicircular arch, and consists of rectangular, modern, glass double doors with rectangular transom topped by an original flat arch of radiating brick voussoirs. Side entrance to the main block is provided by two rectangular, transom-topped, glass single doors; one door is in the north facade and one is in the south facade. Each side entrance is accessible from a railed, limestone platform reached by a flight of railed, stone steps. In the rear a brief flight of stone steps rises to another entrance--a rectangular, modern, glass double door topped by a half round transom crowned by a semicircular arch of radiating brick voussoirs.

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Inside, the courthouse has also undergone alterations, but the basic floor plan is retained and many pieces of the original late Victorian furniture remain in use. The first floor is bisected lengthwise by an east-west corridor dominated by a monumental, open-well, one-flight stairway which rises from near the front door to the second floor's central hall. The stairway retains much of its original ornamentation. Near the rear of the main block, the chief corridor is intersected by a shorter, north-south hall that terminates at the courthouse's two side entrances. From the point of intersection, the main corridor continues westward to the rear entrance. On this first floor, the main block is occupied by various county offices, record and storage vaults, and a bathroom. The rear wing contains, in addition to more offices and vaults, a large chancery courtroom. Here, as elsewhere in the building, walls are light-colored plaster and woodwork is black-painted. The original wood flooring remains, but in some areas it has been carpeted or covered with linoleum tiles. Electric conduits detract somewhat from the remaining architectural features, especially in the main hall.

At the top of the stairway, paneled, wooden, double doors lead from the main block's second-floor central hall into the spacious, high-ceilinged, rear-wing circuit courtroom that served as the setting for the Scopes trial. Although structurally unaltered, the courtroom has been in constant use since 1891 and has lapsed into a somewhat shabby appearance. Still, an unmistakable aura of historic presence pervades it. Walls in the room are plaster, with the lower portion painted green and the upper portion painted an off-white. The original wood flooring has been covered with linoleum tiles and the tile ceiling covered with acoustical tiles. Metal air-conditioning ducts, a modern addition, are exposed along the east wall. Most furnishings are original, including the judge's bench (against the north wall), four tables, a black-painted wooden railing around the dais, and seven rows of iron-trimmed wooden spectator chairs. Neither a partition before the judge's bench nor the jury chairs are original. Along the east wall, flanking the entrance, are two paneled, wooden single doors. The one on the left opens into a small, witness room, and the one on the right provides access to a jury room, which also is accessible from the central hall.

At the front (east) end of the second-floor hall is a small waiting room that is separated from the hall by an original, ornamental, wood screen. Remodeled county offices occupy second-floor tower rooms. From the center of the second-floor hall, an original, one-flight, wooden staircase rises to the main block's third floor, which features a central hall flanked by two large, vacant rooms. At the front end of the hall, the arcaded loggia provides access to the open pavilions that occupy this

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level in each tower. From the northeast or clock tower, a stairway originating in the third-floor pavilion climbs to the belfry and a room that houses the clock mechanism.

A detailed, written proposal for the \$100,000 restoration-renovation project indicates that the program will have a triple objective. First, the courthouse will be adapted to meet modern standards of safety and comfort and to continue its traditional function as a governmental facility. Second, the structure, particularly the upstairs courtroom, will be accurately restored in a manner designed to preserve the site's historic integrity. Third, in the basement, which now contains storage space and a boiler room, a museum and audiovisual center will be installed to interpret the Scopes trial for the courthouse's many visitors. Of primary importance in the program is the projected construction of an urgently needed fire-proof vault for the Scopes trial records, which will be made accessible to scholars and researchers.

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Ginger, Ray, "Clarence Seward Darrow," Dictionary of American Biography, Supplement Two (New York: Charles Scribner's Sons, 1958), 141-144.

_____, Six Days or Forever? Tennessee v. John Thomas Scopes (Boston: Beacon Press, 1958).

Hatcher, Joe, "A Monument to Mr. Scopes," The Tennessean, Sunday, March 30, 1975.

Levine, Lawrence W., Defender of the Faith: William Jennings Bryan: The Last Decade, 1915-1925 (New York: Oxford University Press, 1965).

"Master Plan for Rhea County Courthouse." Mimeographed. Rhea County Court. 1974.

Szasz, Ferenc, "William Jennings Bryan, Evolution, and the Fundamentalist-Modernist Controversy," Nebraska History, IVI (Summer 1975), 259-278

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dox dogma. "Fundamentalist pressure," writes historian Lawrence Levine, "was causing officials in a number of states to ban textbooks which included Darwinian theories; the number of college professors and secondary-school teachers who were forced to resign because of their belief in evolution was steadily increasing; and throughout the South and Midwest local school boards were ordering their teachers to ignore the new biological theories."³

A great deal of attention focused on Tennessee, where in January 1925 John Washington Butler, a Baptist member of the Tennessee Legislature, drafted a bill that became the first of a chain of events that resulted in the Scopes trial. Butler proposed that it be illegal for a teacher in any Tennessee-supported 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." Both houses of the Tennessee Legislature approved the bill, which stipulated a fine of \$100 to \$500 for offenders, and Governor Austin Peay signed it into law. In defense of his action, Peay stated that "there is a widespread belief that something is shaking the fundamentals of the country, both in religion and in morals."⁴

Fundamentalist William Jennings Bryan, the lifelong apostle of rural America and the acknowledged leader of the crusade against Darwinism, hailed the bill's enactment by wiring Governor Peay that the Christian parents of Tennessee owed him gratitude for saving their children from the "poisonous influence of an unproven hypotheses."⁵ Bryan claimed that the South had become the leader of the Nation in the defense of Bible Christianity, and that other States North and South would soon follow Tennessee's example. Within the Volunteer State little or no opposition arose to the antievolution statute, and officials made no attempt to enforce it. School curricula and texts went uninvestigated, and public school teachers who wished to teach about Darwin's theories continued to do so.

³ Lawrence Levine, Defender of the Faith: William Jennings Bryan: The Last Decade, 1915-1925 (Oxford, 1965), 324.

⁴ Quoted in Ginger, Six Days or Forever?, 8.

⁵ Quoted in Levine, Defender of the Faith, 327.

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Elsewhere, however, Bryan's prophecy prompted the American Civil Liberties Union to take action. Its leaders perceived that the statute, despite its relative insignificance, was ominous evidence of the huge wave of prohibitory legislation that was engulfing the Nation during the 1920's. Thus, the ACLU announced its decision to contest the statute. Upon hearing of these plans, a small group of Dayton citizens gathered at Robinson's Drugstore to discuss the practicality of staging their own test case. As a result of the discussion, the group, headed by George Rappleyea, a New York mining engineer who opposed the antievolution law, conspired with 24-year-old Dayton science teacher John Thomas Scopes to deliberately violate the Butler Act.

Scopes acted according to plan, and he was arrested on May 7, 1925, for teaching about evolution in his science class. When he was bound over to a grand jury, what had been conceived as more or less a publicity stunt began to generate so much interest that even the planners of the scheme were astonished. Five days after Scopes' arrest the World's Christian Fundamentals Association asked William Jennings Bryan to be their attorney in the trial. Bryan--three-time Democratic nominee for President, Secretary of State during the first Wilson administration, and celebrated Chautauqua orator--had not served as a trial lawyer in 28 years. Nonetheless, he was a fundamentalist spokesman in the clash with modernism, and he enthusiastically prepared to conduct a vigorous court battle against the so-called "dangerous implications" of modern science. It was destined to be his last. To head the defense, the ACLU engaged famous criminal lawyer and self-professed agnostic Clarence Darrow, who came to Dayton fresh from his success in the 1924 Loeb-Leopold murder trial in Chicago. Assisting the defense were Arthur Garfield Hays and Dudley Field Malone, both eminent lawyers.

Meanwhile, under the direction of Judge John T. Raulston, the grand jury avoided the question of the Butler Act's constitutionality and indicted Scopes for breaking the letter of the law. As the July 10 opening for the case of Tennessee v. John Thomas Scopes approached, both the prosecution and the defense busied themselves planning strategies for the ensuing battle. For the prosecution it was only necessary to prove that Scopes had indeed broken the law. The defense could take one of two approaches. It could attempt to prove that the statute was unconstitutional because it ignored the 14th amendment and Bill of Rights and violated a clause in the Tennessee constitution ordering the State to "cherish science and literature." Or, experts--scientists as well as theologians--could be brought in to testify that the theory of evolution was not only true but compatible with the teachings of the Bible.

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By the 10th, Dayton stood firmly in the center of national, even international, attention. Newspapers throughout the country carried stories about the impending trial and its participants, and more than 100 reporters, the most prominent of whom was the Baltimore Sun's acerbic H. L. Mencken, flocked to Dayton. Within a few days more than 10,000 visitors would overrun the streets of the little town, whose native population numbered only about 1,800.

The trial began with the courtroom jammed with spectators who filled the seats, lined the walls, and overflowed into the hall. Judge Raulston, himself a fundamentalist, called upon a minister to open the court session with a prayer, a practice which he continued every day despite protests from Darrow and the defense. Soon it became apparent that the somewhat casual proceedings were "evolving" into what historian Norman Furniss calls "the most bizarre trial of the decade:" a free-for-all in which the crucial issues at stake--academic freedom, science and religion--were occasionally in danger of being altogether forgotten.⁶ The prosecution, legally headed by Attorney General A. T. Stewart, made no effort to secure an unbiased jury, and Judge Raulston ruled the Butler Act constitutional, declaring that it coerced no one and any educator who felt compelled to teach evolution could do so in a private school. Calling some of Scopes' students as witnesses, Stewart asserted that Scopes had taught that man had descended from a lower order of animals. The defense then announced its intention to introduce 15 eminent scientists and clergymen from all sections of the Nation to show that no conflict existed between the Biblical and the scientific accounts of creation. The audience, growing restless in the oppressive heat, had been waiting impatiently for this open battle between fundamentalism and evolution, but Raulston destroyed the spectators' hopes by upholding a State motion to exclude scientific testimony on the grounds that it was not legally necessary. Since Darrow had planned to base his entire case on such testimony, it appeared when court adjourned on Friday, July 17, that the widely-publicized trial was over. H. L. Mencken remarked that nothing remained to be done except for the "formal business of bumping off the defendant."⁷ Some Dayton citizens, already irritated by Mencken columns that referred to them as "yokels" and "hillbillies" formed a committee to invite him to leave town, but he departed before even hearing of their intentions.

⁶ Furniss, The Fundamentalist Controversy, 8.

⁷ Paolo E. Coletta, William Jennings Bryan: Political Puritan, 1915-1925 (Lincoln, 1969), 257.

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When court reconvened on Monday, July 20, Judge Raulston ordered the proceedings moved to the north lawn of the courthouse because of the intense heat and the crowded conditions indoors. Then he dismissed the jury and allowed the scientific experts to read their testimony into the record in the event that the case was subsequently appealed to a higher court. Just when all roads seemed closed to Darrow and his colleagues for the defense, Arthur Garfield Hays rose and asked the venerable Bryan himself to take the witness stand. Hays later insisted that his action came as a surprise to both Darrow and Malone, but historian Ray Ginger claims that Hays' action and the subsequent events were premeditated and even rehearsed by Hays, Darrow, and Malone. At any rate, the defense intended, by questioning Bryan, to reveal to the Nation's fundamentalists the fallacy of their position on evolution. Bryan accepted the challenge and took the witness stand, where he testified for an hour and a half.

Darrow tried to make Bryan acknowledge the existence of errors in the Bible when accepted literally. The crafty defense attorney hoped to force Bryan to admit the allegorical nature of many Biblical stories--including the account in Genesis of the creation of man--and thus, says historian Furniss, make Bryan "convict himself of colossal ignorance."⁸ Emotions were high, words heated, and repartee at times downright ludicrous. For example, after Darrow asked Bryan when the great flood had occurred, Bryan stated that he did not know. Darrow asked, "What do you think?" Bryan responded, "I do not like to think about things I don't think about." Darrow pressed on with, "Do you think about things you do think about?" Bryan: "Well, sometimes."⁹ Attorney General Stewart at one point tried to end the exhibition by asking the defense to state the purpose of the examination, and Bryan accused Darrow and company of having "no other purpose than ridiculing every Christian who believes in the Bible." Darrow countered that he had "the purpose of preventing bigots and ignoramuses from controlling the education of the United States and you know it." To this Bryan responded hotly, "I am simply trying to protect the word of God against the greatest atheist or agnostic in the United States."¹⁰ In the end, though, Bryan was forced to admit that he had undertaken to lead the fight against evolution and modernism without any real background in such essential subjects as comparative religion, ancient

⁸
Furniss, The Fundamentalist Controversy, 5.
⁹
Cited in Ginger, Six Days or Forever?, 169.
¹⁰
Cited in Ginger, Six Days or Forever?, 172.

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history, or philosophy. Eventually, as a result of Stewart's pleas and Bryan's apparent weariness, Judge Raulston adjourned court for the day. As the spectators dispersed Darrow found himself surrounded by admirers offering congratulations, whereas Bryan walked away alone, a tired and defeated man.

On the following day, July 21, the court reconvened inside. After only 9 minutes of deliberation the jury returned the verdict: Scopes was guilty. Judge Raulston fined him \$100. Later, the Tennessee Supreme Court would overrule the conviction on the legal technicality that the jury rather than the judge should have set the fine. On July 26, Bryan died in his sleep. Darrow returned to Chicago, where he resided until his death in 1938. John Thomas Scopes studied geology at the University of Chicago and then went to Louisiana where he pursued a career in the oil industry.

The great trial had little effect on religious views in Dayton, and in the State capital, efforts to repeal the Butler Act met defeat. Still it was obvious that the contest had harmed the fundamentalists' cause. Darrow's clever courtroom tactics made them victims of an enormous amount of adverse publicity and ridicule. On balance, the trial helped check the antievolution movement and aided the cause of academic freedom in America. Oklahoma, the first State to ban Darwinism, repealed its antievolution law in 1925. Virginia revoked its similar measure in 1926, and Florida, Delaware, West Virginia, California, North Dakota, Minnesota, New Hampshire and Maine followed suit in 1927.