2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 66

BY REPRESENTATIVE CARRIER

CEMETERIES: Provides relative to the burial of certain persons

A CONCURRENT RESOLUTION

To direct all cemeteries, cemetery authorities, cemetery management organizations, cemetery sales organizations, and cemetery directors in the state to end discriminatory burial practices and to remove any racially restrictive covenants or race-based restrictions from their operating agreements, articles of incorporation, charters, bylaws, sales contracts, and other organizational documents or contracts in order to ensure that the citizens of Louisiana are allowed to bury their loved ones with dignity.

WHEREAS, the care of remains, including the burial of deceased loved ones, is a matter of great concern and significance; and

WHEREAS, all people should have the option to be buried in a cemetery of their choice regardless of race; and

WHEREAS, racially restrictive covenants became more prevalent beginning in 1917, when the United States Supreme Court determined that segregation ordinances violated the Fourteenth Amendment of the Constitution of the United States of America; and

WHEREAS, until the 1950s, about ninety percent of all public cemeteries in the United States had rules and regulations which included racially restrictive covenants; and

WHEREAS, the United States Supreme Court, in 1948, decided that racially restrictive covenants are unenforceable by state because such enforcement violates the Fourteenth Amendment of the Constitution of the United States of America; and

WHEREAS, Article I, Section 12 of the Constitution of Louisiana prohibits racial discrimination in regard to access to public areas, accommodations, and facilities; and

WHEREAS, if our state is to consistently uphold the dignity of each human being in life and in death then it is imperative that discriminatory burial practices are ended; and

WHEREAS, in January of 2021, a Louisiana cemetery refused to sell a burial plot to a police officer's family for the burial of the officer because the cemetery still had racially restrictive language dating back from the 1950s in its bylaws and sales contracts; and

WHEREAS, the cemetery board has since removed all racially restrictive language from its operating documents and contracts; and

WHEREAS, this recent instance of a Louisiana cemetery denying burial on the basis of race cannot be repeated.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby direct all cemeteries, cemetery authorities, cemetery management organizations, cemetery sales organizations, and cemetery directors to end discriminatory burial practices in Louisiana and to remove any racially restrictive covenants or race-based restrictions from their operating agreements, articles of incorporation, charters, bylaws, sales contracts, and other organizational documents or contracts in order to ensure that the citizens of Louisiana are allowed to bury their loved ones with dignity.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Louisiana Cemetery Board.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Directs all La. cemeteries to end discriminatory burial practices and remove racially restrictive covenants or race-based restrictions from their organizational documents and contracts.