

### ON THIS DAY IN WEST VIRGINIA HISTORY NOVEMBER 5



**Leon P. Miller of McDowell County became the first African-American judge elected to office in West Virginia on November 5, 1968.**

**CSO: ELA.8.1, SS.8.2**

**Investigate the Document: (Welch Daily News November 13, 1968)**

1. Why was it “shocking” that Leon P. Miller won the election as a Republican in McDowell County? When was the last Republican elected to a major office at the time of Miller’s victory in 1968? How many African Americans judges had been elected in West Virginia, prior to Miller?
2. Why was there the necessity for a write-in campaign?
3. Where did Miller practice law for two years prior to moving to Welch?
4. What former U.S. President appointed Leon Miller as the United States Attorney for the Virgin Islands?

**Think Critically:** Why do you think McDowell County was overwhelmingly Democratic at the time? Do you think Miller’s candidacy was aided by the significant African American population that resided in McDowell County? What was the population of African Americans in the county, according to the most recent Census? <http://www.wvculture.org/history/teacherresources/censuspopulationrace.html>

# THE WELCH DAILY NEWS

Welch, West Virginia, Wednesday Evening, November 13, 1968

## Miller Elected Criminal Judge

McDowell county West Virginia's most southern area, today held the probable distinction of giving the state its first Negro judge.

An official canvass of the general election vote was completed here Tuesday afternoon, revealing that Welch Attorney Leon P. Miller has been elected Judge of the McDowell Criminal Court by a write-in vote. He is 69.



Judge Leon P. Miller

Tallies showed that Miller received a total of 1,317 write-ins and 1,197 "sticker votes." He easily nosed out Beediah Hassan, Welch native and now practicing law in Charleston, who was given a total of 666 votes, 484 of them write-ins and 182 "sticker votes." A surprising 74 write-in votes was counted for T. J. Scott of Welch.

Miller, who has been serving as special judge of the court since last April, will qualify for office and will be sworn in as soon as the McDowell County Court certifies him as the victor. He has been named to the Bench by the McDowell County Bar each term of court since the death of Judge L. R. Morgan.

Although Morgan died before the May primary neither party entered a candidate on the ballot for the November 5 general election. But a write-in campaign for Miller and Hassan was quietly organized and on election day gummed stickers for both men were passed out to voters.

The new jurist is also the first Republican elected to a major office in this county since the early 30s.

Local observers today pointed out that the write-in vote was a personal tribute to the new jurist who overcame strong party ties in overwhelmingly Democratic McDowell county.

A native of Knoxville, Tenn., Judge Miller was born April 27, 1899 and was reared in Roanoke, Va. He attended school here before enrolling in A and T College at Greensboro, N.C.

The jurist received his law degree from the University of Pennsylvania Law School in 1922 and practiced at Williamson for two years before coming to Welch in 1924.

He and the late Harry J. Capehart, Sr., were partners in a successful law firm for many years. In 1954, President Dwight D. Eisenhower appointed Miller as United States Attorney for the Virgin Islands. He held that post until 1962 when he returned to Welch to resume the practice of law.

During the Republican administrations of the late 20s, Judge Miller served as an assistant prosecuting attorney for the county from 1928 to 1932. He was married to the former Miss Mildred Foster of Greensboro, N.C. They reside on Court Street.

Judge and Mrs. Miller are parents of three daughters, all of whom have distinguished themselves in public service. Mrs. Artrelle Wheatley of Caracas, Venezuela is a former

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## MILLER ELECTED

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worker for the Ford Foundation.

At the request of the government she gave up the post when her husband became head of the peace corps in Caracas.

Mrs. Jane Miller Johnson is presently employed by the Presbyterian Hospital of New York as a psychiatric social worker. The third daughter is Mrs. Lydia Patricia Miller Adams of the Virgin Islands, a physical therapist in charge of the island's crippled children's division.

The Millers also have five grandchildren.