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Cole gets Maryland judgeship

City jurist chosen by Lee is 1st black on Court of Appeals

Annapolis Bureau of The Sun

Annapolis—Acting Governor Lee appointed Judge Harry A. Cole of the Supreme Bench of Baltimore to the Court of Appeals yesterday, making him the first black judge to sit on the state's highest court.

Mr. Lee made it clear at his weekly press conference that race was the primary consideration in passing over two white judges on a higher court, the state Court of Special Appeals, to pick Judge Cole.

"I thought that if a good black judge could be found for one of the two [Court of Appeals] seats from the city, he should be appointed," Mr. Lee said.

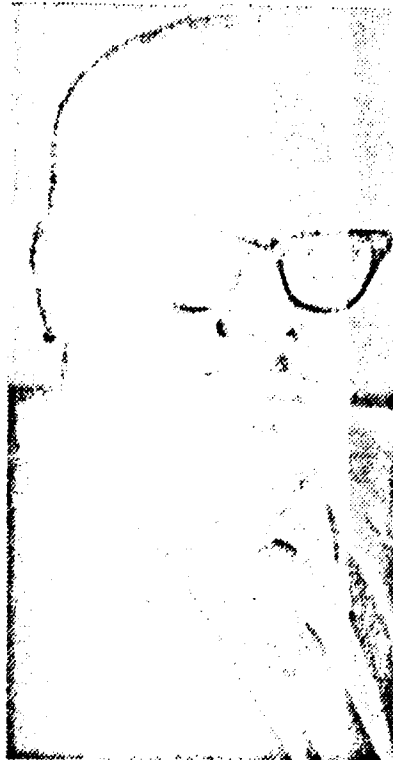
The decision was not made as simply as he suggested, however.

Mr. Lee's first choice for the job, Judge Joseph C. Howard of the Supreme Bench, was left off the nomination list, causing a furor among the black politicians and civic groups that supported Judge Howard.

Judge Cole, a 56-year-old Republican and the only black to make the nomination list, does not have as much backing as Judge Howard in Baltimore's black community, and Mr. Lee spent more than five weeks pondering his alternatives before announcing the choice.

He said two weeks ago that, before filling the court vacancy, he wanted to know whether Henry G. Parks, Sr., a black businessman and former city councilman, would be available for the job of state secretary of economic and community development.

A black appointment to the seven-member Court of Appeals would seem less imperative, Mr. Lee acknowledged, if he could name a black to his all-white cabinet.



JUDGE HARRY A. COLE
 ... of Baltimore Supreme Bench

The Parks appointment would have the added political advantage of solidifying Mr. Lee's ties with the powerful political organization headed by William L. (Little Willie) Adams.

The acting Governor said yesterday he still has not heard from Mr. Parks. But it appears that Mr. Parks, who had promised a final answer this week, will not take the cabinet job.

If Mr. Lee had decided against naming Judge Cole, sources said, he probably would have appointed Richard P. Gilbert, chief judge of the Court of Special Appeals, to the vacancy.

Judge Solomon Liss of the Court of Special Appeals, Judge David Ross of the Supreme Bench and M. King Hill, Jr., a Baltimore lawyer, were also on the list submitted by the Appellate Judicial Nominating Commission.

Asked yesterday why Judge Howard was his first choice, Mr. Lee said the judge, who has developed a popular following for his outspoken stands on racial issues, is "a very remarkable guy."

But he quickly added, "I've appointed Judge Cole. I don't want to say anything to demean him in any way. I think he is a fine guy."

"I'm just grateful for the Governor's confidence," Judge Cole said yesterday. "I'll do my best to be a credit to my family, to the state and to the Governor who appointed me."

He said being the first black on the
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Lee appoints Judge Cole to appeals court

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Court of Appeals "creates a tremendous burden that I do the kind of work to pave the way for other folk."

Charles J. Josey, Sr., an officer of the Monumental Bar Association, an organization of black city lawyers, hailed Judge Cole's appointment.

"It's gratifying to detect the degree of responsiveness by the Governor to the legitimate aspirations of the black community," Mr. Josey said.

Judge Cole, who will fill the vacancy caused by the retirement of Judge Frederick J. Singley, Jr., has served on the Supreme Bench since 1968.

A graduate of Morgan State University and the University of Maryland Law School, Judge Cole has another important credit: the first black elected to the state Senate.

"I defeated the [Jack] Pollack machine and then they came back and beat me," he said of his one term in the Senate from 1954 to 1958.

To keep his \$46,000-a-year job on the Court of Appeals for a full 15-year term, Judge Cole will have to run for election in the city next year.