

= Tracy Thorne @-@ Begland =

Tracy William Thorne @-@ Begland (born October 3 , 1966) is an American judge on the General District Court of Richmond , Virginia , appointed in 2012 . He was the first openly gay jurist elected by the Virginia General Assembly .

After graduation from university , Thorne @-@ Begland served in a jet combat squadron of the United States Navy . During the 1992 presidential campaign , he appeared on the television news program Nightline to criticize the Navy 's policy of excluding homosexuals , identified himself as gay , and was honorably discharged from the service . As a result of the appeal processes , Thorne @-@ Begland became interested in the law and obtained a law degree .

After serving twelve years as a prosecutor , Thorne @-@ Begland was nominated for an open seat on the General District Court of Richmond in 2012 , but the Virginia House of delegates rejected him for the position for his perceived advocacy on homosexual issues . The Richmond Circuit Court judges granted him a temporary appointment to the post on June 14 , 2012 . On January 15 , 2013 , he was confirmed in the position by both houses of the Virginia General Assembly .

= = Early life and military career = =

Tracy W. Thorne was born c . 1967 and grew up in a well @-@ off family in West Palm Beach , Florida . Following his graduation from Vanderbilt University , he entered the US Navy in 1988 , inspired by reading Stephen Coonts ' novel Flight of the Intruder about naval aviators in the Vietnam War . He was first in his flight training class , and served in Attack Squadron 65 , the " Fighting Tigers " , at Oceana Naval Air Station flying the A @-@ 6 Intruder . Initially denying his homosexuality , Thorne accepted it in 1990 when he visited a gay bar for the first time on New Year 's Eve .

In 1992 , Thorne came out to his squadronmates , who he later stated were supportive : " It was a complete non @-@ issue " . In April he spoke with an aide of Colorado congresswoman Pat Schroeder , who encouraged him to go public with his story to build popular support for a bill to overturn the ban on gay service members . Thorne agreed to do so , and completed the process of coming out to family members , including his father and brother . On May 19 , 1992 , during a presidential campaign in which Democratic candidate Bill Clinton was proposing an end to the military 's exclusion of homosexuals , Thorne openly identified as homosexual during an interview with Ted Koppel on the ABC television news program Nightline . Thorne later appeared on NBC 's Today Show and CNN 's Sonya Live .

Within days , the Navy began discharge proceedings against him , though he was not formally discharged until 1995 . By the time of his first discharge hearing in August 1992 , Thorne had reached the rank of lieutenant . On May 11 , 1993 , he testified before the U.S. Senate Armed Services Committee , which was surveying the opinions of service members on the question of service by open homosexuals . He told the senators that his discussion with his peers following his television disclosure was " a nonevent " and called the policy banning service by homosexuals " Government @-@ sanctioned discrimination . " During the committee session , South Carolina Senator Strom Thurmond advised Thorne to seek psychiatric help .

In 1994 , President Clinton instituted " don 't ask , don 't tell " (DADT) , a policy which barred open homosexuals from military service but forbade officers to investigate the sexuality of service members . Thorne 's previous assertion became a test of this new policy , and proceedings against him continued . While Thorne 's discharge proceedings were under way , he was awarded the Navy Achievement Medal for " superb leadership , exceptional professionalism and total devotion to duty " . In 1994 , a Navy board of inquiry recommended that Thorne be honorably discharged , though the discharge was not official until May 6 , 1995 .

Thorne then brought suit in federal court to overturn the discharge ; the court ordered his reinstatement while the case proceeded . After he lost his challenge to DADT in both U.S. District Court and the Fourth Circuit Court of Appeals , the Supreme Court declined to hear his appeal on October 19 , 1998 , and he was again discharged .

Thorne 's various cases left him with a new interest in the law . He pursued a degree at the University of Richmond School of Law , graduating in 1997 .

= = Judicial nomination = =

Thorne @-@ Begland went on to serve 12 years as a prosecutor and became chief deputy commonwealth 's attorney for Richmond . In 2012 , he was nominated to fill a vacancy on the state 's 13th General District Court , which serves Richmond , Virginia . Before the vote , the conservative advocacy group Family Foundation of Virginia lobbied heavily against his nomination due to his homosexuality and past activism . He had served for a time on the board of Equality Virginia , a gay rights advocacy organization . If his nomination had succeeded , he would have become the first openly gay judge in the state .

On May 14 , the day of the scheduled vote on Thorne @-@ Begland 's appointment , Republican Governor Bob McDonnell stated that the candidate 's sexuality should not be an issue : " All I can tell you is what I 've always said about judges , and that is that these ought to be merit @-@ based selections solely based on a person 's skill , ability , fairness , judicial temperament " . Thorne @-@ Begland also attempted to address concerns by pledging to " neutrally apply the laws " and avoid political advocacy .

Some House Republicans were critical of Thorne @-@ Begland 's lying to the Navy about his homosexuality , stating that his violation of the military 's code of conduct made him unfit for a judgeship . Delegates also stated that they felt Thorne @-@ Begland 's homosexuality and previous history of activism would influence his rulings on the bench .

Following a lengthy discussion , the vote on Thorne @-@ Begland 's nomination was held shortly after 1 am on May 15 . The vote split largely along party lines , with 21 Democrats and 8 Republicans supporting him and 31 Republicans opposing him , well short of the 51 @-@ vote majority needed . Following the vote , the House of Delegates adjourned for the year .

= = = Responses = = =

Thorne @-@ Begland 's supporters described the opposition to his appointment as " discrimination " and " bigotry " , while his opponents described it as a necessary measure against his " aggressive activist homosexual agenda " . Virginia Republican Bob Marshall noted on CNN that " Sodomy is not a civil right " , and stated that Thorne @-@ Begland 's homosexuality would make it impossible for him to judge cases impartially : " if you have a bar room fight between a homosexual and heterosexual , I 'm concerned about possible bias . " Republican senate candidate and former senator George Allen expressed disagreement with the vote , stating that judges should be appointed based on judicial qualifications rather than sexual orientation . Stephanie Cutter of US President Barack Obama 's re @-@ election campaign described Thorne @-@ Begland as " overly @-@ qualified " for the post , stating " He is a well @-@ known successful prosecutor ... That is how the legislature should be making these decisions . Not based on someone 's own sexual orientation . " The campaign of Republican presidential nominee Mitt Romney declined to comment .

The New York Times accused the House of " clear and shameful " bias . The Washington Post stated that " no matter how they dressed it up , the Republicans ' opposition boiled down to old @-@ fashioned prejudice . " Dahlia Lithwick of Slate wrote that if Thorne @-@ Begland 's previous advocacy for gay rights disqualified him from the bench , Thurgood Marshall 's advocacy with the NAACP and Ruth Bader Ginsburg 's advocacy for women 's rights would have disqualified them from the U.S. Supreme Court . The New Jersey Star @-@ Ledger described the decision as " stunning in its blatant prejudice . "

= = = Judgeship = = =

Thorne @-@ Begland commented that he was " looking forward to continuing to serve the citizens of the city of Richmond and the great commonwealth of Virginia " in his role as a prosecutor . A

month later , on June 14 , the Richmond Circuit Court judges appointed him to the position for which he was rejected by the legislature . The temporary appointment began July 1 , 2012 , to expire 30 days after the date the next legislative session began . Governor McDonnell 's spokesman congratulated Thorne @-@ Begland on the appointment , stating , " the Governor believes Mr. Thorne @-@ Begland is well @-@ qualified to serve on the bench " . Marshall called the move " highly imprudent and arrogant " of the judges : " They 're contesting the authority of the General Assembly This is an act of defiance on their part . When appointed officials get in fights with elected officials , they invariably lose . " Thorne @-@ Begland stated that " I look forward to serving the citizens of the City of Richmond as a jurist , and over the coming months , I hope that my service provides comfort to all Virginians that I remain committed to the faithful application of the laws and Constitutions of Virginia and the United States of America . "

On January 15 , 2013 , the House of Delegates elected Thorne @-@ Begland to a full six @-@ year term with a vote of 66 ? 28 , with one abstention . The 28 votes against him were all cast by members of the Republican party . The Senate followed with a vote of 28 ? 0 , with 12 Republican senators not voting . Thorne @-@ Begland was the first openly gay jurist elected by the General Assembly . He was sworn in for his full term on March 1 , 2013 .

= = Personal life = =

Thorne @-@ Begland lives with his husband , originally Michael Begland , a Richmond attorney . They have combined their original surnames , and both use the surname Thorne @-@ Begland . They had a commitment ceremony in 2001 after 8 years together and soon decided they wanted to have children . Using eggs from Michael Thorne @-@ Begland 's sister and sperm from Tracy Thorne @-@ Begland , they used a surrogate to give birth to their twins in 2005 in a Maryland hospital .