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Monks sue for the right to build, sell caskets

by Ramon Antonio Vargas by Religion News Service

NEW ORLEANS -- When St. Joseph Abbey decided to open a woodshop on All Saints Day 2007 to sell handcrafted caskets to the public, the hope was that the sales would pay for the medical and educational needs of the abbey's 36 Benedictine monks.

The board regulating Louisiana's embalmers and funeral directors, however, would have none of it.

Before a single casket was sold, the monks received a cease-and-desist letter, citing a state statute that carried thousands of dollars in fines and up to 180 days in prison for anyone selling funeral boxes without first paying the fees and meeting the requirements necessary to get a license.

On Thursday (Aug. 12), the 121-year-old abbey fired back with a lawsuit that asks a federal judge to strike down that law.

"We need the income ... from the caskets to survive," said Abbot Justin Brown, the head of the abbey, during a news conference outside U.S. District Court in New Orleans.

Mark Coudrain, the woodshop's director, added, "We just want to do our work without the threat of prison time."

Monks at St. Joseph Abbey near Covington, La., began making simple wooden caskets and burying their dead brothers in them decades ago. Lay people became interested in purchasing them from the Benedictines after two bishops were buried in abbey-crafted caskets.

In 2007, Coudrain, a trained woodworker, became a permanent deacon of the Archdiocese of New Orleans. He opened St. Joseph's Woodworks, which crafted simple cypress caskets priced at \$1,500 for monks' funerals or \$2,000 for the public.

A casket from a traditional funeral home generally costs more. According to market data, in those days, casket prices nationwide averaged \$2,255 and could climb to more than \$10,000. It is a lucrative business for the 400 licensed establishments in Louisiana, which handle about 40,000 funerals a year.

The cease-and-desist order from the Louisiana Board of Embalmers and Funeral Directors was followed by a formal complaint from Mothe Funeral Home, which argued that the abbey's "illegal third party casket sales place funeral homes in an unfavorable position with families."

According to Louisiana law, no one at the abbey can sell any "receptacles ... where human remains are ... placed for disposition" without paying an application fee, taking classes, passing an exam and serving an apprenticeship that is a "primary form of employment" to earn a funeral director license.

The monks would then need to redesign the abbey into a traditional funeral parlor equipped with embalming equipment and staffed by embalmers licensed by the state regulatory board.

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Brown said satisfying their standards is not feasible. The abbey does not receive funding from the Roman Catholic Church, and relies on selling trees from a forest on the property for income, plus items the monks craft by hand.

The abbey has so far defied the regulators' warning, sold about 50 caskets and petitioned state legislators for help.

Two separate legislative attempts, in 2008 and 2010, to exempt the monks from the licensing requirement were defeated after funeral directors and industry lobbyists opposed it.

The Virginia-based Institute for Justice then took up the monks' cause and prepared a lawsuit, arguing that the state law violates the 14th Amendment clauses of due process, privileges or immunities and equal protection.

Jeffrey Rowes, the group's senior attorney, said, "The state is trying to require them to abandon their calling as Benedictine monks. ... They want to sell wood boxes, not become funeral directors."

Michael Rasch, the attorney for the regulatory board, countered, "The board does not create the law. The state legislature does. Each board member swears to enforce the law, and that's what they are doing."

The suit, which does not seek financial compensation, alleges that the funeral director and funeral establishment licensing laws are meant to establish and preserve a "cartel for the sale of caskets within Louisiana."

All but one of the members of the Louisiana Board of Embalmers and Funeral Directors are licensed funeral home directors and embalmers, a situation the suit portrays as "anti-competitive," especially since "a casket is not required for burial in any state in the country ... (and) does not serve any public health and safety purpose."

"It is outrageous," Rowes said. "This cannot be the state of the law for a country that so values economic freedom."

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

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