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Evolutionary Theory and Two Trials: Scopes and Loeb-Leopold

For many today, the Scopes “Monkey Trial” of 1925 pretty much settled the debate over the theory of evolution, confirming in a court of law that the biblical account of creation contradicts science. Many also mistakenly believe that it was in this trial that William Jennings Bryan, a former Democratic Party candidate for president and former U.S. secretary of state, was exposed as a buffoon, a typical ignorant believer in the biblical account of creation.

We find this narrative in history books and in popular culture. The 1960 movie *Inherit the Wind*, which starred Frederic March as Bryan and Spencer Tracy as the “heroic, but kindly” agnostic Clarence Darrow, is a prime example of altering our understanding of an historical event through a motion picture.

The historical reality differs sharply from the cinematic version of events. Bryan felt so strongly about the theory of evolution and the way it was being taught, and the consequences that he believed it would engender, that he offered his services to the prosecution in the case, a case against a schoolteacher named John T. Scopes, who had been charged with teaching the theory of evolution as a fact, in violation of Tennessee state law.

To understand Bryan’s concerns in context, we need to examine the textbook *A Civic Biology: Presented in Problems*, written by George William Hunter and published in 1914. Perhaps the most widely used high-school biology textbook of its day — required in the Tennessee public schools — Hunter’s biology book was used in Dayton, Tennessee, allegedly by a young teacher, John Scopes. Scopes’ lawyer, Clarence Darrow, was the most famous criminal defense lawyer of the day, a man who had successfully saved two young men from the death penalty only a few months earlier. That case, the Loeb-Leopold case, also involved the teaching of the theory of evolution, along with certain conclusions for society, at the university level.

When Charles Darwin advanced his theory of evolution that all life on earth today had evolved from simpler forms, with modern human beings sharing common ancestry with apes, the average Christian gave it little thought. Certainly, most understood it as contradicting the biblical account of creation, in which two humans — one male and one female — were directly created by God, and had not evolved, and that from this original human pair had come all humans living on earth today. But they reasoned that this was a theory being taught in the universities, and what was taught there did not matter much to the average person who had never set foot on a college campus.



AP Images

Misrepresented: The Scopes “Monkey Trial” took place in the rural town of Dayton, Tennessee, during the summer of 1925. The historical inaccuracies often repeated about it today are many.

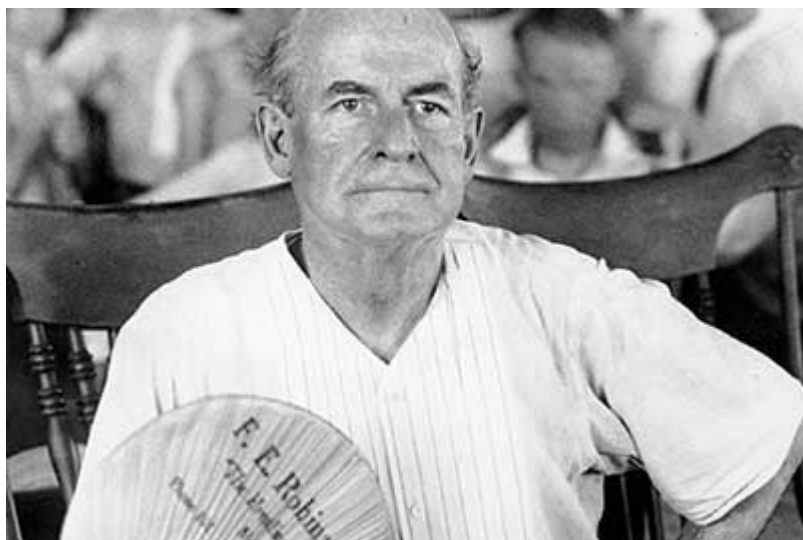


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Of course, we now know that what is taught in the universities *does* matter, as what is taught there will soon be taught in the high schools, the middle schools, and even the elementary schools.

It was when this theory began to be taught in America's public schools to impressionable children that it began to cause alarm. It should be noted that this was taking place during the "Progressive Era," an era in which public schools were seen by progressives as an important avenue to advance their viewpoint. Although American progressives frequently deny it, in the early 20th century, evolutionary racism and eugenics was quite common and was an integral part of the progressive movement.



Foresight: William Jennings Bryan, a three-time Democratic Party nominee for president, offered his services to aid the prosecution of John T. Scopes. Bryan feared that the teachings of some Darwinians could lead to terrible consequences for society. (AP Images)

Hunter's Civic Biology Textbook

Hunter's *Civic Biology* quotes freely the work of Charles Benedict Davenport, a leading biologist of the day and an ardent evolutionist. Hunter presented the theory of evolution as a fact, not just a theory, in his textbook, although the evidence given for it is rather thin. Most of the book is non-controversial, covering such topics as hygiene and disease.

However, the theory of evolution and its implications — or at least what Hunter thought it implied — permeate the book. For example, the student is told, "In the insect communities the welfare of the individual is given up for the best interests of the community. This should teach us, as we come to take our place in society, to be willing to give up our individual pleasure or selfish gain for the good of the community in which we live." Such teaching fits quite well in a socialist society — the type of society that progressives were hoping to build.

Most evolutionists of the day contended that human beings were continuing to evolve, and that some humans were simply further along in evolutionary development than others. Dayton's high-school students were told in *Civic Biology* that "at the present time there exist upon the earth five races or varieties of man," and that "the highest type of all, was the Caucasian, represented by the civilized whiter inhabitants of Europe and America." Hunter added that lower forms of humanity included the Ethiopian type, originating in Africa; the brown people of the Pacific islands; the American Indian; and the Mongoloid race, which included the Eskimos and natives of China and Japan.



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The textbook argued, “If the stock of domesticated animals can be improved, it is not unfair to ask if the health and vigor of the future generations of men and women on the earth might not be improved by applying to them the laws of selection.” In an effort to continue the upward evolutionary advancement that some evolutionists believed humans had reached with the “white race,” Hunter wrote that certain individuals present “handicaps” and should be eliminated or otherwise controlled. It was “criminal,” he contended, to hand down to posterity these handicaps, including “feeble-mindedness.”

Hunter said that studies “have been made on a number of different families in this country, in which mental and moral defects were present in one or both of the original parents,” and then noted a specific case of a young soldier from the Revolutionary War who seduced a feeble-minded girl. The girl then produced a “feeble-minded son.” By his time, Hunter claimed, the number of “feeble-minded” descendants was large. Hunter concluded the story by telling students reading his textbook, “The evidence and the moral speak for themselves,” before continuing:

The cost to society of such families is very severe. Just as animals or plants become parasitic on other plants or animals, these families become parasitic on society. They not only do harm to others by corrupting, stealing, or spreading disease, but they are actually protected and cared for by the state out of public money.... They are true parasites.

Hunter then offered his “remedy,” arguing that “if such people were lower animals, we would probably kill them off to prevent them from spreading.” He admitted that society would not allow such to human beings, so he suggested preventing intermarriage with these handicapped individuals “and the possibilities of perpetuating such a low and degenerate race. Remedies of this sort have been tried successfully in Europe and are now meeting with success in this country.”

One can only speculate as to what Hunter would have advocated had he thought he could have convinced society, and we can only speculate why modern progressives and like-minded evolutionists no longer advocate eugenics, at least not openly.

Bryan, rather than being some sort of illiterate imbecile, was actually quite well-read. He had read Hunter’s textbook and other similar materials and was understandably horrified. He was concerned that the general acceptance of the view that humans were simply animals, and that we could advance even higher up the evolutionary tree by discarding “parasites,” would lead to horrific social consequences. Considering what happened in Germany at the hands of Adolf Hitler and his National Socialists a decade or so after the conclusion of the Scopes trial, one can readily understand his concern. When Bryan heard that Clarence Darrow was taking on the task of defending John Scopes, he quickly offered his legal services to the prosecution. Bryan knew Darrow by reputation and as a fellow Democratic Party activist. Like many other Americans, Bryan had read about the Loeb-Leopold case, in which Darrow had served as defense counsel to two murderers, and the facts of that case fit in well with Hunter’s book.

Loeb and Leopold and Evolutionary Supermen

Nathan Leopold and Richard Loeb were two students at the University of Chicago from wealthy and prominent families, who had kidnapped and murdered a 14-year-old boy, Bobby Franks, in Chicago in May of 1924. Their self-described motive was to demonstrate that they were “Super-Men,” entitled to



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carry out a perfect crime without consequences. Leopold was a child prodigy who had spoken his first words at four months. Not yet 20 years old, he had already completed an undergraduate degree at the University of Chicago, and was planning on enrolling at Harvard Law School in the near future. Loeb was the son of the vice president of Sears, Roebuck and Company. Loeb finished high school at 14, and is still the youngest graduate ever at the University of Michigan, taking his degree at 17. He was planning on attending law school as well, along with Leopold. They had grown up two blocks apart in a very exclusive neighborhood in Chicago.

At the University of Chicago, Leopold had become fascinated with the philosophical theories of Friedrich Nietzsche. Nietzsche, who had boldly pronounced the “death” of God in the late 19th century, had advanced a concept of the “superman” (*Übermensch*, literally “overman”) — an individual who was further along in the evolutionary development than most other humans. According to this theory, such “supermen” possessed superior intellects that allowed them to transcend laws that applied to average humans. And, of course, these two young men, who had grown up in a rather privileged environment, learned much of this theory from professors at the universities, and assumed they were among this evolving species of “supermen.” (The Alfred Hitchcock movie *Rope*, with Jimmy Stewart playing the role of two college boys’ professor, is loosely based on the Loeb-Leopold case).

Leopold wrote a letter to Loeb in which he declared, “A superman is, on account of certain superior qualities inherent in him, exempted from the ordinary laws which govern men. He is not liable for anything he may do.”

Loeb and Leopold began committing various crimes, proving (to themselves) that they were supermen and would not be caught. They committed petty larceny and vandalism, and broke into a fraternity house at the University of Michigan, stealing various items such as a camera and a typewriter. They even committed arson. Still avoiding detection, they decided the time had come to show their superiority over lesser-developed humans by committing murder.

They selected Bobby Franks, Loeb’s second cousin, who was 14 years old. They gave him a ride in their car while the boy was walking home from school, murdered him with a chisel, and dumped his body near Wolf Lake in Indiana. They poured hydrochloric acid on his face to obscure his identity, and even poured acid on his genitals.

Loeb and Leopold believed they had, as supermen, committed the perfect crime, but police found a pair of eyeglasses near Franks’ body. The frames were fitted with an unusual hinge that had been purchased by only three customers in Chicago, one of whom was Leopold. Upon further investigation, the police gathered more evidence implicating the two young men, who eventually confessed to the grisly crime.

Darrow took the case because he knew that the prosecution would seek the death penalty, and Darrow was a strong opponent of capital punishment. While he would be unable to keep the two murderers out of prison, he was able to keep them from getting a death sentence.

In a speech that lasted 12 hours, Darrow pleaded for the judge to spare the two boys’ lives. “Is any blame attached because somebody took Nietzsche’s philosophy seriously and fashioned his life upon it?” Darrow asked. “It is hardly fair to hang a 19-year-old boy for the philosophy that was taught him at the university.” Darrow went on to blame the breakdown in morals in America and Europe on the First World War and the resultant callousness toward killing, telling the judge, “Your honor knows that in this very court, crimes of violence have increased growing out of the war.”



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Darrow even argued that it was worse for the Loeb and Leopold families than it was for the Franks family.

The judge decided — in September 1924 — to give the two “supermen” life in prison, plus 99 years. Loeb was himself murdered in prison, while Leopold was paroled in 1958.

The philosophy espoused in Hunter’s book, along with that which drove Loeb and Leopold to bludgeon a 14-year-old to death, was the result of a view held by many evolutionists of the day — that is, that humans were still evolving, and those who had evolved further were thus superior to those who had not evolved as far. Certainly, not all evolutionists had taken the Darwinian theory to this logical conclusion, and only a few — fortunately — would actually be willing to do what Loeb and Leopold did. But we do know that Hitler and his henchmen did apply the theory to justify the Final Solution a little more than a decade later, as those of the Nazi “master race” considered Jews, Gypsies, and others expendable.

While Bryan could not have predicted the Holocaust in Europe, it is doubtful it would have surprised him. This is why he came to Dayton — to oppose the teaching of atheistic evolution as a proven scientific fact in the Dayton Public Schools.

The Scopes “Monkey Trial”

The defense, financed by the American Civil Liberties Union (ACLU) on “free speech” grounds, consisted of four lawyers, but only Darrow was willing to attack the Bible. Other members of the team simply argued that Scopes should be free to teach the theory of evolution, expressing no inclination to attack the veracity or authority of the Scriptures.

In order to challenge the constitutionality of the Tennessee law against teaching evolution as fact before the Tennessee Supreme Court, the ACLU needed to find a teacher who would break that law, and young Scopes agreed to say that he had, indeed, taught Darwinian evolution in the classroom. Bryan argued that the court was not the place to argue what the law should be. “This is not the place to try to prove that the law ought never to have been passed,” he said. “The place to prove that, or teach that, was to the Legislature.”

The judge, apparently agreeing with Bryan’s reasoning, rightly ruled that testimony from university teachers on the scientific veracity of the theory of evolution was irrelevant. The role of the court, the judge said, was not to judge the scientific value of a theory, but rather to rule on whether Scopes had violated the law. Apparently, Scopes had not violated the law, admitting years later that he was not sure whether he ever mentioned the Darwinian theory of evolution. After all, Scopes, a Yankee from Illinois, was hired to coach football and teach physics and math. He substituted in biology class during the regular teacher’s absence, but he was no biology expert. But Scopes lied so that the law could be challenged in court.

With “scientific evidence” from some college professors ruled out of order, Darrow asked Bryan to take the stand as an “expert” on the Bible. Of course, the judge should have ruled that irrelevant as well, because it really did not matter what Bryan — or Darrow — thought about the Bible. But the judge allowed it, and Bryan consented, on the promise that he could get Darrow on the witness stand the next day.

While Bryan was among the most noted orators in all of American history, Darrow was not about to allow Bryan’s “silver-tongued” oratory to be displayed on the witness stand. Darrow, a crafty trial



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lawyer, would control the line of questioning.

In the movie *Inherit the Wind*, Bryan is portrayed as a sort of babbling buffoon — which, of course, he was not. Instead of asking Bryan questions about the theory of evolution, Darrow demanded answers to questions on just how *literally* to take the Bible. Again, this was irrelevant, but the questioning was allowed.

Under questioning, Bryan refused to speculate as to just how God had made the earth stand still for Joshua. In response to another question, Bryan said he personally did not believe the six days of the creation account in the book of Genesis were six literal, 24-hour days. In the movie distortion, however, Bryan is depicted as responding with incredible specificity, even to the time of day that God created the earth! (October 23, 4004 B.C., at 9:00 a.m.)

Again, in the movie, Darrow asked Bryan about the Bible's evaluation of sex, to which Bryan responded, "It is considered Original Sin." But this is a total fabrication, as Darrow never asked about sex. Darrow also asked about how the snake walked before it was cursed, where Cain got his wife, and how many people lived in Egypt 3,500 years ago. Bryan said the Bible doesn't say, so he did not know.

Skeptics like to play with the word "literal," and Darrow was no exception, asking Bryan, "Do you claim that everything in the Bible should be literally interpreted?"

Bryan responded, "I believe everything in the Bible should be accepted as it is given there; some of the Bible is given illustratively. For instance: 'Ye are the salt of the earth.' I would not insist that man was actually salt, or that he had a flesh of salt, but it is used in the sense of salt saving God's people."

Nietzsche fanboys: Motivated by their belief that they were "supermen" — the next stage of evolution above other humans — Richard Loeb and Nathan Leopold murdered a 14-year-old boy. They were defended by Clarence Darrow about a year before he took on the defense of Scopes. (AP Images)



The movie version, on the other hand, chose not to use the actual words of Darrow or Bryan. Instead, in the movie, Darrow asked Bryan, "You believe that every word written in this book should be taken literally?" and Bryan responded, "Everything in the Bible should be accepted, exactly as it is given there."

Such distortions cannot be accidental.

The next day, Darrow did not testify. Instead of allowing Bryan to grill him, he announced that Scopes'



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plea was being changed from not guilty to guilty, thus closing off any more testimony.

Multiple other distortions permeate the movie. For example, the movie opens with Scopes teaching not out of Hunter's *Civic Biology* textbook, but out of Darwin's *Descent of Man*. This should provide a caution to all moviegoers. Just because something from history is portrayed on the silver screen does not mean that it necessarily happened that way. Even Vladimir Lenin, the first Communist dictator of the Soviet Union, recognized the power of the big screen, and he directed American Communists to work in the industry.

Bryan was not perfect, but he was a devout Christian. He was sincerely concerned about the negative effects upon society of a theory that taught human beings were nothing but animals, even of a higher sort. He also cautioned that the belief that God may have used evolution to "create" humans — a belief known as theistic evolution — would eventually lead to atheistic evolution. He saw theistic evolution as something of an anesthetic to make the Christian not feel any pain "while his religion is removed."

(There are, of course, many examples of Christians who hold on to their faith while simultaneously holding to some form of theistic evolution. However, there are also a number of examples of individuals who moved on from theistic evolution to atheistic evolution.)

During the trial, Bryan was ridiculed for his refusal to accept that a "missing link" between humans and ape-like beings had been found in Nebraska. This "Nebraska Man," as he was called, was based not on some complete fossilized skeleton, but on a single tooth. In an article published in August 1925 that Bryan had written shortly before his death, Bryan discussed the Nebraska Man.

"Someone searching for fossils in a sand hill in Nebraska came upon a lonely tooth," Bryan wrote. "The body of the animal had disappeared; not even a jaw bone survived. Professor [Henry] Osborn summoned a few congenial spirits, nearly as credulous as himself, and they held a post mortem examination on this insignificant tooth. After due deliberation, they announced that the tooth was the long looked-for missing link which the world awaited."

Not long after Bryan's death (suffering from diabetes, he died the Sunday following the Scopes trial), another such tooth was found, only the animal from which the tooth came did not look anything like an ape or a human — or anything in between. The tooth instead belonged to an extinct pig!

William Jennings Bryan has been libeled over the past 100 years as a moron — along with anyone who, like him, expressed concern about the potential social consequences of the belief that human beings are simply animals who have advanced a bit further up the evolutionary tree. While few today are willing to argue that certain "races" are inferior, we still have many who argue for the killing of the unborn. Margaret Sanger, the founder of Planned Parenthood — the largest purveyor of abortion in America today — was an ardent eugenicist and evolutionist. No one should take this as an indictment of all who hold to some theory of evolution, atheistic or theistic, but to ignore the horrific social consequences of this theory should give us pause.



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