# ☙ EIGHT ❧

# The Superman Trial

THE ACLU AND THE RELIGIOUS RIGHT HAVE THE AIR OF FATED ANTAGONISTS. The case that brought the ACLU its first great public recognition was the one that discredited the most important evangelical politician of this century, William Jennings Bryan.

In 1925, the state of Tennessee passed—in a diffident, almost tentative manner—a law forbidding state schools to teach evolution in their biology courses. The state-approved textbooks already contained the arguments for evolution. Bryan himself, who had indirectly inspired the law, tried to alter it before it was passed, and disagreed with its strategy. It was not exactly the ground he would have preferred to defend.

The ACLU, which had been founded in 1920, after its predecessor organization defended conscientious objectors during World War I, was still a small operation with a one-person research staff in 192 5—Lucile Milner going through newspapers to find items concerned with civil liberties. She read about the Tennessee law and brought it to the attention of the union's founder, Roger Baldwin, who committed funds to challenge the law. But the ACLU had no friends, yet, in Tennessee from whom it could learn how best to proceed. It had no recourse but to advertise in the state's newspapers that it would support any teacher who

made a "friendly challenge" to the law. The result was a scramble by various local publicists who, for their own reasons, wanted to sponsor such a contest. Dayton won this competition, with a defendant, John T. Scopes, who claimed (rather shakily) to have broken the law. The ACLU following its normal practice, wanted to hire an unthreatening team of local lawyers, but since it was announced that William Jennings Bryan would be helping the prosecution, John Scopes overruled his advisers and accepted an offer to be defended by the famous lawyer (and ACLU member) Clarence Darrow.

The resulting "monkey trial" was a comedy of errors in which nothing was exactly what it appeared to be. It was, in many respects, a nontrial over a nonlaw, with a nondefendant backed by nonsupporters. Its most famous moment involved nontestimony by a nonexpert, which was followed by a nondefeat. The law, it has been noticed, would have outlawed Tennessee's own state-approved textbooks if anyone had taken either the law or the texts seriously enough to look closely at them, whether singly or in conjunction. Governor Austin Peay said, at the time of signing the bill, that he would not sign it if he had any idea that it was going to be enforced:

> After a careful examination I can find nothing of consequence in the books now being taught in our schools with which this bill will interfere in the slightest manner. Therefore it will not put our teachers in any jeopardy. Probably the law will never be applied. It may not be sufficiently definite to admit of any specific application or enforcement. Nobody believes that it is going to be an active statute.[1]

The doctrine of evolution *was* "in the books now being taught." The students who testified that it was taught to them had to go back and check the text to find it there, and Scopes did not admit until after the trial that he probably missed teaching the classes covering evolution.[2] The teaching was *only* in the books, and Scopes (who never testified) seems not to have committed the act for which he took the blame or credit.

The legal question in the trial was the state legislature's right to establish the school curriculum, which was upheld by the court in its conviction of Scopes, and then upheld by the state's supreme court. But Darrow's aim at Dayton was to discredit fundamentalists, and with the help of his friend, the journalist H. L. Mencken, he did that in a famous bit of testimony that was never heard by the jury or entered into the trial record.

Bryan foolishly let himself be called as an expert witness on the Bible, rid the judge let this occur though he doubted its relevance and ruled irrelevant after one session. By that time, Bryan wanted to continue the diversion, so he could repair the damage done by Darrow's surprise maneuver in calling him to the stand; but the other prosecutors told him this digression undermined their real case. The prosecutors won in court, but Bryan's name was forever dishonored.

Thanks to Mencken and to *Inherit the Wind,* a 1950s play that continually re-creates (quite inaccurately) the famous trial on stage and on the screen, Bryan is now best known as the fuddled biblicist of Dayton, looking like a beached whale himself as he tried to explain Jonah's mode of transportation. It was the sad end to a career launched with the "Cross of Gold" speech at the Democratic convention of 1896. For thirty years after that, Bryan was the most important figure in the reform politics of America, three times the party's nominee for president, a kingmaker at the convention that chose Woodrow Wilson, and, after that, Wilson's secretary of state. No other populist agitator had Bryan's impact. His wife listed with justifiable pride the many reforms, later adopted, that he had championed in their embattled earlier stages—women's suffrage, the federal income tax, railroad regulation, currency reform, state initiative and referendum, a Department of Labor, campaign fund disclosure, and opposition to capital punishment.[3] His campaigns were the most leftist mounted by a major party's candidate in our entire history. Nor was his a merely sentimental leftism. As Robert Cherny points out:

> The middle of Bryan's career, from 1900 to 1910, reveals few instances where he reduced a complex issue to a simple one. His 1908 platform was one of the longest and most complicated up to that time. While he might have dramatically argued that private monopoly was intolerable, he posed a variety of solutions, including government ownership, licensing, and anti-trust action.[4]

Edward Larson exaggerates, but in the proper direction, when he writes, "Probably no other American, save the authors of the Bill of Rights, could rightly claim credit for as many Constitutional amendments as the Great Commoner."[5] It is one of the tragic turns of American history that this man who in so many ways extended the Bill of Rights would have been steered by character and accident into a deadly clash with the organization set up to protect the Bill of Rights.

How did the great populist reformer, the crusader against big business,

war, and oppression, become the ridiculous figure of Dayton? Some have argued that Bryan declined into religion as his political career faded, but the best students of his life find religion as important to him at the outset of his career, and at the peak of his political influence, as at the sad performance on the courthouse lawn in Tennessee.

It is true that there was a physical decline in Bryan. His body was ravaged by diabetes when he went to Dayton—a condition he was trying to control with an inadequate diet, which led to his intermittently fierce attacks on food, the subject of much jesting by Darrow.[6] When Bryan died of diabetes one week after the trial, lachrymose followers said that his heart had broken. Darrow volunteered: "Broken heart nothing; he died of a busted belly."[7]

But there had been a hardening of Bryan's position on evolution over the years. He had not been convinced, in 1904, that man evolved from animals, but "I do not mean to find fault with you [his audience] if you want to accept the theory. . . . I shall not quarrel with you about it."[8] It was clearly a matter of legitimate debate for him, and even as late as 1920 he did not want to *forbid* the teaching of evolution, merely to treat it as one biological theory. The biblical account of creation did not rule out, at this stage, scientific accounts at their own level.[9] In fact, Bryan's original position was the one that modern "creationists" retreated to after the school prayer decisions of the early 1960s—neutrality regarding the various accounts of human origin. Florida had earlier passed a law in accord with Bryan's recommendations, one in which neither the biblical nor the scientific account could be taught as exclusively true, a statement of policy with no criminal penalties attached.

Bryan, though he accepted the plea to prosecute in Tennessee, did not like the criminal aspect of the case, and offered ahead of time to pay any penalty the court inflicted on Scopes. The ACLU was not looking for a criminal trial either. In its original advertisement it spoke of a "friendly challenge" to the law that would not risk the teacher's job—an attempt to bring a civil charge of unconstitutionality against the state. Instead, the local publicists agreed with Scopes to get him arrested, forcing the state to bring criminal action. Already the case was off the rails for both sides.

The court would not let Darrow produce expert witnesses before the jury to discuss the scientific consensus regarding evolution. In a brilliant move, Darrow got the judge (but not the jury) to hear Bryan testify as an expert on whether evolution in fact was irreconcilable with the biblical

account. Darrow, contrary to later impressions, argued that it was not. He wanted to make Bryan fall back on biblical literalism as the only way of maintaining opposition between the Bible and science—and he succeeded beyond even his own hopes.

There was reason for his hopes to have been modest. Bryan was not, in most ways, a biblical literalist. Even in his exchange with Darrow, he admitted that the seven "days" of Genesis could have been seven ages. That was a highly respectable view in the evangelical circle Bryan belonged to—the view set forth, for instance, in the influential Scofield Bible.[10] Bryan, after all, was a man whose career typified the "social gospel" denounced by the right wing of evangelicalism. He never had the anti-Semitic or anti-Catholic views of some fundamentalists (for whom Jews were Christ-killers and the pope of Rome the Whore of Babylon). Bryan had worked easily with secular Democrats in his presidential races. He did not let St. Paul's words on the place of women keep him from supporting women's suffrage. His optimistic populism was not hampered with the extreme anti-Pelagianism of those oppressed by the doctrine of original sin. He was a Presbyterian moderate in the theological controversies of the time, and had even collaborated with the liberal William Sloane Coffin (Senior) to head off a fundamentalist takeover in his church's general assembly.[11]

Then why did Bryan become so obsessed (for he surely was) with evolution? The answer was evident back in his earliest references to the view, when he said he had nothing against it as a scientific theory. He did raise this warning: "We must be careful how we apply this doctrine of the strongest."[12] Bryan feared what came to be known in the next decade as "*social* Darwinism"—the idea that human society is an arena of struggle in which the strongest prevail, the fittest survive, and poor "misfits" must be neglected in the name of progress through "betterment of the race." Modern scholars have attacked the metaphor involved in social Darwinism and questioned whether it was ever as influential as a right-wing justification for the powerful as generations of social and cultural historians have claimed.[13] But many great scholars, most notably Richard Hofstadter, shared that misconception (if it was one) with Bryan, and there *were* important Americans who read Darwin the way Bryan feared people would—including both of Bryan's most famous adversaries in Dayton.

H. L. Mencken made his first ambitious claim upon public attention in 1908, when he published *The Philosophy of Friedrich Nietzsche,* which

argues that the Nietzschean "superman" (*Übermensch*) is precisely the Darwinian "fittest" who rises above the weak crowd of history's reject. Mencken summarizes and endorses Nietzsche's teaching thus:

There must be a complete surrender to the law of natural selection—that invariable natural law which ordains that the fit shall survive and the unfit shall perish. All growth must occur at the top. The strong must grow stronger, and that they may do so, they must waste no strength in the vain task of trying to lift up the weak. [14]

Nothing could be more opposed to Bryan's populist belief that progress will come only from the moral support of the weaker. As he framed the question of evolution: "When reform comes in this country, it starts with the masses. Reforms do not come from the brains of scholars."[15]

Bryan's populism was simplistic, but it is not easy to claim that it was more simplistic than Mencken's antipopulism. Mencken was a literalist—in ways later scholars have derided—in applying Darwin to human ethics. Even in human history,

> the struggle for existence went on among the lions in the jungle and the protozoa in the sea ooze, and . . . the law of natural selection ruled all of animated nature—mind and matter—alike.[16]

Mencken was unflinching when he drew the social and political consequences of his doctrine. The superiorities already won—of men over women, of whites over blacks, of gentiles over Jews, of the elite over the mob—must be retained and built on in the name of progress. Since men are stronger than women, women "cultivate cunning" in order to circumvent men, becoming "shrewd, resourceful, and acute; but the very fact that they are always concerned with imminent problems [because of their physical weakness] and that, in consequence, they are unaccustomed to dealing with the larger riddles of life, makes their mental attitude essentially petty."[17]

Bryan's had been one of the strongest voices for women's suffrage. Mencken considered that reform a defeat for the hope of rule by the stronger: "The net result is that feminine morality is a morality of opportunism and imminent expediency, and that the normal woman has no respect for, and scarcely any conception of, abstract truth."[18] In the past, Mencken argued, men submitted to women, or were beguiled by them, to protect offspring in the conventional family, which made it necessary for the stronger sex to submit to the parasitic opportunism of

the weaker."[19] But in the future, the conventional family must yield to eugenic and rational schemes, dispelling the myths that served female cunning—for example, "the good old sub-Potomac doctrines that a woman who loses her virtue is, *ipso facto*, a victim and not a criminal or *particeps criminis*, and that a 'lady,' by virtue of being a 'lady,' is a reluctant and helpless quarry in the hunt of love—those ancient and venerable fallacies."[20] For Mencken, "the hunt of love" is scarcely a metaphor. It is the Darwinian world Bryan denounced as one where man "hunts for prey with the savage loathing of a beast."[21]

Mencken, in service to the idea of a master code (*Herrenmoral*), presents Jews as the type of the very opposite ideal, a slave code (*Sklavenmoral*). Jews, like women, are cunning in the attempt to make weakness overcome strength.[22] Their moral code was framed to protect the weak, condemning, for instance, "the quite natural act of destroying one's enemies."[23]

Bryan did not share Mencken's anti-Semitism. In fact, the distinguished lawyer Samuel Untermyer, the vice-president of the American Jewish Congress, agreed to join Bryan at the appeal stage of the Scopes trial.[24] On blacks, Bryan's record was not as good, as one might expect from a Democrat whose base was in the South as well as in the West. Few populists could afford to oppose their poor white constituents with regard to the segregation patterns of the time. But at least Bryan had no scientific *doctrine* of black inferiority. For Mencken, blacks *must* be repressed to let the stronger whites develop their genetic superiority. In fact, the oppression of blacks was one *sign* of the white man's superiority:

> In the southern states the educated white class—which there represents, though in a melancholy fashion, the Nietzschean first caste—has found it easy to take from the black masses their very right to vote, despite the fact that they are everywhere in a great majority numerically.[25]

Mencken's error about the numbers of blacks "everywhere" is itself a product of fear, which means that—though he calls superiority in the South a "melancholy" excellence because the whole area is so retrograde—the maintaining of that slender margin of superiority is crucial to progress from the depths of such a swamp.

When World War I broke out in Europe, many critics of Germany tried to blame Prussian militarism on the philosophy of Nietzsche. Mencken obliged them by turning their attacks into a boast. In 1914, he

argued that Nietzsche had supplied the philosophy for modern Germany's ruthless efficiency, in which Mencken took an ethnic pride. Nietzsche had taught the Germans that

> Christianity and brotherhood were for workingmen, soldiers, servants, and yokels, for "shopkeepers, cows, women, and Englishmen," for the submerged chandala*, for the whole race of subordinates, dependents, followers. But not for the higher men, not for the superman of tomorrow.[26]

This was the rationale for Bismarck's bureaucracy of experts.[27] And now, in the war, "the streams of parallel ideas coalesce. Germany becomes Nietzsche; Nietzsche becomes Germany."[28] The title Mencken gave his article was "The Mailed Fist and Its Prophet."

Ironically, one of the Americans most convinced of Nietzsche's role in Germany was William Jennings Bryan. He had tried to maintain a strict neutrality toward Germany while acting as secretary of state; but as soon as he left office he began to heed his fellow evangelists, who already had reason to distrust Germany as the source of biblical "higher criticism." Now, with a nativist fervor, they linked the ruthless scientism Mencken praised with the teachings of Darwin as extended to human relations by Nietzsche.

Thus, by one of the less-noticed twists of modern religious history, opposition to evolution served a number of fundamentalist needs. It became a pressing doctrinal concern at the very time when it could simultaneously give Christian motivation to those supporting America's participation in the war, extend the appeal of evangelical causes, and ratify the patriotism of its preachers. "Evolution became a symbol. . . . German barbarism could be explained as the result of an evolutionary 'might is right' superman philosophy."[29]

Bryan became the principal spokesman for this position.[30] It served his needs, too, at a time when he had closed off a more conventional political career by his resignation from the State Department. By the end of the war, Bryan was citing the work of an evolutionary biologist who had written a high school textbook with Darwinian doctrine—Vernon Kellogg, who in conversation with Germans in Belgium heard evolutionary doctrine being used to justify German aggression. Kellogg's book *Headquarters Nights* (1917) and Benjamin Kidd's *The Science of Power* (1918) were the kind of *moral* (rather than scientific) works Bryan used to attack the superior attitudes of undemocratic "supermen."[3]'

If there was a philosophical naïveté in Bryan's treatment of Nietzsche, it was matched by others' willingness to blame a wide variety of evils on

* The chandala are the lowest group in the Hindu caste system.

the Germans. Bryan's words were no more naive than those of a man who (in 1924) defended criminals because their minds had been poisoned by Nietzsche in college:

> [Nietzsche taught that] man has no obligations; he may do with all other men and all other boys, and all society, as he pleases—the superman was a creation of Nietzsche, but it has permeated every college and university in the civilized world. . . . His very doctrine is a species of insanity. . . . His own doctrine made him a maniac.

This deleterious doctrine, which destroyed its own container, is omnipresent in its menace:

> More books have been written about him than probably all the rest of the philosophers in a hundred years. More college professors have talked about him. In a way he has reached more people. . . . No other philosopher ever caused the discussion that Nietzsche has caused. There is no university in the world where the professors are not familiar with Nietzsche, not one. . . . I will guarantee that you can go down to the University of Chicago today—into its big library—and find over a thousand volumes on Nietzsche, and I am sure I am speaking moderately.

Nietzsche, it is admitted, may not bear the "responsibility for the war" that has been assigned him, but he "believed that sometime the superman would be born, that *evolution* was working toward the superman" (italics added). Here it is claimed not only that Nietzsche's doctrine is potentially corrupting (indeed, liable to craze its holder) but that it actually corrupted the killer who was exposed to it in college.

> Is there any blame attached because somebody took Nietzsche's philosophy seriously and fashioned his life on it? And there is not any question in this case that it is true. Then who is to blame? The university would be more to blame than he is.

If exposure to Nietzsche could inflict such damage on the morals of a college student, then the citizens of Tennessee might understandably hesitate to expose even younger students to the moral doctrines of Darwin, who was considered the inspirer of Nietzsche. Indeed, Bryan would have been well advised to use the very passages just quoted in his argument at Dayton—which, in fact, he did, since the author of the preceding Passages was Clarence Darrow, arguing for leniency in the sentencing of his clients, the teenage "thrill killers" Nathan Leopold and Richard Loeb.[32]

When Bryan quoted Darrow's own words that "the university would

be more to blame," Darrow quoted from a later part of his plea to the jury, which said "the universities are not to blame." Who was, then? The matter was dropped in Dayton, but in Chicago Darrow blamed the system of education that does not allow close attention to each student's needs. In that case, a teacher would have recognized that Nietzsche "belonged to older boys" than Nathan Leopold, who "should never have seen it at that early age." Leopold had gone young to college; and Darrow the defender of academic freedom, makes an exception for those too young to hear profane doctrine—a point which should have told on Bryan's side where high school teaching was at stake.

Of course, Darrow did not believe his own argument in the famous Chicago murder case. He was himself an enthusiastic Nietzschean of the Mencken sort. He had a stock Nietzsche lecture that he took out on the Chautauqua lecture circuit when he needed money.[33] His attack on crazy foreign ideas, on experts, on professors as corrupting good American youth—his exaggerated description of all those *books* absorbing the attention of all those philosophers—was a populist pose assumed to impress the jury. And it did. But Darrow was no populist. As he said of Nietzsche in his lecture, "His idea was that whatever a majority believed must necessarily be untrue."[34]

The man who had to feign a populism he did not hold while pleading for Loeb and Leopold could let his real feelings show in Dayton. In Chicago he had deplored the lack of close supervision for the eighteen-year-old Leopold. His more usual attitude was expressed during the Scopes case:

> Strange how anxious old folk are apt to be over the children. The main reason for this is that children do not act like the old people.[35]

In Dayton, Darrow meant to ridicule and humiliate Bryan: "My object, and my only object, was to focus the attention of the country on the programme of Mr. Bryan and the other fundamentalists in America."[36] He was addressing the nation, not the local audience: "We knew that it was hopeless to fight again for a verdict in Tennessee so long as it remained in its present stage of civilization."[37] The "stages of civilization" treatment of the South was one Mencken was already famous for.

The Scopes trial, comic in its circus aspect, left behind it something tragic: It sealed off from each other, in mutual incomprehension, forces that had hitherto worked together in American history. Bryan's career had been a sign of the possible integration of progressive politics and evangelical moralism.[38] That seemed an incongruous union to Darrow

and others, who meant to end it by destroying fundamentalism. Science demanded nothing less. For the forces of the ACLU, the Scopes trial was what Mencken labeled it—the monkey trial. For Bryan, it was the superman trial, a defense of the populace against secular experts. The trial itself ended in spectacular irrelevancies; Darrow and Mencken departed thinking they had won a victory. Amid all the misunderstanding that surrounded this trial, that was the greatest error of all.

* Garry Wills, "The Superman Trial," in *Under God: Religion and American Politics* (New York: Simon & Schuster, 1990), 97-107, + notes

# PART II. BIBLE BEGINNINGS
## Chapter Eight. The Superman Trial

[1]Ray Ginger, *Six Days or Forever? Tennessee v. John Thomas Scopes* (Beacon, 1958), p. 7.

[2]Ibid., p. 180. Cf. John T. Scopes and James Presley, *Center of the Storm* (Holt, 1967), pp. 60—62: "To tell the truth, I wasn't sure I had taught evolution." The school principal was the normal biology teacher (Scopes just helped some students review for a test), but the principal, married and with children, did not want to face arrest.

[3]Richard Hofstadter, *The American Political Tradition* (Vintage, 1948), pp. 198—99.

[4]Robert W. Cherny, A *Righteous Course: The Life of William Jennings Bryan* (Little, Brown, 1985), pp. 202—3.

[5]Edward J. Larson, *Trial and Error: The American Controversy over Creation and Evolution* (Oxford, 1985), p. 28.

[6]Lawrence W. Levine, *Defender of the Faith: William Jennings Bryan, the Last Decade* (Oxford, 1965), p. 357.

[7]Irving Stone, *Clarence Darrow for the Defense* (Doubleday, 1941), p. 464. In his later memoirs, Darrow more decorously attributed Bryan's death to a "too generous meal" *(The Story of My Life,* Charles Scribner's Sons, 1932, p. 270).

[8]Levine, op. cit., p. 261. Bryan's quickening of interest in evolution from 1916 into the twenties is charted by Ferenc Morton Szasz, *The Divided Mind of Protestant America,* 1880—1930 (University of Alabama, 1982), pp. 107—16.

[9]Levine, op. cit., p. 175.

[10]Larson, op. cit., p. 188.

[11]George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentiet h-Century Evangelicalism,* 1870—1925 (Oxford, 1980), p. 185.

[12]Levine, op. cit., p. 263.

[13]Richard Hofstadter's *Social Darwinism in American Thought* (George Braziller, 1944) was the best-known book in a body of work—by Talcott Parsons, Merle Curti, and others—that treated social Darwinism as legitimating "rugged individualism." Robert C. Bannister and Howard L. Kaye have responded that Hofstadter did not sufficiently separate the actual thought of Herbert Spencer, William Graham Sumner et a]. from popular misconceptions, nor ground those misconceptions in the actual defenses made of their conduct by entrepreneurs. "The charge of social Darwinism was ... a means for reformers to discredit their political opponents and to claim Darwin for themselves" (Kaye, *The Social Meaning of Modem Biology: From Social Darwin ism to Sociobiology,* Yale, 1986, p. 25). But Hofstadtet agreed beforehand that popular views of social Darwinism were distorted, and Bannister says of Bryan in particular that "his identification of Darwinism, irreligion, and *political reaction* was both natural and compelling in light of the popular belief that Darwin was destroying American ideals" *(Social Darwinism: Science and Myth in Anglo-American Social Thought,* Temple University, 1979, p. 245, italics added). A good discussion of the elasticity of the term *social Darwinism* is contained in Gertrude Himmelfarb's *Darwin and the Darwinian Revolution* (Norton, 1968).

[14]H. L. Mencken, *The Philosophy of Friedrich Nietzsche* (Kennikat Press reprint of 1908 edition, 1967), pp. 102—3, where Mencken interprets Nietzsche as saying: "The masses have no right to exist on their own account; their sole excuse for living lies in their usefulness as a sort of superstructure *[sic]* or scaffolding, upon which a more select race

of beings maybe elevated." Bannister tries to make Mencken "the exception that proved the rule" about social Darwinism's benignity. But already in 1905 William Travers Jerome was out on the Chautauqua circuit defending corporations by saying: "This is business, and business is war. This is commerce, this is competition—it is war and strife. I do not say that this is moral. It is immoral" *(New York Times,* July 8, 1905). Compare Mencken's words in *The Atlantic* (1914): "Barbarous? Ruthless? Unchristian? No doubt. But so is life itself. So is all progress worthy the name." Reprinted in *The Young Mencken: The Best of His* Work, collected by Carl Bode (Dial, 1973), p. 440.

[15]Larson, op. cit., p. 46.

[16]Mencken, *Philosophy of Friedrich Nietzsche,* p. 138.

[17]Ibid., pp. 176—77.

[18]Ibid., p. 177. Cf. p. 187: "The participation of women in large affairs, he [Nietzsche] argued, could lead to but one result: the contamination of the masculine ideals of justice, honor, and truth by the feminine ideals of dissimulation, equivocation, and intrigue. In women, he believed, there was an entire absence of that instinctive liking for a square deal and a fair fight which one finds in all men—even the worst."

[19]Ibid., p. 186.

[20]Ibid. Later Mencken would attack the similar myth of "so-called wifebeating" (*In Defense of Women,* Knopf, 1922, p. 174).

[21]Levine, op. cit., p. 243.

[22]Mencken, *Philosophy of Friedrich Nietzsche,* pp. 8 5—86.

[23]Ibid., p. 238. For Jews as the inventors of the crippling "theory of humility," cf. *H. L. Mencken's* Smart Set *Criticism,* selected and edited by William H. Nolte (Cornell, 1968), p. 197.

[24]Larson, op. cit., pp. 65—66.

[25]Mencken, *Philosophy of Friedrich Nietzsche,* p. 195. For Bryan's record on blacks, cf. Cherny, op. cit., pp. 197-99.

[26]Bode, op. cit., pp. 438-39.

[27]Ibid., p. 434.

[28]Ibid., p. 440. According to Mencken (*Philosophy of Friedrich Nietzsche,* p. 435), Nietzsche's *Thus Spake Zarathustra* was the new Germany's Magna Charta.

[29]Marsden, op. cit., p. 149. The evangelicals were not alone in their interpretation of German militarism. In England, the Elizabethan scholars Wallace Notestein and E. E. Stoll had argued a similar thesis at the beginning of the war. The liberal Rex Stout revived the charge in World War II (*New York Times,* January 17, 1943). Nietzsche makes a good culture-villain, as Allan Bloom would prove in the 1980s.

[30]Marsden, op. cit., pp. 169-70.

[31]Larson, op. cit., p. 47; Szasz, op. cit., p. 109.

[32]Clarence Darrow, *Plea in Defense of Loeb and Leopold,* the final address to the jury republished in pamphlet form by Darrow's friend Haldeman-Julius (1924 and frequent revisions)—the pamphlet Bryan read from during the Scopes trial. I have quoted from pp. 44-49.

[33]Stone, op. cit., p. 345.

[34]Kevin Tierney, *Darrow:* A *Biography* (Thomas Crowell, 1979), p. 74.

[35]Darrow, *The Story of My Life,* p. 246.

[36]Ibid., p. 249.

[37]Ibid., pp. 268—69.

[38]For the alliance of evangelicals and progressives in the early years of the century, see Szasz, op. cit., pp. 43ff.