

# HUMAN INTEREST

## After 71 years, judge has left the building

by Todd Gutnick, Tribune Review,

After hearing the final argument of his judicial career, Pennsylvania Senior Superior Court Judge Harry M. Montgomery (CMSI # 15) observed



Wednesday he was luckier than most who follow in the paths of his profession.

After all, colleagues and friends have thrown the 94-year-old jurist not one but three retirement parties.

"It was my intention to make a declaration of retirement," Montgomery, the oldest appellate judge in the history of the commonwealth, said yesterday at a reception sponsored by the Allegheny Court Bar Association.

"I was retired in 1970 at age 70 under the law. When I was 90 they gave me another party - if there was some indication that I was willing to retire," he quipped.

Many of the state's top jurists were on hand to bid Montgomery a final

farewell when the Commonwealth's second-highest court convened a special session at the City County Building Downtown.

Colleagues said it was Montgomery's tenacious personality and his fairness - that gained the respect of many through the years.

"He's one of the consummate judges in Pennsylvania," said Superior Court Judge William F. Cercone of Pittsburgh. "He contributed to a body of law that showed the way for a better quality of life for the people of Pennsylvania."

Colleagues said Montgomery will be remembered as one of the state's finest jurists.

Montgomery was born in the City of Allegheny - now the North Side - in 1901, the only son of Mary and Milton Montgomery. His father, once a minor league baseball player, owned a wallpaper and paint store.

After passing the bar in 1924, Montgomery served the next 20 years in private practice. He served a two-year stint as assistant county solicitor before being elected to county court.

After four years in county' court, and another 12 in Common Pleas, Montgomery was elected Superior Court Judge. He would serve the next 36 years on the panel, becoming a senior judge in 1970.

Montgomery said after 71 years he is ready to hang up his robes and "call it a game."

He later said, "As far as I'm concerned, the hardest part about being judge is getting to the job."

Montgomery perhaps is best remembered for presiding over the 1951 trial of Steve Nelson, a Western Pennsylvania Communist Party leader charged with sedition.

Montgomery, accused by the Communists as being part of a group called Americans Battling Communism, steered a jury through the acrimonious, two-month-long trial. Nelson was found guilty and sentenced to 20 years' in prison.