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January 17, 2013

Court Stands in Way of Dreams to Be Deep Springs' Pioneer Women

By Ann Schnoebelen

Although Deep Springs College, a 26-student institution on a cattle and alfalfa ranch in California, is notoriously selective, more than 100 of its applicants this year were vexed by the news last week that they wouldn't get in. It wasn't bad grades or mediocre essays that had led the college to disqualify them; it was their gender.

Deep Springs announced last year that it would begin accepting female students for the first time in its 95-year history, only to [rescind the offer](#) amid a legal battle over the college's deed of trust.

"Somehow the news of inability to admit women in 2013 feels worse than a rejection," one female applicant wrote in an e-mail to the college, one of several it shared anonymously with *The Chronicle*.

Many young women who applied to Deep Springs have expressed their frustration to the college. "Being excluded from such a unique and valuable opportunity because of the organs in my body is not a good feeling," one wrote. "In a century where men and women are finally considered intellectually equal and where we have enjoyed that equality for decades," said another, "it makes no sense to continue with such a discriminatory policy."

At Deep Springs, isolated on 2,500 acres in eastern California's High Desert, students follow a curriculum that stresses labor and self-governance along with rigorous academic study. The two-year college awards associate degrees in liberal arts, but most students transfer their credits to a four-year institution, frequently Harvard, Brown, and Yale Universities.

At the center of the debate over coeducation is the founder L.L. Nunn's instruction to use his estate for the purpose of educating "promising young men."

Discussion of enrolling female students has come up several times over the years, said David Neidorf, the college's president. But not until September 2011 did the Deep Springs Board of Trustees, which includes two current students, vote in favor of coeducation, 10 to 2. The college then petitioned a court to either reinterpret or change the deed of trust accordingly.

But the two trustees who had opposed the move, Kinch Hoekstra and Edward Keonjian, filed an objection, arguing that admitting young women would violate the board's obligation to Nunn's explicit directive.

Mr. Hoekstra, a Deep Springs alumnus and law professor at the University of California at Berkeley, compares his role as a trustee

to that of the executor of a will. "I might think, 'I have a better use for this' or 'I think this is what this person would have liked to give this to' or 'No, things have changed and this other cause would be better,'" he said. "But that's not the role of an executor of a will, and that's not the role of a trustee of a trust."

He maintains that the current issue is a legal one. "It's my clear view that the trust cannot be read to allow for the admission of women, whatever one might think of its desirability," said Mr. Hoekstra, whose wife, Heather Matsumoto Hoekstra, is one of two lawyers representing him and Mr. Keonjian in the case.

That interpretation is in line with Mr. Hoekstra's preference that Deep Springs remain single-sex. But if the law weren't behind him, he said, he would have let the vote stand. "That would have been the end of the matter."

An Evolving Future

Mr. Neidorf, the college's president, sides with the board's majority that the nearly 90-year-old document at issue leaves itself open to some interpretation.

"It does say 'promising young men,'" Mr. Neidorf said. "But it also says that the board is empowered to use a vast amount of judgment in developing this educational project as it evolves into the future."

It's up to the board, he said, to consider issues Nunn didn't anticipate. Should the founding document be read to exclude preoperative transsexuals, Mr. Neidorf wonders, and applicants still exploring their gender identity? He worries about educating students in an atmosphere so different from the outside world, arguing that the college is "training them to function in a day and age which is passed."

Mr. Hoekstra said he was worried about this year's female applicants. He characterized some of the college's public statements inviting young women to apply as "misleading" because it was not yet legally allowed to admit them.

"We ought to resolve this matter fully and finally before inviting and encouraging applications from women," he said. "That's the only way to treat these young women fairly."

Mr. Neidorf rejects the idea that the college was cavalier about applicants' hopes. He firmly believes that female students will eventually be enrolled at Deep Springs.

"I can speak for the teaching staff in saying that we all are pretty dedicated to the project that L.L. Nunn started," the president said, "and we're all deeply convinced that his mission requires at this stage of society that we become coeducational."

Along with expressing disappointment, many female applicants' e-mails to the college share that sentiment, and offer their support.

"There clearly are a lot of people at Deep Springs and Deep Springs alumni who see the benefits of an inclusive applicant pool and diverse campus," wrote one applicant, Janelle Lamb, who agreed to be named. But, said Ms. Lamb, who is attending high school in

Britain, "I am deeply saddened that these changes won't happen quickly enough for me to enjoy them."

Another applicant looked to the future. "I hope my opinion and that of many other girls will encourage you to continue to fight this battle," she wrote in an e-mail to the college. "I hope coeducation becomes a reality soon, as I am sure there are many other girls who, like me, cannot wait to become a part of Deep Springs."

The next court date for the case is on Tuesday, but resolution is likely to take longer.


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 **feudipandola** 6 hours ago

Please, spare me...There are only three male only, non-religious colleges left in America, four if you include Deep Springs. There are 47 female only colleges. Today, women comprise about 57% of all undergraduates while men make up 43%. FACTS are hard and stubborn things...This lawsuit is a ridiculous waste of everyone's time.

<http://en.wikipedia.org/wiki/M...>

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 **gailhdavis** 5 hours ago

I've never heard of this institution and it sounds excellent. Too bad I have to learn of it in a most negative way. I would think the Board of Trustees has the power to adapt to situations not anticipated by L.L. Nunn.

1 person liked this.

 **matt_roberts** 4 hours ago

It would seem fairly clear....young women are not young men.

1 person liked this.

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The Chronicle of Higher Education 1255 Twenty-Third St, N.W. Washington, D.C. 20037