

Attorney questions Elkins decision

By Cindy Naley
Assoc. News Editor

Petersburg Commonwealth Attorney Richard L. Jones has called for University President Frank L. Hereford Jr. to "explain to the people of Virginia" Hereford's decision to permit a professed homosexual to retain his post as Resident Advisor (RA).

Jones, who received both his undergraduate and law degrees from the University, expressed dissatisfaction with Hereford's decision in a letter to Hereford dated Oct. 14.

In the letter Jones said he found it difficult to reconcile Hereford's oath of office, which Jones linked to support of the state constitution, with the provision Section 18.2-361 in the code of Virginia. The code declares sodomy a felony punishable by imprisonment.

Jones in the letter questioned how Hereford can "accept or permit a 'gay' or 'homosexual' at the University of Virginia without, in the same breath, excusing or condoning the crime of sodomy."

Decision announced

Hereford announced two weeks ago following a 10-day controversy that second-year student and professed homosexual Bob Elkins could remain as an RA in Hancock House.

Hereford's decision was based on the recommendation of an administrative ad hoc committee which Hereford appointed to determine if Elkins, one-time Gay Student Union (GSU) president, could remain at the post.

Elkins was unavailable for comment yesterday.

Jones said he does not intend to take any legal action, but explained he wished to express his views "as an alumnus."

It is Hereford's "duty to tell the people if there's a difference" between homosexuality and sodomy, he added.

"I think homosexuality includes the crime of sodomy," Jones said.

No evidence of crime

Hereford received the letter on Oct. 15 and referred it to University Legal Advisor George G. Grattan IV.

Grattan, in a statement issued for Hereford by University Information Director William H. Fishback Jr., said he knows of "no evidence whatsoever that any crime has been committed or that any violation of the code of Virginia has occurred.

"If Commonwealth Attorney Jones has any such evidence he should make it available to the appropriate authorities," Grattan said in the statement.

The University's official response to Jones will be made by Grattan "since it's a legal question," Grattan said yesterday.

The University "must put itself within the same law as the state - the law is the law," Jones said yesterday.

What course of action the University should take "is the University's business," Jones continued, adding he is not asking that Elkins resign his post as RA.

Jones said he is not referring "to any specific crime" of sodomy.

However, "if allowing homosexuals at the University means allowing people who

practice sodomy, then (Hereford) should explain his decision," Jones said.

Elkins' attorney during the controversy four weeks ago, Charlottesville lawyer John C. Lowe, said yesterday he and Elkins "consider the matter concluded."

Lowe had no comment on the Jones letter as he is not Elkins' "on-going representative" although Lowe said he assumes he will be appointed to the job if Elkins has further need for a lawyer.

In the meantime, Lowe said, Elkins will "continue doing the job he has been doing."

The announcement by Jones questioning Hereford's decision revives what many considered to be a resolved issue.

On Sept. 20, it was learned that Hereford had formed an eight-man ad hoc committee to study a possible conflict that may have resulted from Elkins' simultaneous holding of the GSU presidency and the position of RA.

Recommendation

After six days of deliberation on the matter, the committee, comprised of three students and five administrators, had decided to recommend to Hereford the retention of Elkins in the post.

In the meantime, Elkins had resigned the GSU office, and a number of groups had asked that he be allowed to remain as an RA.