

## [News](#)



Headstones inside the Gate of Heaven Cemetery in East Hanover, New Jersey  
(RNS/The Star-Ledger/Courtesy of Aristide Economopoulos)



by Peter Feuerherd

[View Author Profile](#)

## [\*\*Join the Conversation\*\*](#)

March 28, 2018

[Share on Bluesky](#)[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

The Newark Archdiocese has declined to appeal a ruling by a federal judge who overturned [its challenge](#) to a New Jersey law that bans religious cemeteries from selling headstones.

U.S. District Judge Michael Shipp ruled that the archdiocese and two parishioners who joined in the lawsuit failed to show a violation of the Constitution.

The case stems from a lawsuit against the archdiocese from the Monument Builders Association of New Jersey, which claimed that the church had an unfair business advantage because of its tax-exempt status and its religious claims on Catholics.

The archdiocese won that case, but New Jersey [passed a law](#) in 2015 that prohibited religious cemeteries from selling headstones. At the time, Archbishop John Myers argued that the law "harms consumers and our mission tradition." Myers was succeeded as archbishop of Newark in 2017 by Cardinal Joseph Tobin.

The archdiocese was supported in its challenge to the law by the [Institute for Justice](#), an Arlington, Virginia, libertarian organization. According to its website, the institute supports private enterprises contesting government actions that it says create undue burdens on businesses.

Citing the costs involved in pursuing an appeal, in a March 23 [statement](#) the archdiocese said it will decline pursuing the case, but still believes its stance is correct.

## Advertisement

"We continue to believe that the law is unjust. It punishes both the Church for seeking to exercise its ministry to parishioners, and parishioners for seeking to exercise their freedom of choice to select a memorial provider," the archdiocese said.

[Peter Feuerherd is a correspondent for NCR's [Field Hospital](#) series on parish life and is a professor of journalism at St. John's University, New York.]