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Monks' suit over caskets heads to trial

Ramon Antonio Vargas Religion News Service | Jun. 2, 2011

COVINGTON, La. -- A federal lawsuit brought by a group of monks fighting for the right to sell handcrafted caskets without a state license is set to go to trial Monday (June 6) in New Orleans.

U.S. District Judge Stanwood Duval ruled in April that lawyers representing monks from St. Joseph Abbey near Covington could attempt to prove that a state law restricting casket sales to licensed funeral directors amounts to unconstitutional economic protectionism.

The monks' legal team, from the Virginia-based Institute of Justice, seeks to have that statute stricken. It expects the bench trial to last several days, said Jeffrey Rowes, the group's senior lawyer.

St. Joseph Abbey opened a woodshop in 2007 to sell handcrafted cypress funeral boxes for $1,500 to $2,000, which is cheaper than caskets from typical funeral homes. They hoped the sales would finance medical and educational needs for more than 30 monks.

But the state Board of Embalmers and Funeral Directors issued a cease-and-desist letter to the abbey before it sold a single casket. The board cited a law that carried thousands of dollars in fines and up to 180 days' imprisonment for anyone selling funeral boxes without first paying fees and meeting exhaustive licensing requirements.

The abbey, led by Abbot Justin Brown and woodshop director Deacon Mark Coudrain, defied those demands and continued selling its caskets. The monks' lawsuit argues that the statute violates 14th Amendment clauses of due process, privileges of immunities and equal protection.

Lawyers representing the state funeral industry asked the court to dismiss the monks' suit, but Duval refused to grant it. His ruling read in part, "Purely private interest legislation does not protect the general welfare; it treats one group of people differently from another group because of a raw exercise of political power."

Rowes thinks the U.S. Supreme Court ultimately will have to settle the matter. Two federal appeals courts have ruled that governments cannot enrich private interests by restricting competition, while a third federal appeals court disagreed.

Michael Rasch, the attorney for the state Board of Embalmers and Funeral Directors, has said the board is simply properly enforcing a law created by Louisiana's Legislature.

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

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