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# East P.A. cityhood foes appeal to Supreme Court

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Even though East Palo Alto has been a city for three years, foes of its incorporation still aren't ready to concede defeat.

Attorney Paul N. "Pete" McCloskey has appealed to the U.S. Supreme Court to review an Aug. 21 state Supreme Court ruling that upheld the June 1983 election granting cityhood, a spokeswoman at his Palo Alto law office said Thursday. Incor-

poration opponents, with McCloskey at the helm, have insisted that the fight for cityhood was won with fraudulent votes.

In the final tally, 1,599 East Palo Alto residents voting at the polls favored incorporation, 1,678 opposed it; of 272 absentee ballots, 183 were for incorporation and 89 against.

Throughout the lengthy appeal process through three courts in the state system, See EAST P.A., Page 2B

# Cityhood foes not giving up

EAST P.A., from Page 1B

McCloskey has maintained that pro-incorporation workers preyed upon illiterate or elderly housebound voters, marking their ballots and coercing them into voting for incorporation.

The absentee ballots tipped the election 15 votes in favor of incorporation and diminished the impact of the votes cast at the polls, McCloskey said in his appeal.

He also said that the voting procedures upheld by the state court violate due process and equal protection clauses of the 14th Amendment.

McCloskey could not be reached for comment Thursday.

"It's really tragic that he would seek to take monies that could be better spent by the city and we are forced to use them to defend the city," said East Palo Alto Mayor Barbara Mouton.

Mouton said she feels conservative opponents of incorporation are threatened by the ability of areas like East Palo Alto to form their own city.

"The incorporation of East Palo Alto sends out a message nationwide that little people, irregardless of the color of their skin, can make the decisions that impact on their lives," she said. "If people see that East Palo Alto can do it, they realize that Roxbury, Mass., can do it.

"It sends a message out, a message of hope. There's a lot at stake."

If the U.S. Supreme Court agrees to hear the case, it could take another year to decide whether East Palo Alto can hold on to its cityhood.

Mouton said she is frustrated by the latest appeal. But not worried.

"The California Supreme Court jurists were extremely able jurists who understand the legal system. They based their decision on law, not emotion," she said.