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Editorials

McCloskey predicts he'll win appeal in East Palo Alto dispute

A LOSER IN the legal fight over East Palo Alto incorporation, Palo Alto attorney Pete McCloskey predicts he'll win a reversal on appeal, "even if it means going all the way to the state Supreme Court."

McCloskey was stung by Superior Judge John Cruikshank's refusal to nullify the new city's formation on voter fraud grounds. Cruikshank, a former criminal defense attorney from San Joaquin County, also dealt the former Republican congressman some blistering verbal blows during the trial. He compared McCloskey's bid to play a secret tape recording in court (in order to prove alleged voter bribery) to tactics employed in Hitler's Germany.

That's the fiercest flak McCloskey has absorbed since his bold views on the Middle East ruined his try for the U.S. Senate last year.

COURTROOM SALVOS aside, the big winner in the incorporation brouhaha is San Mateo attorney Tom Adams, whose fee for the battle was considerably less than McCloskey's. Surely taking note of the ruling was Superior Court Judge Mel Cohn, who blocked the incorporation election last spring (after McCloskey

Roy Hurlbert

challenged the percentage of required petition signatures) and later was reversed by the state Court of Appeals.

McCloskey says he's confident he'll still triumph on the landlord-backed challenge to the June 7 election results, which made East Palo Alto a city by a margin of 15 votes.

MCCLOSKEY ALSO believes the increasing frequency of absentee balloting multiplies the chances for ballot tampering, thus more election fraud lawsuits should get fairer hearings in court.

But Adams says McCloskey's post-verdict enthusiasm for an appeal is nothing more than a face-saving smokescreen.

"We don't think many appeals judges are favorable to reversing an incorporation," Adams said this week. Adams also charged that during the trial

"McCloskey was tremendously abusive in his attack on the right of minorities to vote. I hadn't seen anything like it since the voter registration struggles in the South."

THE SEPTEMBER ISSUE of California Magazine has a flattering spread on state schools chief Bill Honig, indicating that his political potential is high — if he delivers on his promises to improve California's sagging public school system.

Buoyed by the Legislature's transfusion of \$800 million to the state's 1,043 school districts, Honig has committed himself to a "checklist" of standards for measuring the reforms he championed as a long-shot candidate for the superintendency last year.

Honig says that test scores will rise, dropout rates will plunge, classroom time will increase and curricula will change for the better. Simultaneously, public confidence in the public schools is certain to climb and an overall upgrading of the elementary and high schools will be evident.

SOME ADMINISTRATORS, teachers and trustees,

while enthused about Honig's energy and lobbying success so far, take exception to his rhetoric. His checklist, in particular, has many classroom veterans and lay leaders disgruntled because they feel it implies that they did little to upgrade the the financially lean system before Honig.

Assembly Minority Leader Bob Naylor has assailed Democrats in Sacramento for delaying appointment of a 15th Superior Court judge in San Mateo County.

He's justified in his gripe, for a new judge surely is needed to ease the workload. What's more, county supervisors unanimously endorsed the additional judgeship and earmarked more than their usual share, in partnership with the state, to fund the additional berth.

The governor undoubtedly will appoint a Republican to the bench when the political shenanigans have subsided. That's par for the partisan course. Meanwhile, Democrats who blocked the authorization in committee two weeks ago aren't fooling anyone in declaring that the state can't afford a new San Mateo County judge next year.