

Editorial

DA outpointed again

IN THE Phil Harry-Richard Chinn match-up, our scorekeeper has it 2-0 in favor of the Aptos fire chief. The district attorney didn't score any points in his handling of the "helicopter crash" incident, and it appears he has fumbled once again in the great candle crisis.

Chief Chinn was made out to be Scrooge personified when his officers ticketed a minister and other church officials Christmas Eve for violation of the fire code by permitting a ceremony in which lighted candles were carried. The chief made the front pages of most newspapers and the six o'clock news on every TV station from here to San Francisco. He's made big news for doing his duty in the past and it's likely he'll do so again before he retires in August.

Mr. Harry mustn't be faulted for deciding he has "more important things to do" than prosecuting church officials, but the reasons behind his decision can be called into question.

It's foolhardy for a layman to argue with a lawyer over the constitutionality of a law, but Mr. Chinn makes some telling arguments as to why this is not a First Amendment issue. The law has stood up in other cities, at least to the point of not having been challenged in the courts. Perhaps it's time it was. That's a better way to decide the matter than for the district attorney to make a personal decision as to its constitutionality.

And Mr. Harry's statement that although carrying lighted candles may be dangerous, "the participants are entitled to trust in God to protect them instead of Chief Chinn" is both simplistic and without humor.

Suppose this had not been the Christ Lutheran Church, but a fundamentalist sect which practices the handling of live rattlesnakes by the congregation. Would Mr. Harry be so quick to grant them the same entitlement?

An interesting element of this case is that Mr. Chinn did exactly what a previous district attorney told him to do. When the chief's officers cited church officials under the same law a year ago — with much less outcry than this year — the district attorney did not press charges, but asked the chief to meet with the ministers in his fire district to explain the law and the reasoning behind it.

A week before the latest incident, the chief called such a meeting. By his tally, four of the seven ministers with churches in the district attended, including the minister who was cited Christmas Eve. If that is the case, the minister knowingly violated the fire code by permitting the burning candles to be carried.

There's some foundation for the belief that we're an over-cautious society with too many laws to protect us from ourselves. Perhaps this part of the fire code is an unnecessary constraint. Perhaps people should be entitled to risk immolation as a demonstration of their faith. If that is so, the law should be scrubbed from the books — not an insurmountable task if the churches feel that strongly about it.

But until it is, Chief Chinn should continue doing what he has done in the past — enforce the law. That way, should someone's hair or clothing catch fire from a lighted candle, he can, while feeling anguish for the victim, have comfort in the knowledge he was not derelict in his duty.