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East P.A. may remain a city, court says

By Janet Wells
Mercury News Staff Writer

The California Supreme Court ruled Thursday that East Palo Alto may stay a city.

The unanimous decision, handed down about 9 a.m. in San Francisco, upheld a June 1983 election in which residents decided by a 15-vote margin to create a new city.

Former Rep. Paul N. "Pete" McCloskey, attorney for East Palo Alto Council-

woman Gertrude Wilks and nine other incorporation foes, argued that pro-city campaign supporters illegally intimidated absentee voters and that those votes — and the election — should be thrown out.

McCloskey said Thursday that the ruling was "a frightening decision for future elections."

"The court is approving campaign workers going into people's homes."

McCloskey said he would meet with his clients to discuss asking the U.S. Supreme

Court to review the case, which has been bitterly argued for three years.

"I think the issue of secrecy of ballots and the right of citizens to be free in the home from coercion. . . . That question is one that deserves Supreme Court attention."

Attorneys Tom Adams and Ann Broadwell, co-counsels for the city, said the state's highest court agreed that voters requested assistance from campaign workers, and no violation of secrecy

occurred.

"They were delivered back to the voting place by friends and relatives," Broadwell said. "Some people had help in punching the holes. They were elderly."

"The trial judge went into it thoroughly to make sure an accurate count was made. . . . He took testimony from more than 100 witnesses."

The Supreme Court affirmed the 1983
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“It’s been a long protracted struggle. We knew that with God’s grace we would prevail.”

— Mayor Barbara Mouton
