

## **Invocation or Provocation? (C)**

*Simpson v. Chesterfield County* worked its way through the court system for nearly three years. Simpson filed her complaint on December 6, 2002. On November 13, 2003, the US District Court granted Cyndi Simpson's motion for summary judgment in the first count: Violation of the Establishment Clause. Chesterfield County appealed. On April 7, 2005, the Fourth Circuit Court reversed the District Court ruling and held that Chesterfield County's policy was constitutional. The ACLU filed a petition for a rehearing *en banc* (before the "full bench" of judges, rather than the three who made the decision) in the Fourth Circuit Court. The petition was denied. On August 9, 2005, the ACLU filed a petition for *Writ of Certiorari* with the Supreme Court, asking for review of the Fourth Circuit Court decision. On October 11, 2005, the petition was denied.

The end of the legal battle coincided with the beginning of a new path for Simpson: for years, she heard the call to Unitarian Universalist (UU) ministry, and in October 2005, Simpson enrolled at Lancaster Theological Seminary. The seminary, affiliated with the United Church of Christ, provided her with an opportunity to study the Bible for the first time, as well as Christian history and theology. As of fall 2011, Simpson works as the sole minister of the Unitarian Church of Norfolk, Virginia.

Looking back, Simpson recalled, "Between decisions, life was quiet and calm." She continued, "Otherwise, it would have been unbearable."<sup>1</sup> In addition to receiving "scrutiny" from the media, she faced harsh criticism in the blogosphere. After seeing phrases like "burn her," she avoided reading Christian blogs about the case. On Pagan and Wiccan sites, the tenor was: "Who does she think she is? How dare she?" Simpson understood that, as a member of a minority group, "You represent everybody." She wondered, given the lack of support from many Pagans for the case, if some of the negative sentiments of the majority culture had been internalized. Yet over those long three years, she also received encouragement from the Unitarian Universalist community, was heartened by an amicus brief signed by American Hindu and Buddhist organizations, and found support in a prominent Pagan leader, Selena Fox.

Simpson recalled that Fox helped her through a low point, after the case was decided. While not normally prone to self-doubt, Simpson worried that her lawsuit may have done damage: now, there was legal precedent for exclusion. "Do whatever you choose to do, but do no harm" was the guiding principle of Simpson's Pagan spirituality. She noted, "I doubted for a while that the harm outweighed the good." But, over time, Simpson concluded, "I do think a lot of positive education came out of my case." But at the time, Simpson believed, the Board viewed her request – and her faith – as "outrageous and ridiculous." Accordingly, they assumed that one would only make such a request as a provocation, in order to stop the invocations altogether.

As of fall 2011, invocations continued at Chesterfield County Board of Supervisors meetings, as described their policy for "Clergy, Rabbis, and Other Religious Leaders":

The invocation must be non-sectarian with elements of the American civil religion and must not be used to proselytize or advance any one faith or belief or to disparage any other faith or belief. ... The database list shall include known ordained religious leaders of monotheistic religions with an established congregation in Chesterfield County.<sup>2</sup>

The letter sent to invited clergy affirmed the County's non-sectarian approach:

As in the past, the purpose of the invocation is to invoke divine guidance for the Board in the conduct of their public business. Invocations must be “**non-sectarian**” [emphasis theirs] in order to be permissible under the Constitution. This means that the invocation should generally invoke the guidance of God as a Supreme Being but should not contain references that are peculiar to any particular religion, denomination or sect. As examples, invocations should not include references to religious figures such as Jesus Christ, to images such as a crucifix, or to teachings from such sources as the Koran or the Book of Mormon. We are required to preserve this constitutional requirement as a prerequisite for the giving of invocations to the Board, and we appreciate your cooperation.<sup>3</sup>

As of fall 2011, all of those invited to deliver invocations were Christian.

When Simpson learned about Chesterfield County’s current policy on invocations, she commented, “That still looks illegal to me.” If she lived there today, serving as a minister, Simpson would be eligible to deliver an invocation. She laughed, “No one is more monotheistic than the UUs – that’s what Unitarian means!” But she worried about those who are left out by the policy – not just Pagans, but Native Americans, Hindus, Buddhists, and others. On a personal level, Simpson feels like the case is “ancient history” as she moves forward in her career as a UU minister; however, she believes that the legal and ethical issues raised by invocations -- in Chesterfield County and beyond -- are very much alive. As long as the invocations do not reflect the diversity of the community, Simpson said: “We’re not done with this.”

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## **Endnotes**

<sup>1</sup> All quotes from Cyndi Simpson: Cyndi Simpson, interview by Ellie Pierce, September 19, 2011.

<sup>2</sup> Clerk to the Board of Supervisors in Chesterfield County, “Scheduling Policy for Clergy, Rabbis, and Other Religious Leaders to Give Invocations at Board of Supervisors’ Meetings,” memorandum regarding 2011 invocation policy, from Janice Blakley.

<sup>3</sup> Janice Blakley, “Re: Request for Information Regarding Invocations,” to Ellie Pierce, September 14, 2011.