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Judge: Monks can fight for right to sell caskets

Ramon Antonio Vargas The Times Picayune | Apr. 12, 2011

NEW ORLEANS -- Monks at St. Joseph Abbey near Covington, La., can sue for the right to sell handcrafted caskets without a license from the Louisiana Board of Embalmers and Funeral Directors, a federal judge has decided.

U.S. District Judge Stanwood Duval?s April 8 ruling sets the stage for a June 6 trial, during which the monks? lawyers will argue that restricting casket sales to state-licensed funeral directors amounts to unconstitutional economic protectionism.

?This ruling is a vindication of what we have been saying all along: Economic liberty is for everyone, including the monks of the abbey,? Abbot Justin Brown said in a statement issued by the Virginia-based Institute of Justice, which is arguing on behalf of the abbey.

St. Joseph Abbey opened a woodshop in 2007 to sell handcrafted cypress caskets to the public; proceeds were intended to help pay the medical and educational needs of 36 Benedictine monks.

The board regulating state embalmers and funeral directors issued a cease-and-desist letter before a single casket was sold, citing a state statute that restricts casket sales to licensed dealers.

Last August, the 122-year-old abbey filed suit to strike down the law. Duval rejected a motion from the state funeral industry to dismiss the monks? suit.

Michael Rasch, an attorney for the state Board of Embalmers and Funeral Directors, could not be reached for comment, though he has said the board is only enforcing a state law.

[Ramon Antonio Vargas writes for *The Times-Picayune* in New Orleans.]

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