

A Review of Gregg Jarrett's New Book:  
*THE TRIAL OF THE CENTURY;*

A MISREPRESENTATION OF THE "SCOPES' MONKEY TRIAL" AFFAIR

Sadly, Gregg Jarrett's new book *The Trial of the Century* seriously misrepresents the whole "Scopes' Monkey Trial" affair and its effect upon modern America; and, it seems to me, constitutes a deliberate, if puzzling, offense to a large part of the Conservative Coalition. A further disappointment is that several well known conservatives have joined with leftists in effusive compliments about the book, presumably based on Mr. Jarrett's prior reputation. Ok, I'm offended and disappointed, but I doubt I'm alone in those feelings. The thesis of the book seems to be that our civil liberties are bestowed by legalisms—case law and precedents, not by Divine "Natural Law" as was the belief of the American Founders. With that as its thesis, the bulk of the book appears to be a mockery of the beliefs of the Founders. If this subject interests you, please join me in my analysis of the book, and the whole affair it is supposed to represent. I make no recommendation about reading the book, I want only to express an alternate view of the book and the true significance of the whole "Monkey Trial" affair for our time.

But first, let me acknowledge that I have not read Jarrett's book about the 1925 trial of a public school teacher (John Scopes) for teaching Darwinian Evolution against Tennessee state law. I studied the "Scopes' Monkey Trial" for myself decades ago as a thirty-something professional geologist pursuing a Master's Degree in Religion and Philosophy. The Scopes' Trial touched upon issues of critical importance to me and I spent many hours in the library on it, often late into the night (that was before online research, and I worked days to support my family). I studied the scientific, religious, and political aspects of the case, not the legal arguments however. And I have been studying them ever since.

What I have to say is in response to Mr. Jarrett's public commentary on it, and to reviews of the Book. That narrow view puts me at somewhat of a credibility disadvantage, but the enormous outpouring of fawning characterizations of the book (many, I suspect, also by people who have not read it), plus Jarrett's misleading public statements give me a pretty good notion of it; and it's a field of red flags.

To place my disagreement with Mr. Jarrett in its current context, I relate it to the increasing tension between what I see as more fiscal and Libertarian secular Conservatives, and Christian Social Conservatives. I place Mr. Jarrett among the former group for several reasons, first among them is his apparent sourcing of American civil liberties in legalism, not Theism, as did our Founders. Of Christian Social Conservatives, I'd say most are more or less of a Fundamentalist bent. I am continually treated to arrogant assertions that the 2024 Presidential election will be about the economy, 'pocket book issues', and petulant complaints that pro-life, pro-family, pro-traditional morality causes are 'costing Republicans elections'. To us (I being among the Christian Social Conservatives) the election is about a lot more than pocket book issues. I won't go into those issues here, it suffices to say there are some 'hills worth dying on' between the camps of all those calling themselves "Conservative". This book only steepens those slopes.

Besides the hackneyed hyperbole of "Trial of the Century" claims for this case, and Jarrett's misplaced hero worship of ACLU attorney Clarence Darrow, the book seems to me more about Jarrett's own wrestling with issues of creation, evolution,

law, and God, and perhaps his future course in journalism. I will risk a guess on Mr. Jarrett's motives for writing this book. Perhaps it is because his, laudable, journalistic ethics have placed him in the position of supporting President Trump's side in the political "witch hunt" of recent years. But, he wishes to disassociate himself from the Christian Fundamentalist faction of Trump supporters. If that is his intention, as far as I am concerned, he has succeeded.

The Left leaning Kirkus Review, cited on Jarrett's website, contains this passage: "*Despite an upbeat conclusion, Jarrett admits that there is less in Darrow's triumph than meets the eye. Disbelief in evolution remains common, so school boards (and publishers anxious to sell them science textbooks) treat the subject with kid gloves.*" I glean from that remark that Jarrett (and his book) is an exponent of Evolutionary doctrine, which makes this attempt to transplant our civil liberties from their religious and philosophical grounding to case law more understandable; but no less foolish. One can claim devotion to the American ideals of liberty without dedication to the underlying theistic belief declared in the Declaration of Independence, but I am skeptical of it.

Back to the Kirkus comment that "there is less in Darrow's triumph than meet's the eye." What triumph? Even Jarrett admits in a publicity blurb that Scopes was convicted, Darrow lost the case. I am no lawyer, but I am pretty sure that legal precedents are not set by the losing side in a case, not in a "triumphal" sense at any rate. So the triumph was purely a public relations triumph; Scopes & Co. lost the battle, but won the popular culture war it seems. In that same blurb, Jarrett makes a camouflaged boast of that PR victory that we will look at later. All I can see in this rehash of the trial is another opportunity to heap scorn on those of us ignorant enough to believe in the foundational tenets of our Republic.

Supporting that suspicion is the fact that as far as I can determine, this prominence of Scopes in the history of our civil liberties is a new discovery by Jarrett. While I'm neither lawyer or historian (you may cry "Three Strikes" on me—haven't read the book, am not a lawyer, and not a historian, but if you stay with me, maybe I can score a few points) I have been studying history for over six decades now. Looking at the books on my own shelves, I pulled out a dozen or so relating to the history of civil liberties in America (books from both the Liberal and Conservative perspectives written by historians, leading and obscure, many also who were attorneys) and failed to find any evidence for the claimed legal prominence of the Scopes affair. I recognize this is far from an exhaustive survey, but it suffices as a representative sample. "The Trial of the Century" and "*Darrow's seminal defense of freedom of speech (that) helped form the legal bedrock on which our civil liberties depend today*" would hardly have escaped their attention if those claims were genuine.

Interestingly, a small book I had completely forgotten turned up in this search, the *Brief of Appellants in the Edwards v Aguillard Supreme Court case* over the Louisiana Balanced Treatment for Creation-Science and Evolution Science Act. In that relatively modern (1985) and extremely thorough treatment (244 citations) of the legal and scientific aspects of the same issue as Scopes, the supposed "Trial of the Century" is referenced only once, with this ironic "...remark by Clarence Darrow, of Scopes trial fame, that it is 'bigotry for public schools to teach only one theory of origins.'"

I'd like us to look a bit more at the Edwards vs. Aguilard case. The people of Louisiana, through their elected officials, passed a law entitled *The Louisiana Balanced Treatment for Creation-Science and Evolution Science Act*, which required...well, balanced treatment of the two contending explanations of human origins (and the origins and validity of all human values). The state (Gov. Edwards) was sued by some 'good guys protecting academic freedom'. Ultimately the United States Supreme Court struck down the Louisiana law allowing the teaching of the philosophical basis of the US Constitution—that man was created by God and endowed with unalienable rights. That should place this little heralded case far above Scopes in influence.

Researching this case online, I read the Court's Opinion, and the Dissent by Justice Anton Scalia, joined by Justice Rehnquist. Swimming manfully through the nauseating billows of legalisms in the Opinion, I came upon one little bit of flotsam from the Scopes' Case; that was the comment, intended as a slur, that this case was a 'successor to the Scopes' Case'. Nothing more.

Plunging into the Dissenting Opinion, I found Justice Scalia confirming my suspicion of the complete misrepresentation of the case law by the Majority. And I managed to salvage this bit of the Justice's Dissenting Conclusion that is intelligible to laymen like myself:

The people of Louisiana, including those who are Christian fundamentalists, are quite entitled, as a secular matter, to have whatever scientific evidence there may be against evolution presented in their schools, just as Mr. Scopes was entitled to present whatever scientific evidence there was for it. Perhaps what the Louisiana Legislature has done is unconstitutional because there is no such evidence, and the scheme they have established will amount to no more than a presentation of the Book of Genesis. But we cannot say that on the evidence before us in this summary judgment context, which includes ample uncontradicted testimony that "creation science" is a body of scientific knowledge, rather than revealed belief. *Infinitely less* can we say (or should we say) that the scientific evidence for evolution is so conclusive that no one could be gullible enough to believe that there is any real scientific evidence to the contrary, so that the legislation's stated purpose must be a lie. Yet that illiberal judgment, that *Scopes-in-reverse*, is ultimately the basis on which the Court's facile rejection of the Louisiana Legislature's purpose must rest.

Scalia put his finger on the crux of the case, the Majority prejudged the case and rendered a forgone opinion. The obvious source of that prejudged opinion is both cultural and political, and had nothing to do with the merits of the case. Therein lies the real legacy of the Scopes' Case, a poisoned well, and a deliberately poisoned well.

Lest we forget what this long-winded dissertation is about, I am attempting to demonstrate that the Scopes' Trial has no influence as a legal precedent. It is, however, an immense cultural monument. Virtually everyone, prior to Jarrett's book understood the terms "successor to Scopes" and "Scopes-in-reverse". It is to the Culture War we must look to find the importance of Scopes, and Jarrett's contribution to it.

Most telling of Jarrett's philosophy, is that nowhere in what I read and heard about Jarrett's book, though I can't say it is not in the book, is there any mention of the role of Jefferson, Adams, Madison and the other founders of American Constitutional freedom. There is no mention of the Declaration of Independence, the foundational document of American government and the philosophical basis of the freedoms guaranteed (not granted) in the Constitution. No mention of the brilliant debates over the Declaration of Independence and the Constitution. No mention of the centuries of struggle for rights for the commoner, the peasant, the serf in England and the European continent. As far as I can see from my limited view, this book is all about the triumph of secularism and modern legalisms disembodied from any source of life. If those foundational discussions are in the book, and not mentioned in the reviews, they are not central to the thesis of the book.

The Amazon sales blurb on the book states: "*Darrow's seminal defense of freedom of speech helped form the legal bedrock on which our civil liberties depend today.*" "Seminal"? One hundred and forty years after the Declaration of Independence? One hundred and thirty four years after the Bill of Rights with its First Amendment to the Constitution: "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances*"? Pardon me while I spit...What utter hypocritical nonsense to claim there was no defense of civil liberties until the ACLU came along. You may be sure if the ACLU is taking credit for our civil liberties, it is a preamble to taking them away. Americans today should ask "What bedrock freedom of speech?"

*We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.*

Remember that? Those "Truths" are the bedrock of our civil liberties, not case law and legal precedents—those are the ephemera of human civilization, so even is the Constitution. The source of our civil liberties is our status as creatures of an omnipotent God; it is the value God places upon each of us that is the basis of our "Natural Rights". And the penultimate guarantor (next to God) of those liberties is a general public recognition of those God given "Natural Rights". That depends upon the Christian faith and worldview (which is why they are under constant attack). The American people did not accept the 1857 Dred Scott Supreme Court decision that Black Africans were not "Men" (human beings) under the Constitution, or Roe v. Wade that declared the Justices' ignorance of whether the life pregnant women carried was human; the people knew better than the great legal minds.

Oh, we take that almost unconscious, cultural attitude for granted, forget from where it comes, abuse it, but still, most of us, most of the time have some respect for the 'Golden Rule'. That is what is meant by America being a Christian Nation, or perhaps having been a Christian nation. That ambiguity of what we are, just now, is why this false, legalistic "bedrock" is eroding away so rapidly. And Jarrett, for whatever reason, is helping the erosion with this rehash of the old Hollywood anti-Christian propaganda film *Inherit the Wind*.

I will return to the 'bedrock' issues later; now I have a few nits to pick with Mr. Jarrett. Some of the book hype grossly misrepresents the origin of the Scopes Trial and the outcome of the trial. In a video ad for the book, Jarrett intones that 'it became a crime to teach the science of evolution in public schools' and Scopes was 'arrested, charged, and tried' as though some natural calamity had overtaken him unawares. Following Jarrett's lead, in an essay "*adapted from Gregg Jarrett's new book*" we are told that "*a polite and amiable substitute biology teacher by the name of John Scopes was arrested and charged under the new statute*".

Another review of the book presents a more accurate picture; "*state laws forbidding public schools from teaching evolution enjoyed a great deal of popular support. Concerned about the effect on academic freedom, the American Civil Liberties Union ran a news release seeking a volunteer to test the newly enacted Tennessee law. The trial took place in the small town of Dayton only because local boosters believed it 'would put [the town] on the map.'* They persuaded high school teacher John Scopes to offer himself as defendant."

So we see an ACLU set-up, like their later use of professional atheist Madalyn Murray O'Hair to attack school prayer, and the bullied and browbeaten "Jane Roe" to strike down state laws outlawing abortion; among their other achievements in protecting 'civil liberties and academic freedom'. Just another case of a few supremely arrogant, wealthy elitists using courts and/or popular media to overturn legislation and the public will in favor of their own agendas; just like they are doing today. The description of Scopes is a bit off too. One dreary night long ago and deep in the stacks of curious and forgotten lore, I ran across a book Scopes had written, and discovered that he had a vicious hatred of fundamental Christianity and a burning desire to 'see it destroyed', which made him a perfect fit for the ACLU.

Despite public perceptions, and despite Darrow's legal shenanigans, Scopes was convicted. The trial was simply about whether or not Scopes had violated Tennessee law. Of course he had, that was the ACLU's plan, to break the law, and then put the law on trial. But Jarrett roundly reviles the judge, 'a fundamentalist intent on convicting Scopes', for keeping the trial somewhat focused on the defendant; "To Darrow's frustration, the judge ruled that the trial was solely to determine whether Scopes broke the law". Good for the judge, we should see more judges trying defendants for what they are charged with rather than their political beliefs. I would have thought all conservatives could agree on that.

Jarrett lauds Darrow as the 'finest trial attorney' ever to grace the world of mortal beings, but to me he's just an early model of the ambulance chasers whose billboarded facsimiles profane the landscape. Celebrity attorney Darrow skillfully maneuvered the aged and exhausted politician, William Jennings Bryan (who died shortly after the trial) into acting as an 'expert witness' on the Bible, then mercilessly exposed his shortcomings on Biblical knowledge to a feeding frenzy of skeptics. It was court-room theatrics totally unrelated to the case at hand. It served no purpose but division and alienation.

Bryan (whom Jarrett, or at least the reviewers of his book, seem uniformly to despise) had been a political force and three time Presidential nominee of the Democrat Party as a reformer and populist "man of the people", but he had made a lot of enemies in his party, especially among north eastern elitists. He had the courage of his convictions to resign as Secretary of State when it became obvious that President Woodrow Wilson was leading the US into WWI; and he was right to

oppose our entry into that war. But he was no scholar on religion or natural science, simply a useful 'straw man', a foil for a ruthless partisan attorney and a viciously anti-Christian media.

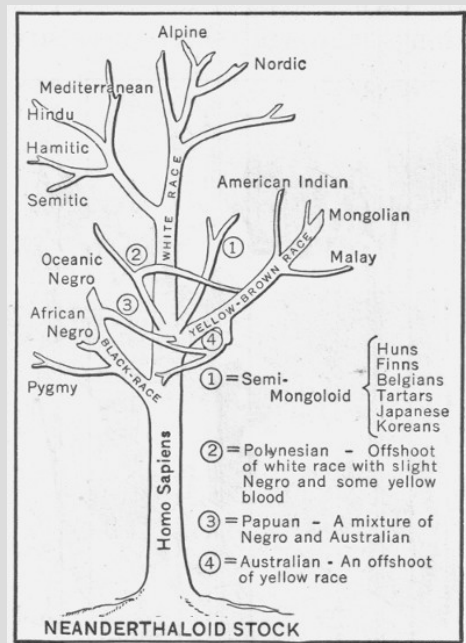
One review characterized *The Trial of the Century* thusly: "Fox News commentator Jarrett's account of the iconic 1925 Scopes Monkey Trial turns out to be a satisfying traditional history that celebrates the good guys." I can't help wondering who were these "good guys"? Darrow and Scopes, neither of whom I would characterize as "good guys", who collaborated to foil the Tennessee legislature and the will of parents for their children's education? If we want to see evidence of Darwinian Evolution in action simply look at the CRT, gender identity, sexual grooming, and climate change child abuse forced upon us by today's "good guys" whose super powers evolved from the 'triumph' of the Scopes' Trial.

Perhaps H. L. Mencken, the mob leading 'journalist' whose twisted, over-the-top reporting helped create the "circus" atmosphere of the trial was one of those "good guys"? Mencken was a notoriously outspoken racist and open opponent of democracy, but for his treatment of the Scopes Trial all was forgiven. If Donald Trump had called a genuine racist like Mencken a "good guy" all hell (again) would be loosed upon him, only deservedly so. In the movie, *Inherit the Wind*, based upon Mencken's biased view that became the "satisfying traditional history", dapper Gene Kelley plays the 'good guy' Mencken character. In fact, from the reviews of Jarrett's book, it could be based upon the movie (and several tv versions of *Inherit the Wind*)—which just goes to show how much the popularity of Jarrett's book derives from the popularity of bashing fundamental Christianity—the faith of our fathers and the source of our liberties.

Certainly, leading lights of public education in New York State, Misters Wood and Carpenter would be in the front row rooting on Darrow & Co. Only thirteen years after Scopes, they produced, for Allyn and Bacon, perhaps the world's leading publisher of textbooks, just what America needed—a new high school biology textbook fully integrating Darwinian Evolutionary science into every aspect of the remarkably thick book's (990 pages exclusive of glossary and appendix) broad field of subject matter. I have had that

fascinating volume, *Our Environment: The Living Things In It*, on my shelf for many years, and written about it before. The Index includes 11 references to Charles Darwin, and other members of his 'remarkable family' almost as many times. It introduces students to 'scientific' racial stereotypes and such scientific terms as "eugenics" and "human parasites".

The Bible is also mentioned several times, patronizingly as poetic myth from the pre-scientific age (meaning pre-Darwinian). It is so instructive that I have prepared a short review on it, which is linked below, rather than extending this already overlong review of Jarrett's book. I have, however, inserted this thousand word illustration from the book for your edification.



Frankly, I can't think of any really "good guys" rooting for Scopes, Darrow & Co., then or now. But I can call to mind a lot of bad people who were. The so called "German Darwin" Ernst Haeckel popularized a complementary and completely bogus bit of science, Ontogeny Recapitulates Phylogeny; meaning that the human embryo undergoes an evolutionary process recapitulating human evolutionary history. The most significant result of that was that abortion promoters could claim an unborn human was simply some lower animal evolving into a human being. Who would want some icky creature they would never touch, growing in their bodies like a parasite. As late as my undergraduate days in the mid-nineteen sixties, ORP was still taught, opening the way for mass murder of the nation's future in *Roe v. Wade*.

Social Darwinist and Planned Parenthood founder Margaret Sanger, funded by racist anti-Semite John D. Rockefeller, had just published *The Pivot of Civilization* three years before Scopes', in which she avowed "*The lack of balance between the birth rate of the 'unfit' and the 'fit', admittedly the greatest present menace to civilization...*" ...*the most urgent problem today is how to limit and discourage the over-fertility of the mentally and physically defective. Possibly drastic and Spartan methods may be forced upon American society if it continues to encourage the chance and chaotic breeding that has resulted from our stupid, cruel sentimentalism*" (aka Christian charity). She was then working on *The Negro Project* to pursue her eugenic ideals with the genocide of Black Americans which Planned Parenthood continues.

California and many other states had, prior to WWII, eugenic programs for the forced sterilization of the 'genetically unfit'. Unethical, immoral and even criminal medical experiments were being conducted by government agencies upon black and mentally disadvantaged citizens. Hitler, sitting in his cell, awaiting his triumph a few years later, was watching and learning from America. Doubtless all those involved in these Social Darwinist endeavors were rooting for Darrow and laughing at Bryan and his rube supporters.

Jarrett laments that the judge refused to allow the testimony of scientists and theologians Darrow had marshaled in defense of Darwinism, again demonstrating that Darrow and the ACLU (and Jarrett) wanted to affect public opinion on political and religious attitudes, not try the case at hand, and parlay that publicity into sweeping victories down the road. As they did. Curious about this great body of scientific proofs of Darwinian Evolutionary dogma, I looked into that also, and found none of it convincing and most of that "settled science" to have been long ago discarded. ORP, refuted by modern genetics, but having served its purpose in alienating people from their own children, has simply been forgotten. Of course the shelves of Darwinian dogma have been restocked over the years, Piltdown Man was replaced by "Lucy", and that bag of miscellaneous bones, I believe, has been replaced by some other "missing link", and so forth with most of Darrow & company's evidence. Always a 'theory' (a hypothesis really) in search of proof, rather than a theory based upon proof.

Darwinism is, to borrow Walt Disney's description of cartoon logic: "a plausible impossibility", with the same level of scientific authority as gender identity science, climate change science, and Fauchi-ism. Darwinism immediately rose was pushed to dominance in the world system, not because of its compelling proofs but, because it was a desperately sought counter to the rising view that "*all Men are*

*created equal, that they are endowed by their Creator with certain unalienable Rights".*

Slavery supporters in the American South once held to various rudimentary pre-Darwinian theories of white racial superiority as a loophole in "all men (humans) are created equal", sanctioned in the Dred Scott case (such justifications were not needed in most of the world). The Civil War and Constitutional Amendments corrected Dred Scott, but the plausibility of Darwinian evolutionary theory (to those who wanted it) gave racism the color of respectable science "*in a nation which prided itself on its scientific spirit*". It validated racial segregation, western colonialism, the British caste system, labor abuse, Japanese racial imperialism, and of course Nazi racial genocide; anything and everything that conflicted with Jesus' command to "Do unto others as you would have them do unto you". How ironic that those who cry "Racism" the loudest at every opportunity, regard as sacred one of the most racist dogmas ever (or is it simply irony).

Darwinism takes the 'struggle for survival' seriously, it took and holds onto its position by brute force. It would be a waste of our time to attempt to prove the weakness of Darwinian Theory to people conditioned by authority figures from childhood to accept evolutionary dogma and scorn its opposition, but I will add for those who are not Darwinian devotees, you are right to oppose to it. And William Jennings Bryan was right also, even if not up to the job he had undertaken.

Jarrett wrote: "*Yes, Clarence Darrow lost the trial. But he won the more important and enduring argument against imposing limits that suffocate intellectual independence, frustrate progress, and enervate the birth of new ideas. The human mind is an open canvas of possibilities. We should be free to paint it with our own brushstrokes.*"

Pardon me once again... Jarrett just exploded his claim for the legal importance of Scopes and, cutting through his sickening hypocrisy, admits it is a religious/cultural triumph he celebrates. I ask Jarrett where is his consideration for the free speech rights of those of us who do not ascribe to the atheistic tenants of Darwinism? There is no freedom of speech for most people in this country, not on Creationism, Intelligent Design, or innumerable other subjects, even basic human physiology. Soon after the Scopes' Trial 'victory', the Biblical Creation account of mankind was banned from public education, even from the public square. In blatant violation of the Constitution, Darwinian naturalistic, or non-theistic, evolution has become the defacto official state religion of the US. I have some experience with that reality. I know for a fact that my career suffered, and my family suffered, from a public objection to the state religion. When Jarrett brags about the freedom of speech triumphs derived from the Scopes Trial, he is delusional.

Years ago (you may by now have begun to suspect that I am an old man—yes man, and old, both objective facts), about the time of Edwards vs Aguilard, I was asked by the local Eagle Forum to review two earth science textbooks for the state textbook review committee. In addition to the expected misrepresentation of evolutionary proofs, I found several factual errors, and completely outrageous, to me, promotion of climate change hysteria and the globalist project, Law of the Sea Treaty. However both books were approved.

The only book not approved was *Of Pandas and People*, a book proposed for supplementary study, scrupulously written by a team of highly accredited scientists



to meet Supreme Court guidelines. It avoided any mention of such taboos as the Creator our Founding Fathers acknowledged. It tiptoed around that issue to propose "Intelligent Design", but even that was too threatening to the atheists on the Board. No, only atheistic Darwinian evolution by natural selection of random mutations could be taught. At least one state was able to approve *Of Pandas and People* as a supplementary textbook, but that approval was taken to court and *Pandas* was banned. And people wonder at the destructive nihilism of today's youth, robbed of purpose, of hope, of transcendent value.

Things are beginning to turn around now, however. People are beginning to fight for their right of free speech and free inquiry in public schools, and outside them. But it is just a beginning in what promises to be a long drive to restore freedoms lost on account of the likes of Darrow and Scopes. And apparently to the displeasure of Gregg Jarrett. Speaking for myself, I do not applaud his new book. If Mr. Jarrett was serious about defense of free speech instead of proscriptive speech, he would be looking into Justice Scalia's Dissent in *Edwards v. Aguillard* rather than this rehash of *Inherit the Wind*.

Thanks for letting me have my say.  
Bill

P.S.

If you are not yet tired of my ruminations, you might want to look into these links:

[\*A brief review of the 1938/39 Biology text book\*](#): Wood and Carpenter, *Our Environment: The Living Things In It*.

[\*The Twelve Articles of the Swabian Peasants \(1525\)\*](#): An Early Illustration of the Role of Biblical Faith in the Struggle for Human Rights.

[\*Pious to Progressive: A Century of American Public School Readers\*](#), demonstrates how the so called "Progressive Movement" has hijacked American education.

[\*The Life and Lies of "German Darwin", Ernst Haeckel\*](#).

[\*War Comes to God's House: The German Church War, Euthanasia, and Holocaust\*](#). A rather in-depth look at the Nazi German era.

[\*An Exercise in Identifying Propaganda From The Scope's Trial\*](#)