

SCOPES TRIAL DEFENSE BASED ON CONSTITUTION

“Due Process of Law” Clause
Violated, Will Be His
Contention.

CONFERS AT NEW YORK

New York, June 8.—The defense of John T. Scopes, Tennessee high school teacher, under indictment charged with violating a law of that State in having taught evolution, will be based on the “due process of law” clause of the Federal Constitution, John Randolph Neal, of Knoxville, Tenn., chief counsel for Scopes, announced today after consultation with New York lawyers.

“The great point in this case is the constitutional question,” Mr. Neal said. “We believe that the State has exceeded its police power under both the Federal and State Constitutions. The pronouncement by a State legislature that the teaching of evolution in schools is in conflict with the Bible is not within their province. The question of whether a legislature can regulate the curriculum of a school is absolutely novel.”

Mr. Neal declared the defense also would attempt to prove that the recently enacted law clashes with the requirement of the State constitution, that the “legislature must cherish science.”

Clarence Darrow, of Chicago, and Dudley Field Malone, of New York, who have offered to assist in the defense, will confer with Scopes and his attorney tomorrow.

The conference today was under the auspices of the American Civil Liberties union.