

Harry Cole Dies; First Black on Md. High Court

From News Services

BALTIMORE—Retired Judge Harry A. Cole, the first black to serve on the Maryland Court of Appeals, the state's highest court, and a former state senator, died Feb. 14 at a hospital here at age 78. He had pneumonia.

He was elected to the state Senate in 1954 and served one term. In 1977, he became the first black named to the Maryland Court of Appeals, where he served until his retirement in 1991.

During his 14-year tenure on the court, Judge Cole wrote the unanimous opinion that upheld the right of the state to fund abortions for poor women.

"He was a remarkable man—one of the great heroes of 20th-century Maryland political history," Baltimore Mayor Kurt L. Schmoke said in a statement. "He was a true path-breaker and a man all Marylanders could admire."

Judge Cole was born in Washington and

grew up in Baltimore. He graduated, with highest honors, from Morgan State College in 1943 and the University of Maryland law school in Baltimore in 1949.

During World War II, he served in the Army in Europe and the Pacific.

He was hired as an assistant state attorney general in 1953, then in 1954 was elected to the state Senate.

Judge Cole defeated the incumbent, Bernard S. Melnicove, by 37 votes and was believed to be the first African American state senator.

He lost the seat by 2,000 votes four years later.

Judge Cole, a Republican, had been an unsuccessful candidate for the House of Delegates in 1950 and the Baltimore City Council in 1951 and 1959.

In 1967, he was appointed by Gov. Spiro Agnew (R) to a seat on the old city Municipal Court. In 1968, he was appointed to the Supreme Bench, now known as Circuit Court,

where he remained until being named to the Court of Appeals in 1977 by Gov. Blair Lee III.

Retired Judge Solomon Baylor, who served with Judge Cole in the Baltimore court system in the 1970s, said his historic appointment to the state's highest court was important not just to blacks but to everyone.

"It changed the theory that the highest bench was just for certain types of people," Baylor said. "He was the most qualified, so the people got the best."

Upon his appointment, Judge Cole told a news reporter, "Anyone can look at me and know who I am—a black judge."

"But I believe I have been fair and impartial as a judge, having full recognition of prejudice but not getting enmeshed in it."

Judge Cole, whose hobbies included dancing, was a fan of the music of Count Basie and Frank Sinatra.

Survivors include his wife of 41 years, the former Doris Freeland, of Baltimore; three daughters; a sister; and two grandchildren.