



## INSTITUTE FOR AMERICAN VALUES

June 24, 2010

Arthur S. Brisbane  
Public Editor  
New York Times  
620 Eighth Avenue  
New York, NY 10018

Dear Mr. Brisbane:

We wish to bring to your attention the fact that, on three separate occasions since February, Frank Rich in his op-ed columns has violated the *Times*' journalistic standards by irresponsibly calling David Blankenhorn an anti-gay bigot.

We realize that Mr. Rich, as an opinion columnist, enjoys more latitude in matters of public expression than would a *Times* news reporter. Yet surely even an op-ed columnist such as Mr. Rich should be expected to respect ordinary standards of decency, reasonableness, and fair play.

We also acknowledge with gratitude that the *Times* to date has published several letters to the editor protesting Mr. Rich's abuse of Mr. Blankenhorn – one from Mr. Blankenhorn himself (and also a follow-up letter from Mr. Blankenhorn correcting an error in the first letter), and another from Jonathan Rauch of the Brookings Institution. Yet the imbalance here – Mr. Rich repeatedly shouting “bigot” in his featured column versus a few sentences after the fact on the letters page – is such that we respectfully request that you consider speaking to this issue yourself.

Earlier this year, Mr. Blankenhorn served as an expert witness for the defense in the California Prop 8 trial on gay marriage. That is the fact which apparently has provoked Mr. Rich's assaults. On June 13, Mr. Rich wrote:

But in the end the Prop 8 defenders mustered only two witnesses, just one of them a controversial culture warrior. That “expert” was David Blankenhorn, president of the so-called Institute for American Values. Blankenhorn holds no degree in such seemingly relevant fields as psychology, psychiatry or sociology. But his pretrial research did include reading a specious treatise by George Rekers, the antigay evangelist now notorious for his recent 10-day European trip with a young male companion procured from Rentboy.com. And Blankenhorn's testimony relies on the same sweeping generalization as Rekers — that children raised by two biological parents are so advantaged that all alternatives should be shunned.

What was the unqualified Blankenhorn doing at the Prop 8 trial? Like Rekers, who had a lucrative history of testifying for pay in legal cases attacking gay civil rights, he also profits from his propaganda. Public documents, including tax returns, reveal that Blankenhorn's institute, financed by such right-wing stalwarts as the Bradley and Scaife foundations, paid him \$247,500 in base salary in 2008, the most recent year for which data is available, and another \$70,000 to his wife. Not a bad payday for a self-professed arbiter of American marital values who under oath described his sole peer-reviewed academic paper (from the University of Warwick) as "a study of two cabinetmakers' unions in 19th-century Britain." That the Prop 8 proponents employed him as their star witness suggests that no actual experts could be found (or rented) to match his disparagement of gay parents.

You can't blame the Prop 8 advocates for wanting to keep Blankenhorn off camera. Boies demolished him during cross-examination.

In Mr. Rich's May 14 column on George Rekers, Mr. Rich wrote:

**And then there's Rekers's cameo in the current Proposition 8 trial in California: one of his homophobic screeds can be found in the bibliography for the "expert report" by David Blankenhorn of the Institute for American Values, the star witness for the anti-same-sex-marriage forces.**

And in Mr. Rich's February 6 column called "Smoke the Bigots Out of the Closet," he wrote:

Boies also triumphed in dismantling an expert witness called to provide the supposedly empirical, non-homophobic evidence of how same-sex marriage threatens "procreative marriage." In cross-examination, Boies forced the witness, David Blankenhorn of the so-called Institute for American Values, to concede he had no academic expertise in any field related to marriage or family. The only peer-reviewed paper he's written, for a degree in Comparative Labor History, was "a study of two cabinetmakers' unions in 19th-century Britain."

Mr. Rich makes three main accusations against Mr. Blankenhorn. The first is that Blankenhorn is unqualified to serve as an expert witness on the topic of marriage. The second is that Mr. Boies "demolished" Mr. Blankenhorn on the stand. And the third and most important by far (to us) is that Mr. Blankenhorn is an anti-gay bigot and propagandist. We would like to offer, for your consideration as Public Editor, some contextualizing information regarding each of these charges.

## 1. Is Blankenhorn Qualified?

Earlier this year, a number of leading scholars of marriage and the family, including a number who support same-sex marriage, wrote short statements about Blankenhorn's credentials. We are sharing them with you, below. They are presented in alphabetical order, except that we have put at the head of the list the two most prominent **public advocates of same-sex marriage**. Here they are:

While I disagree with David Blankenhorn on the question of gay marriage and have so stated publicly, I have known and worked with him for more than two decades. During our long collaboration, I have developed the highest respect for his personal integrity and for his long-standing effort to find common ground on contested family policy issues. His writings on marriage and families, the product of serious scholarly inquiry and deep reflection, can help all of us better understand the basic issues underlying so many heated public debates, including the one now before us.

**William A. Galston**

Ezra Zilkha Chair and Senior Fellow in Governance Studies, The Brookings Institution

David Blankenhorn is one of a handful of people in this country whose views must be taken most seriously by those of us (like me) who support same sex marriage as a policy matter. I make it a point to read what he writes on the subject.

**Dale Carpenter**

Earl R. Larson Professor of Civil Rights and Civil Liberties Law, University of Minnesota Law School

David Blankenhorn is fully qualified as an expert witness in the court case testing the validity, when measured by the U.S. Constitution, of Proposition 8 that restricts marriage to opposite-sex couples in the California Constitution.

David Blankenhorn is a recognized national expert on matters of sexuality, marriage, and family. His leadership of the Institute for American Values involves organizing the contributions of major scholars of all persuasions from a variety of disciplines to address the most pressing issues facing marriage, family, and sexuality. The research initiatives he leads gather insights from the social sciences, law, and cultural studies. His book *Fatherless America* (1995) was a popular and scholarly success and used widely in courses in American universities and colleges. His *The Future of Marriage* (2007) inspired a spirited and friendly national debate between expert proponents and opponents of same-sex marriage. His organization and leadership of research teams and the scholarship required to write these books places him at the summit of a mountain of social science, legal, and historical knowledge about the sexual field in the United States and the world. Both supporters and opponents of his point of view acknowledge the depth of his knowledge and the force of his arguments. He is a nationally respected scholar on marriage, family, and same-sex relationships and should be recognized as an expert witness for this significant legal case.

**Don Browning**

Alexander Campbell Professor of Religious Ethics and the Social Sciences, University of Chicago (Emeritus)

David Blankenhorn is one of the most scholarly, best informed voices in the same sex marriage debate. I say this as someone who comes down on the other side of the issue. He has reviewed the historical and anthropological literature on the topic, and argues from a reasoned perspective that accepts the current scientific literature on homosexuality. His is an indispensable viewpoint in the current debate, and even though at the end of the day I disagree with his conclusion, I highly respect him as an expert in this area.

**William J. Doherty**

Professor, Family Social Science Department, University of Minnesota

I consider David Blankenhorn a leading authority on marriage and family relationships. His books, articles, commentaries and analyses are a central part of the ongoing scholarly discourse on the causes and consequences of family change for adults, children and society. I have made numerous reference to his work in my own research and writing. His work has also been cited and discussed in the graduate seminars I have conducted over the years. In short, David Blankenhorn has made significant scholarly contributions to our understanding of the family.

**David J. Eggebeen**

Associate Professor of Human Development and Sociology, Pennsylvania State University

Senior Research Associate, Population Research Institute, Pennsylvania State University

David Blankenhorn is one of America's leading experts on marriage. Indeed, there are very few others who possess such depth of knowledge about the history of marriage, the sociology of marriage, and the significance of marriage as an institution. The books, studies, and reports he has produced over the years as founder and President of the Institute for American Values have been widely and favorably reviewed. His Institute, which regularly convenes family scholars, has long been a major hub for family studies. In my own work, as a person who writes and teaches in the field of comparative family law, I regularly consult and recommend the works he has written and edited. As President of the Pontifical Academy for Social Sciences, whose members include some of the leading family scholars in the world, I am aware that his work has a large and respectful international audience.

**Mary Ann Glendon**

Learned Hand Professor of Law, Harvard Law School

I have known and worked with David Blankenhorn for more than 20 years, and I consider him to be an extraordinarily knowledgeable and insightful family scholar. Blankenhorn does not have a Ph.D. degree in a social science discipline, but he has devoted his life to understanding families and related phenomena. I do not know anyone who knows the social scientific literature on families better than David. He has coordinated several major research projects on family topics in collaboration with academic social scientists and legal scholars and has been a major figure in communicating social science findings concerning families to policymakers and the public. He is one of a small number of public intellectuals without Ph.D. degrees who have become acknowledged experts on family matters (Stephanie Coontz is another one) and who have substantially influenced scholarly and public thinking about families.

**Norval D. Glenn**

Stiles Professor and Ashbel Smith Professor, Department of Sociology and Population Research Center, University of Texas at Austin

In regards to the possibility of David Blankenhorn testifying at the Prop. 8 trial, one must look at this situation objectively. People from all belief systems in academia, and specifically in the family sciences, take David Blankenhorn's work very seriously. In my meta-analyses and analyses of nationwide data sets examining family structure I have drawn from his work. Virtually everyone in the family science field has drawn from his work. And I can certainly affirm his testimony is likely to be a valuable fact in a family law case about the history and public purpose of marriage. I think any family scientist with any degree of objectivity would agree with me.

**William Jeynes**

Professor of Education, California State University at Long Beach

Few people in the United States, whether inside or outside the academy, have devoted as much serious, thoughtful, and scholarly attention over the past 20 years to the subject of marriage and family as has David Blankenhorn. His own widely cited books (especially *The Future of Marriage*, and *Fatherless America*) are the product of meticulous scholarship and careful reflection. And the many published reports on marriage of the various scholarly task forces and research groups convened by Blankenhorn's Institute for American Values are a model of judicious, careful, incisive, and non-ideological study and reflection. All of Blankenhorn's and the Institute's work is deeply grounded in the best sociological, psychological, and legal research and informed by a devoted concern for the health of America's marriages, families, and, above all, their children. His is a voice that one must hear whenever marriage is discussed.

**Leon R. Kass, M.D., Ph.D.**

Addie Clark Harding Professor, Committee on Social Thought and the College, University of Chicago

I can think of no one more qualified to speak on issues surrounding marriage and the family than David Blankenhorn. Not only has he written extensively and authoritatively on these topics. For better than a quarter of a century, David has, through the Institute for American Values, been at the very heart of the discussion on these issues. His work has helped to shape the field and the debates within it. He also has been responsible for bringing together and commissioning work by leading scholars of differing viewpoints and from a wide variety of disciplines whose work touches on marriage and family issues. He has a well-earned international reputation for his work. He is the first person to whom I turn when I have questions about marriage and the family.

**Thomas C. Kohler**

Professor, Boston College Law School

Although he does not have a PhD in the social sciences or a university connection, David Blankenhorn has become one of the nation's most distinguished scholars in the field of family relations. He has a large national following, his many books and articles are widely cited, and he is highly respected in many segments of the academic community.

**David Popenoe**

Professor of Sociology (emeritus), Rutgers University

I write on behalf of my colleague, David Blankenhorn, with whom I have had the pleasure of addressing several public policy topics, ranging from immigration, thrift and gambling, family policy, and the encounter of Muslims with Western societies and values. I have been involved in several meetings and conferences attended by policy makers, advocates, writers, intellectuals, and academics where David has presided, moderated discussions, and presented his own views. I have also benefitted from reading his many articles and books. I regard David as a fellow analyst of social and public policy. David does not have a doctorate in any fields readily pertinent to the topics of our mutual interests, yet this fact is of no consequence to me. First, I am mindful of other professional colleagues who lack formal social science training and doctoral degrees, but who have pursued careers either in the academy or other research institutions. More to the point, David displays the analytic rigor and intellectual integrity that those of us engaged in public policy research look for in our colleagues.

**Peter Skerry**

Professor, Department of Political Science, Boston College

David Blankenhorn is an activist, author, and scholar who has produced important work on marriage, and fatherhood, and is learned and well-versed in the history, culture and sociology of marriage and family structure. He is especially knowledgeable on the topic of marriage's role in the western tradition and across cultures. His analysis of these issues is, in my opinion, well-informed, thoughtful, original and profound, and reflects his intellectual integrity, high intelligence, and erudition as an independent scholar.

As a contributor to the current debates surrounding marriage and same-sex marriage, his contribution is unique and indispensable, and he integrates ideas, information, and perspectives that are often overlooked or neglected by professional academics. David brings a vital balance to the discussion of these vital questions. I cannot imagine an important national debate on marriage that ignores his perspective.

**Amy L. Wax**

Robert Mundheim Professor of Law, University of Pennsylvania Law School

For the past two decades, David Blankenhorn has been one of America's leading scholars and advocates on sex, marriage, and family life. Through the Institute of American Values in New York City, he has both led and sponsored dozens of cutting edge research projects on many of the most vital aspects of the modern American family – drawing on the best of family law, social science, public policy, law and economics, and comparative cultural methodologies. He has also been one of those rare specialists who has been able to translate his deep research findings into accessible terms, which he has shared in op eds, pamphlets, articles, and books. One of his most central findings is that marriage as a heterosexual, monogamous union presumptively for life has been and continues to be the structure of intimate union that best caters to adult happiness, healthy child development, and a productive citizenry.

**John Witte, Jr.**

Jonas Robitscher Professor of Law, Alonzo L. McDonald Distinguished Professor;  
Director, Center for the Study of Law and Religion, Emory Law School

In closing, with respect to this issue of Mr. Blankenhorn's qualifications, we'd like to point out that the presiding judge in the Prop 8 case, who is perhaps in a better position than Mr. Rich to make a judgment on this matter, apparently reached a conclusion that is different from Mr. Rich's. The judge has yet to issue his decision in the case, but to date he has accepted Mr. Blankenhorn's expert report (despite a challenge by Mr. Boise) and he permitted Mr. Blankenhorn in January to testify on the stand for two days as an expert witness.

**2. Did Mr. Boies “demolish” Mr. Blankenhorn?**

We are not surprised to learn that Mr. Boies thinks he did! Presumably that is what he told Mr. Rich, when Mr. Rich interviewed him for his column. You may know the respected journalist Margaret Talbot. On the *New Yorker* blog, on January 27, she wrote:

Yesterday, the defense in the Perry v. Schwarzenegger trial introduced its star witness, the author and marriage advocate David Blankenhorn, to bring home the argument that allowing same-sex marriage will further erode traditional marriage. It was supposed to be the last day of the trial, at least until closing arguments, which will take place sometime in the next few weeks. But David Boies kept Blankenhorn on the stand in an often tense stand-off all afternoon, and his cross-examination will now spill over into today.

Blankenhorn is a good advocate for this argument—probably the best their side has. He has a record of genuine concern for the well-being of children, and he has been eloquent for a long time about a very real social problem—the decline of marriage, especially among poor and less-educated Americans, and the harms, economic and emotional, this entails for children. He’s a deft writer, and his arguments are subtle; he’s a long way from, say Hak-Shing William Tam, the Prop. 8 sponsor who warned of states falling into “Satan’s hand” if they allowed same-sex marriage.

On the other hand, this very subtlety opens the kind of cracks in an argument that Boies so enjoys prying open. Not that it was always easy. As Lisa Leff of the A.P. described the dynamic between the two men: “Blankenhorn wanted to give nuanced answers while Boies told him he could only answer yes, no or I don’t know. After attempting to talk over one another, both men looked beseechingly at the judge to intervene.

“I get to ask the questions. You get to answer them,” Boies snapped.

“That’s what they tell me,” Blankenhorn countered.

In his 2007 book “The Future of Marriage,” Blankenhorn makes the point that the question of gay marriage, like many important social questions, does not involve a choice between good and bad, but between two competing goods. “One good,” he writes, “is the equal dignity of all persons. Another good is a mother and father as every child’s birthright.” Blankenhorn firmly believes that “re-defining marriage to include gay and lesbian couples would eliminate entirely in law, and weaken still further in culture, the basic idea of a mother and father for every child.” But he also acknowledges the compelling claims to equal treatment of gays and lesbians who want to marry. Thus, Boies was able to read out these words of Blankenhorn’s in the courtroom yesterday: “I believe that today the principle of equal dignity must apply to gay and lesbian persons. In that sense, insofar as we are a nation founded on this principle, we would be more American on the day we permitted same-sex marriage than we were the day before.”

### **3. Is Mr. Blankenhorn an anti-gay bigot?**

For us, this is the heart of the matter. People who actually know Mr. Blankenhorn and have worked with him for years – a list of that includes gay leaders who are leading the fight for gay marriage (see above) – have nowhere, to the best of our knowledge, ever said or implied that he is an anti-gay bigot.

Jonathan Rauch is an openly gay man, a prominent writer, and a leading public advocate of gay marriage. His recent book is *Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America*. Here is what he wrote about Mr. Blankenhorn and Mr. Blankenhorn's book, *The Future of Marriage*, in 2009:

I also hope that the public, or at least people who discuss and debate gay marriage and other hot-button social issues, will take note of what Blankenhorn gets right in these pages: his attitude. The finest achievement of the *The Future of Marriage*, in the opinion of this gay writer, is the model it provides of how to discuss gay marriage without animosity toward gay people, and without disrespect for their lives and unions. Blankenhorn has publicly affirmed what he calls “the equal dignity of homosexual love.” As of this writing, I know of no other gay-marriage opponent who has said those words.

Professor Dale Carpenter of the University of Minnesota Law School, another openly gay man who writes frequently on marriage law and is a leading proponent of gay marriage, recently responded to Mr. Rich's latest (June 13) attack on Mr. Blankenhorn by writing, on FamilyScholars.org, as follows:

Twenty years ago the voters of San Francisco — *San Francisco* — voted down an anemic domestic-partnership registry. Within the memory of every adult reading this, the public-policy positions David Blankenhorn has taken would have placed him at the pro-gay fringes of American political life. They still put him in the mainstream of the Democratic Party.

On the subject of same-sex marriage, I believe David is a man at war with himself. He has spoken publicly, in a forum of anti-SSM conservatives, of the equal dignity of homosexual love. Note the words dignity and love. This is not the language of liberal toleration of some hateful thing, like Nazis marching in Skokie; or of some filthy thing, like disgusting sex acts; or of some offensive thing, like burning a U.S. flag. They are not words of a grudging tolerance. They are words of affirmation, approval, and acceptance. When he says he believes we would be a more *American* America if we let gay couples marry, I think he is saying that he would be a better American if he could support it: truer to the country's traditions of pluralism, liberty, and equality. Truer to his own American values.

I have had many conversations with David about same-sex marriage. I have watched him closely when he speaks about it. I listen not just for the words but for the meaning. I have heard him get worked up about it, become intense and passionate. But his passion on the subject has nothing to do with excluding gay families from marriage. His heart just isn't in that. When he says that marriage would improve the lives of gay couples and their children, I think he believes that. And I think he believes it for two reasons: because he

believes marriage is a force for good in our lives and because he gives a damn about the lives of gay Americans.

When he says he favors gay adoptions, I think he is saying that gay parents are good parents. Likewise, I believe him when he says that allowing gay marriage would help stabilize gay families; lead to more, and more committed, gay relationships; and even reduce hate violence against gay people. I think he genuinely believes, as he testified in California, that gay marriage would mean fewer children growing up in foster care and more growing up in loving homes. Civil unions, which he has publicly supported, are his way to call a truce in a national, but also deeply personal, conflict.

David doesn't oppose gay marriage because he opposes gay people. He opposes it because he's worried it would have unintended negative effects on marriage. He's concerned that a longstanding institution, with cross-cultural and trans-historical importance, might be weakened in ways that are hard to predict but that might mean fewer marriages overall, more divorces, more out-of-wedlock births, more kids raised without their fathers in the home. In fact, the last of these possible effects is the only one I have ever heard him get really passionate about in this debate.

I can say I think he's wrong. I can say I think his worries are misplaced. I can say I believe there is a disconnect between effect and cause here. I can say that one day I think he'll change his mind.

What I can't say, as Frank Rich has now repeatedly suggested, is that David is an anti-gay bigot. I don't see how anyone who has reviewed David's writings, speeches, and California testimony could honestly say such a thing. And I think we owe people who struggle with this issue, as opposed to real homophobes who certainly do not struggle with this issue, the benefit of the doubt.

We must now discuss George Rekers for a moment, since that is the main way, regarding the allegation of bigotry, that Mr. Rich to date has chosen to frame his attacks on Mr. Blankenhorn. In two of the three columns in which Mr. Rich effectively charges Mr. Blankenhorn with being a bigot, including the most recent one, Mr. Rich goes out of his way to link Mr. Blankenhorn's views with those of Mr. Rekers, even though Mr. Blankenhorn has repeatedly made clear to Mr. Rich and others that this charge is unfounded.

In both his report to the court and his testimony on the stand, Mr. Blankenhorn clearly and emphatically rejected the anti-gay views for which Mr. Rekers is known. For example, he told the court that he believes that we are all born equal in rights and dignity. He told the court that he believes in the equal dignity of homosexual love. Mr. Boies, in his cross-examination, cited some strongly pro-gay arguments and asked Mr. Blankenhorn if he agreed with them. When Mr. Blankenhorn answered yes, it was widely suggested in the press (including in a June 12 editorial in the *Times*) that he had been pressured by Mr. Boies into making concessions, but in fact Mr. Boies was only reading passages from Mr. Blankenhorn's own book, *The Future of Marriage*. Mr. Blankenhorn agrees with what he himself wrote, and was happy to say so.

Mr. Rekers is a crusader against gay adoption. Mr. Blankenhorn has publicly stated his support for gay adoption. Mr. Rekers is a polarizer. Mr. Blankenhorn has tried to be a bridge-builder. With Jonathan Rauch (see above), Mr. Blankenhorn co-authored an article for the *Times* exploring compromises on the issue and is currently co-chairing an initiative that brings together leading intellectuals from both sides to pursue a civil dialogue and a search for common ground.

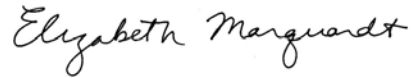
Mr. Blankenhorn's written report to the court contains not a single mention of, or reference to, Mr. Rekers. As should be clear, Mr. Rekers is about the last person on earth whose views Mr. Blankenhorn would wish to endorse, or draw upon as a scholarly reference for his own views. As a result, in two days of testimony on the stand, the lawyers asked Mr. Blankenhorn no questions about Mr. Rekers, and in his answers to their questions Mr. Blankenhorn made no reference of any kind to Mr. Rekers or his writings. All of these facts are easily verifiable matters of public record.

Given these facts, what does Mr. Rich use as the basis for his repeated implication that Mr. Blankenhorn in some way endorses or agrees with Mr. Rekers' "homophobic screed"? The answer is: Mr. Rich learned that Mr. Blankenhorn, as a part of his research, read a report with which he disagreed. That's it! When Mr. Blankenhorn was preparing for his report and deposition, the lawyers on his side sent him numerous documents from recent California cases regarding marriage-related issues, including the various reports submitted by both sides of the so-called Prop 22 case, which also concerned same-sex marriage. Among those reports was a document authored by Mr. Rekers. He read it, and in his deposition, when asked by the opposing attorneys if he had indeed read it, he answered yes. That fact, in turn, was reported to the court in a separate document (not the body of Mr. Blankenhorn's report) containing a list of everything that he as an expert witness had "considered" in preparing for his role in the case.

In short, to familiarize himself with a previous court case, Mr. Blankenhorn read a report to the court written by Mr. Rekers, at the same time that he was reading other reports by persons taking positions diametrically opposed to those of Mr. Rekers. That is all. But that is enough, apparently, for Mr. Rich, who had easy access to the actual facts, to shout "bigot" in the public square in a shockingly reckless and irresponsible way.

Finally, we ask you to consider whether Mr. Rich has any ethical responsibility to adjust his writings in response to relevant, verifiable, factual information made directly available to him in advance, and in good faith. After Mr. Rich's May 14 column linking Mr. Blankenhorn to Mr. Rekers, Mr. Blankenhorn wrote to Mr. Rich personally, to explain in full detail (see above) not only that he has publicly rejected Mr. Rekers' anti-gay views, but also how and why there is *no* substantive link between Mr. Rekers and anything that Mr. Blankenhorn either wrote in his report to the court or discussed in his two days of testimony on the stand. Mr. Rich's only reply was his June 13 column, in which he simply repeats, with even more vulgarity, the same accusation! As Public Editor, do you believe that Mr. Rich's actions in this instance are consistent with the *Times*' standards?

Sincerely,



Elizabeth Marquardt  
Vice President for Family Studies



Jean Bethke Elshtain  
Professor, University of Chicago  
Chairman of the Board of Directors, Institute for American Values



David Blankenhorn  
President