

## **Grow's rights can't outweigh public duties**

By Marty Trillhaase

Nez Perce County Commission Chairman Mike Grow showed up for work last week after he was charged with a violent felony.

Like every other criminal defendant, Grow is presumed innocent - repeat, innocent - until proved guilty. But Grow's constitutional rights as an individual do not parallel - nor do they outweigh - his obligation to serve the public interest.

Valley County deputies arrested Grow April 14 at his Brammer Building office. The next day, he appeared before Magistrate Henry R. Boomer on a charge of sexually assaulting a woman April 3 inside a residence at Tamarack Resort near Donnelly. A preliminary hearing is set for May 10.

Released on \$15,000 bail, Grow attended the April 18 commissioners' meeting. So far, he has declined to talk about his case, except to say he intends to remain in office.

Idaho has seen scattered cases of local officials accused of wrongdoing.

For instance, in 2003, Twin Falls County Clerk Robert Fort resigned as soon as he was charged with stealing \$64,000 of county funds and then pleaded guilty a few months later. He drew a three-year sentence.

In 1992, Idaho County Sheriff Randy Baldwin was acquitted of charges that he broke into a Nampa house to steal drugs and money. Baldwin, who said he was pursuing what he believed to be major drug operators, retained his office.

By virtue of his office, Grow's case is in a special category. When a clerk resigns or a sheriff comes under scrutiny, the official's duties can be delegated to a subordinate. There is no such thing as a deputy county commissioner.

The magnitude of the charges against him also set the Grow matter apart. This is not a cop allegedly exceeding his authority or even a clerk stealing county money. Aside from homicide or kidnapping, there is no more serious criminal accusation. If convicted, Grow could draw a life prison sentence.

Such notoriety can't help but erode public confidence in Grow. In no way does this prejudice the case against him as an individual defendant. As a public official, however, he's held to a higher standard. A few people may now see Grow in a less than credible light.

At minimum, the business of preparing a legal defense for a case pending in a community that is three hours driving time away is going to be a major distraction from his official duties.

State law offers at least a partial remedy. Grow can apply for a 90-day leave of absence. That would buy him time to conclude a preliminary hearing, determining whether Valley County prosecutors have enough of a case to bind him over for trial. If the case is dropped, he can return to work. No harm. No foul.

Because the law does not allow Grow to designate a temporary replacement, the county would be left with two commissioners - Doug Havens and Doug Zenner - and the mathematical prospect of deadlock.

So it's only a temporary solution. The longer this case against him drags on, the more Grow's political situation becomes untenable. The county needs three full-time commissioners who are unencumbered by the proceedings taking place in a Valley County courtroom.

Nothing short of a recall election - which would be an overreaction at this point - could compel Grow to step aside. His term runs through next year.

No law is dictating what Grow must do. This is a matter of individual conscience. At some point, probably much sooner than the county commissioner would prefer, he'll confront a crossroads: Who should come first? Mike Grow? Or the people who elected him? - M.T.[org]