

# Lesson Ten

The Trial that Rocked the World

LOGO

- ◆ **There are two types of American law: civil law and criminal law. Civil law covers suits between individuals (companies as well as people are "individuals"). Insurance claims, divorces, and business malpractices are examples of matters handled under civil law. Criminal law covers cases brought by the state against individuals; criminal offenses range from traffic tickets to major crimes like hijacking and murder.**



- ◆ **The jury consists of 12 jurors (grand jury<sup>23</sup>), selected at random, agreed by the lawyers of the two sides, who, will, after hearing all the evidence and cross-examination and careful deliberation, give a verdict of guilty or not guilty. If the verdict is guilty, then the judge will give the sentence. If the verdict is not guilty, then the judge will have to acquit the accused no matter he agrees with the verdict or not, and the acquitted cannot be tried on the same charge with the same evidence. All the jurors must agree to the person's guilt.**



- ◆ **Jury service is a crucial part of American system of justice. The jury, a panel of ordinary citizens chosen to decide a case, is an integral part of common-law system. Use of juries to decide cases is a distinguishing feature of the American legal system. Over the centuries, many people have believed that juries in most cases reach a fairer and more just result than would be obtained using a judge alone, as many countries do, because a jury decides cases after “deliberations,” or discussions, among a group of people, the jury’s decision is likely to have the input from many different people from different backgrounds, who must as a group decide what is right.**

- ◆ **The jury trial (陪审团审判) :** The prosecutor and the defense counsel present their cases by examining and cross examining witnesses who have been subpoenaed to appear in court so that they can testify. **The judge presides and acts as a referee (仲裁人), but the jury is absolutely silent.** When both lawyers have finished presenting their cases, the jurors deliberate and pass the verdict.
- ◆ **Grand jury (大陪审团) :** For major investigation and crimes the prosecuting attorney meets with a panel of citizens (a grand jury ) to present his evidence; if the panel feels that there is sufficient evidence of a crime, it votes to indict the defendant.



- ◆ **The verdict (裁决)** : when the jury has reached a decision, the **foreman** of the jury announces the verdict. If the members can not agree, the jury is called **a hung jury (悬而未决的陪审团)** and the judge declares a mistrial; in that case, the defendant may be tried again by another jury.
- ◆ **Sentencing (判决)** : If the verdict is "guilty", the person is then convicted and the judge sentences him. If the defendant has been found innocent, he is **acquitted (宣告无罪)** .



- ◆ **The judge (法官)** : The judge decides which **disputed facts (evidence)**, may be presented to the jury. The judge also tells the jury in “**jury instructions**” what the applicable law is. The judge decides the issues of law in the case.
- ◆ **Prosecute (起诉)** : Bring a **criminal action** against (in a trial): “The State of California prosecuted O.J. Simpson”. (prosecution, prosecutor)
- ◆ **Plaintiff (原告)** : The plaintiff is **the person** who begins the suit. In the complaint, the plaintiff states or alleges, that he or she was injured by the conduct of another. The plaintiff usually is represented by a lawyer.



- ◆ **Defendant (被告)** : The defendant is the individual sued by the plaintiff. The defendant usually is also represented by a lawyer. The defendant disputes the statements, or allegations, in the plaintiff's complaint or may admit the allegations, but argue that he or she has a valid defense to the claims such as self defense.
- ◆ **Counsel (辩护律师)** : a term used to refer to lawyers in a case



- ◆ **Witness (证人)** : One who testifies or gives evidence under oath in a court of law, base on information that is personally known to him.
- ◆ **Testify (作证)** : Give testimony in a court of law.
- ◆ **Charge (指控)** : An accusation of a wrong or offense, as a preliminary step in the prosecution of a crime. In this sense it means a formal complaint, information, or indictment filed against the accused.  
(**accuse indict**)



- ◆ **Cross-examination (盘问) : The examination of a witness during a trial by the attorney of the adverse party, to test the accuracy of the testimony given by the witness on direct examination. The purpose is to disclose omission in answers previously made and to reveal possible bias or prejudice of the witness.**
- ◆ **Objection (反对) : A means used during a trial to oppose the introduction of certain testimony, or to call to the attention of the court alleged improper action of the other party. The purpose is to obtain a ruling of the court for the record, and to register an exception to it if it is adverse, so that an appeal can be taken based on error committed during the trial. (objection sustained; objection overruled)**



- ◆ **Acquit**: Pronounce not guilty of criminal charges.
- ◆ **Appeal (上诉)** : Take a court case to a higher court for review; "He was found guilty but appealed immediately".
- ◆ **Guilt vs. innocence**



# The Monkey Trial



- ◆ The early 1920s found social patterns in chaos. **Traditionalists**, the older Victorians, worried that everything valuable was ending. Younger **modernists** no longer asked whether society would approve of their behavior, only whether their behavior met the approval of their intellect. Intellectual experimentation flourished. Americans danced to the sound of the Jazz Age, showed their contempt for alcoholic prohibition, debated abstract art and Freudian theories. In a response to the new social patterns set in motion by modernism, a wave of revivalism developed, becoming especially strong in the American South.

# Fundamentalism and the Butler Act

- ◆ William Jennings Bryan, three-time Democratic candidate for President and a populist, **led a Fundamentalist crusade** to banish Darwin's theory of evolution from American classrooms. Bryan's motivation for mounting the crusade is unclear. Likely, the Great Commoner came to his cause both out a concern that the teaching of evolution would undermine traditional values he had long supported and because he had a compelling desire to remain in the public spotlight--a spotlight he had occupied since his famous "Cross of Gold" speech at the 1896 Democratic Convention. Bryan, in the words of columnist H. L. Mencken, who covered the Scopes Trial, transformed himself into a "**sort of Fundamentalist Pope.**" By 1925, Bryan and his followers had succeeded in getting legislation introduced in fifteen states to ban the teaching of evolution. In February, Tennessee enacted a bill introduced by John Butler making it unlawful "to teach any theory that denies the story of divine creation as taught by the Bible and to teach instead that man was descended from a lower order of animals."

# The Drugstore Conspiracy



- ◆ The Scopes Trial had its origins in a conspiracy at Fred Robinson's drugstore in Dayton. George Rappalyea, a 31-year-old transplanted New Yorker and local coal company manager, arrived at the drugstore with a copy of a paper containing an American Civil Liberties Union announcement that it was willing to offer its services to anyone challenging the new Tennessee anti-evolution statute. Rappalyea, a modernist Methodist with contempt for the new law, argued to other town leaders that a trial would be a way of putting Dayton on the map. Listening to Rappalyea, the others--including School Superintendent Walter White--became convinced that publicity generated by a controversial trial might help their town, whose population had fallen from 3,000 in the 1890's to 1,800 in 1925.

# Purpose

- ◆ **The defense's goal** was not to win acquittal for John Scopes, but rather to obtain a declaration by a higher court--preferably the U.S. Supreme Court--that laws forbidding the teaching of evolution were unconstitutional.

# Famous sentences in the debate

- ◆ **"If evolution wins, Christianity goes." (Bryan)**
- ◆ **"Scopes isn't on trial; civilization is on trial."  
(Darrow)**

**The anti-evolution law made the Bible "the yardstick to measure every man's intellect, to measure every man's intelligence, to measure every man's learning."  
(Darrow)**

**"As a man and as a legend, Bryan was destroyed by his testimony that day." (a historian)**

# Tennessee





◆ Dayton is a city in *Rhea County, Tennessee, United States.*



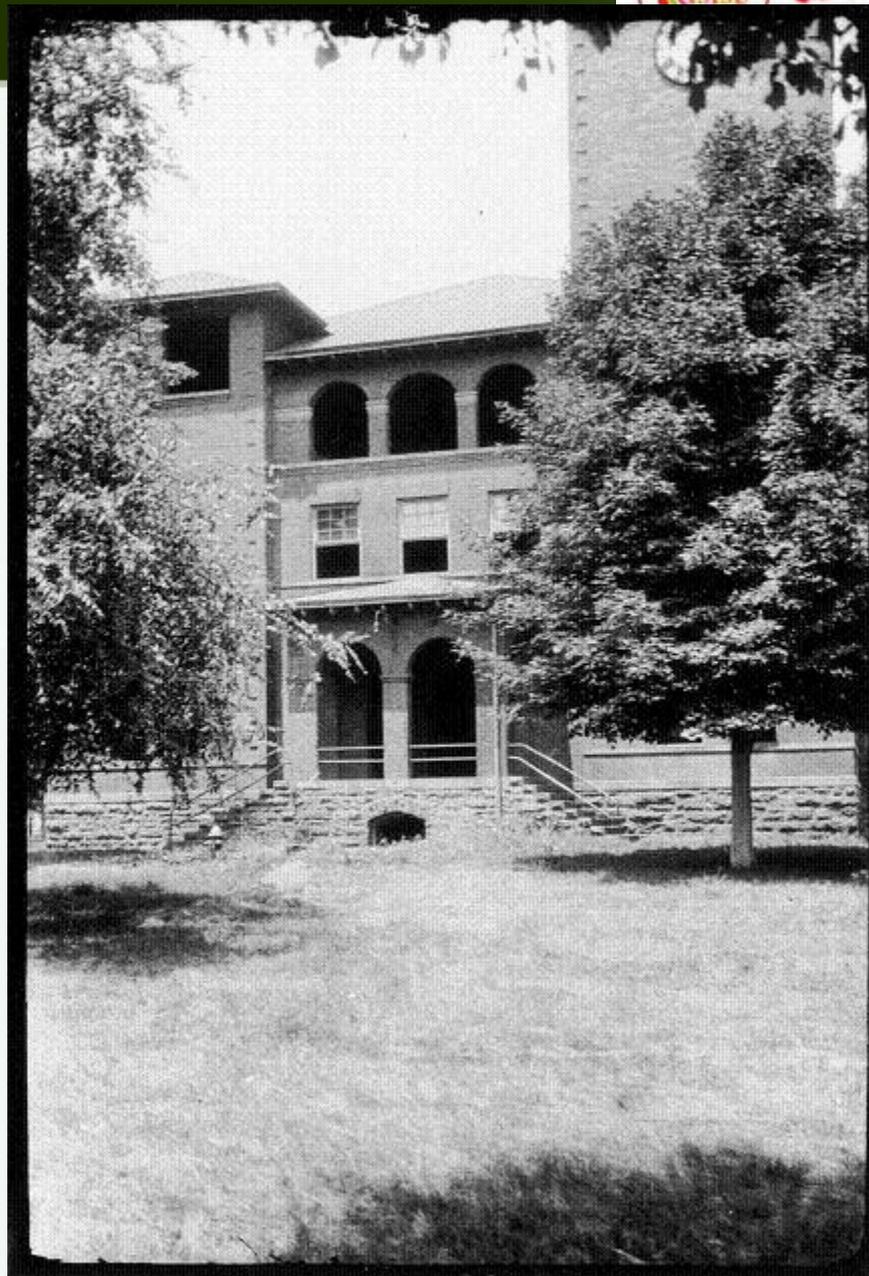


- ◆ The Judge:
- ◆ **The Honorable John Raulston circuit judge for the 18th judicial district**



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- ◆ The Defendant:
- ◆ **John Scopes** Sports coach and occasional substitute teacher at Rhea County High School



CORBIS

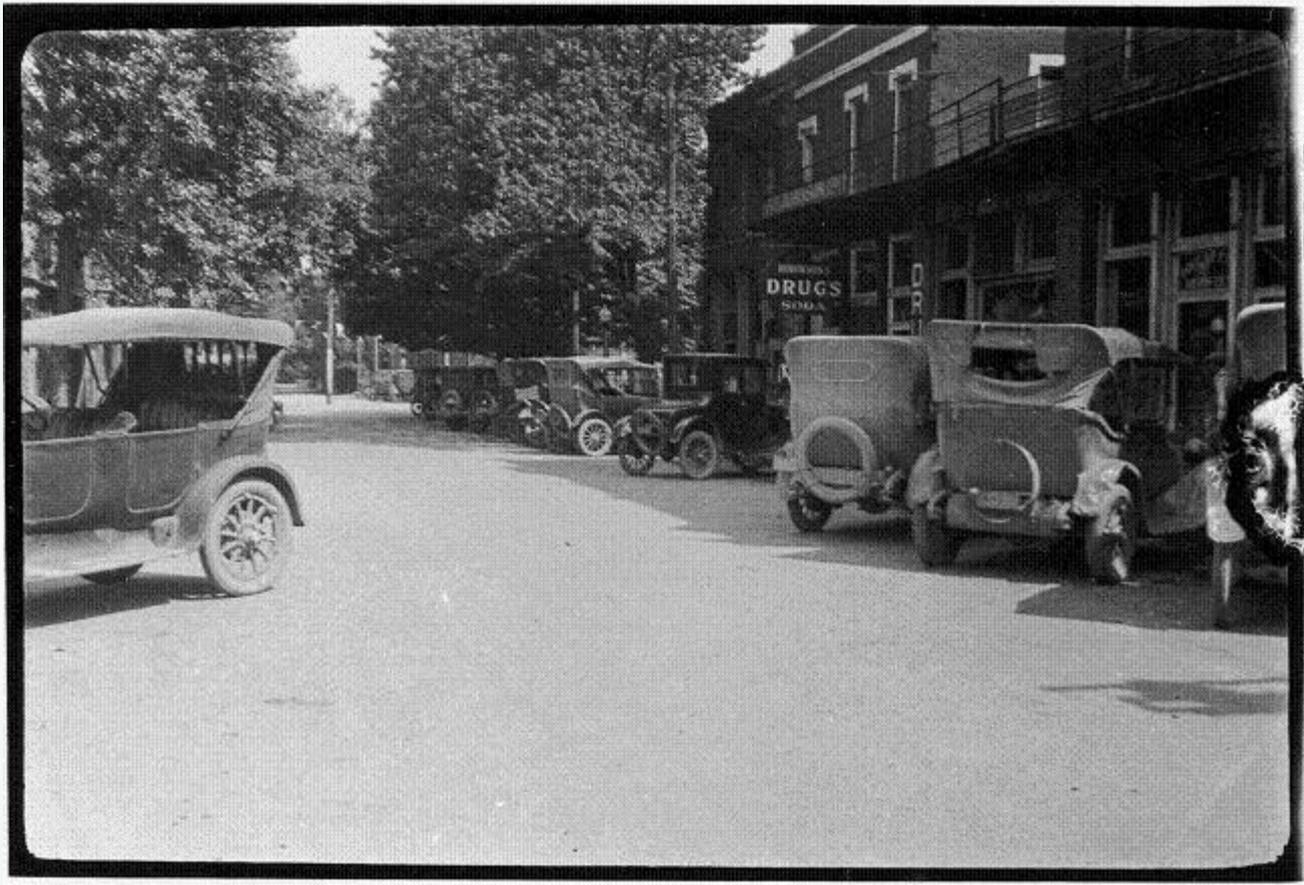


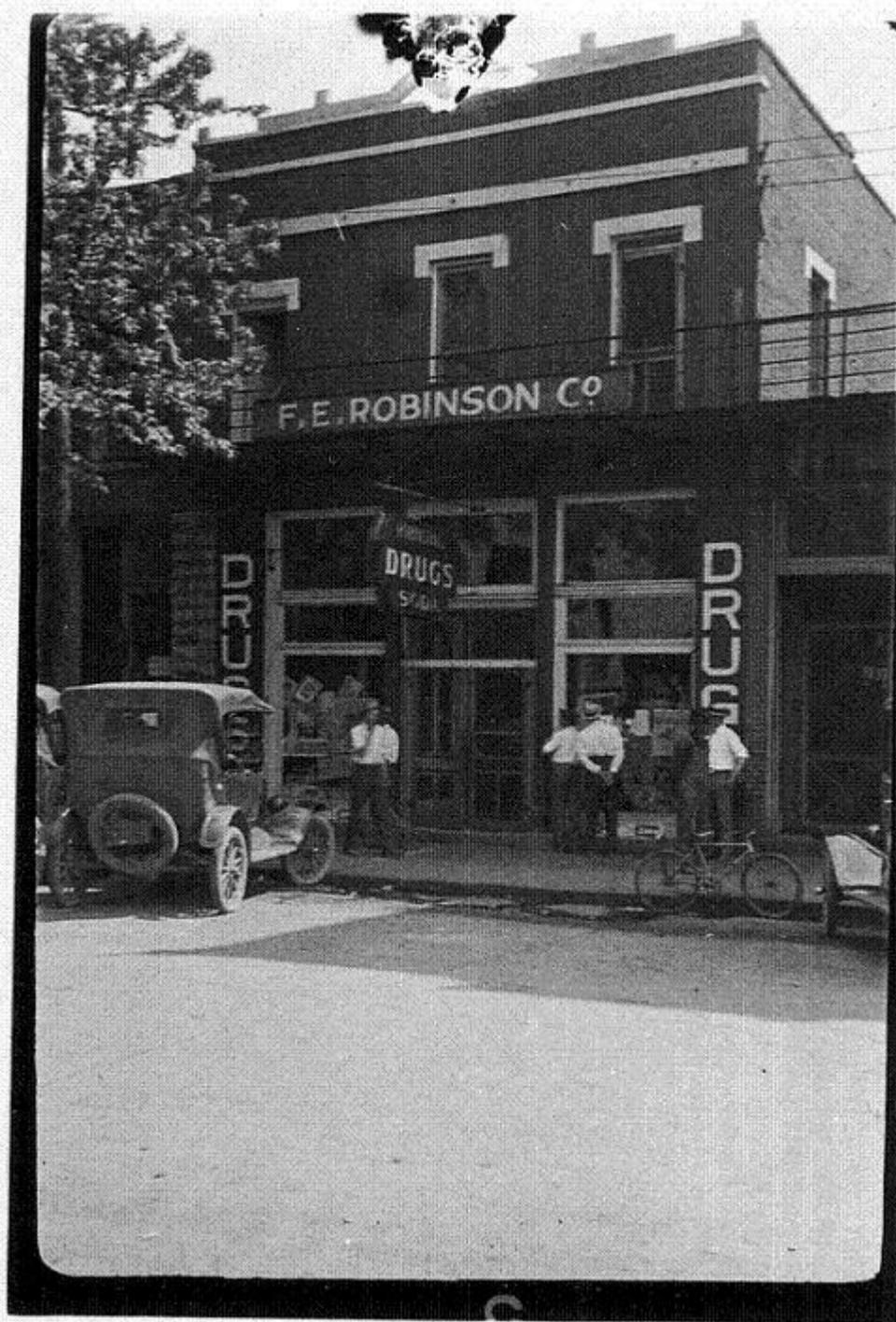




- ◆ The “Drug Store Conspirators”:
- ◆ **Wallace Haggard** local attorney
- ◆ **Herbert Hicks** local attorney
- ◆ **Sue Hicks** local attorney - brother of  
**Herbert Hicks J . Gordon McKenzie**  
County Judge
- ◆ **W.E. Morgan**
- ◆ **George Rappelyea** Mining company manager
- ◆ **F.E. “Fred” Robinson** owner of Robinson’s Drug  
Store and chairman of the Rhea County Board of  
Education
- ◆ **Walter White Rhea** County Superintendant of  
Schools
- ◆ **B.M. Wilber** local justice of the peace







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- ◆ Lawyers for the Prosecution
- ◆ **William Jennings Bryan**  
volunteer - assistant prosecutor
- ◆ **William Jennings Bryan Jr.**  
volunteer - assistant prosecutor,  
W.J. Bryan's son
- ◆ **Wallace Haggard** volunteer -  
assistant prosecutor
- ◆ **Thomas A. "Tom" Stewart** Chief  
Prosecutor - Attorney-General  
for the 18th judicial district

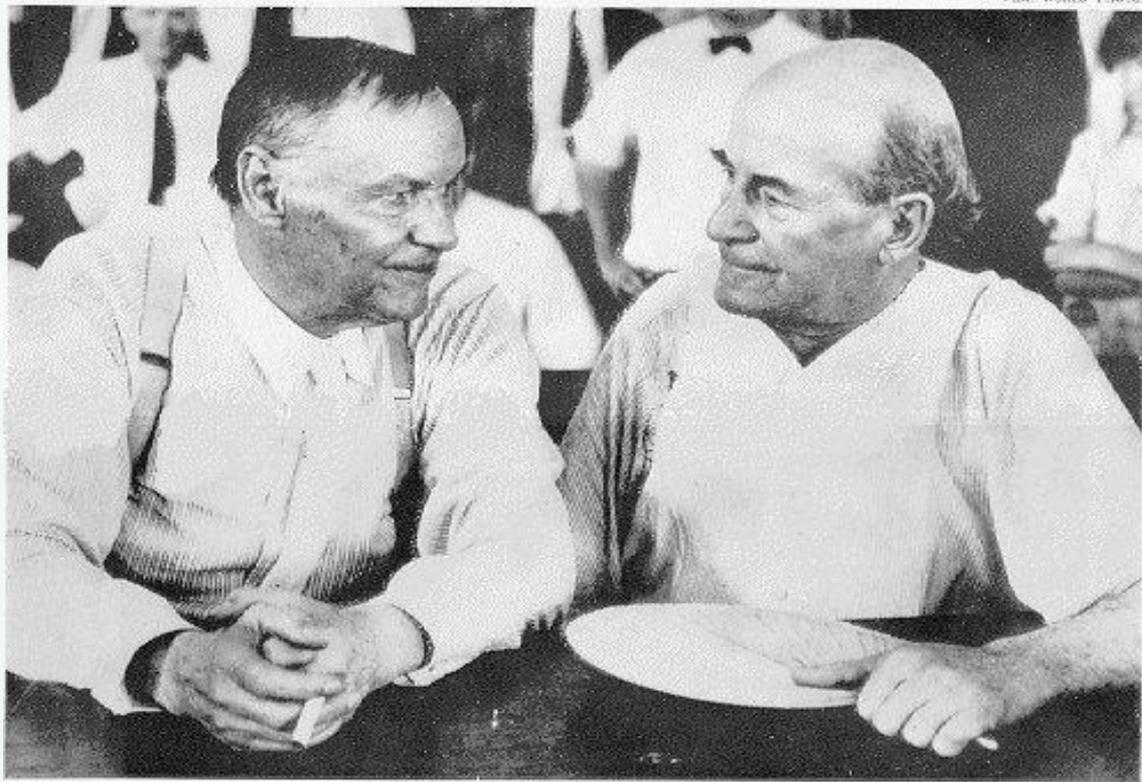




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- ◆ **Howard Morgan**
- ◆ **student at Rhea County High School - claimed he was present when Scopes allegedly taught Darwin's theory of evolution**

## Jurors:

(The list covers everyone who was called as possible jurors for the trial, in the order they were called, It includes their occupation and religious affiliation, and (where relevant) the reason they were excused from jury service.

The numbered entries are the people who actually served on the jury.)

- ◆ **1. W.F. Roberson (farmer, no religious affiliation)**
- ◆ **2. J.W. Dagley (farmer, Methodist)**
- ◆ **3. Jim Riley (farmer)**
- ◆ **J.P. Massingill (minister - excused by Darrow on grounds of partiality)**
- ◆ **J.H. Harrison (excused at own request on grounds of age. He was 66)**
- ◆ **4. W.D. Taylor (farmer, describes himself as "Methodist Episcopal, South" (Southern Methodist))**
- ◆ **Tom**
- ◆ **Jackson (farmer, Southern Methodist - excused by Darrow on**
- ◆ **5. R.L. Gentry (farmer, public school teacher, Baptist)**
- ◆ **J.C. Dunlap (After objection by J.G. McKenzie he is excused by judge on grounds of partiality)**
- ◆ **W.A. Ault (merchant, Baptist - excused by Darrow on grounds of partiality)**
- ◆ **Will Weir (teacher - excused by judge on his own admission of partiality)**



- ◆ 6. J.R. Thompson (**ex-US marshall, farm owner (not a farmer), Methodist**)
- ◆ Tom Jackson (**farmer, Southern Methodist - excused by Darrow on grounds of partiality**)
- ◆ 7. W.B. Smith (**farmer, Baptist**)
- ◆ J.T. Leuty (**farmer, no religious affiliation, excused by J.G. McKenzie on grounds of partiality**)
- ◆ 8. Jess Goodrich (**shipping clerk, Campbellite**)
- ◆ 9. J.H. Bowman (**cabinet maker turned farmer, Methodist**)
- ◆ 10. Bill Day (**farms or rents his farm out, Baptist**)
- ◆ H. A. Davis (**Was called but did not respond.**)
- ◆ F. S. Collins (**Was called but did not respond.**)
- ◆ 11. R.L. West (**farmer, Baptist**)
- ◆ W.P. Ferguson (**farmer, Baptist - excused by Darrow on grounds of partiality**)
- ◆ 12. J.S. Wright (**farmer, Baptist**)

- ◆ Part 1(1-15): What had happened on the first day of the trial (setting)
- ◆ Part 2(16-25): What had happened on the second day of the trial
- ◆ Part 3(26-28): What had happened when the court adjourned
- ◆ Part 4(29-44): The climax of the trial
- ◆ Part 5(45-48): What happened after the trial