

Foundation for Moral Law

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1 July 2014

Michael DeWine
Attorney General of Ohio
30 East Broad St., 14th Floor
Columbus, OH 43215

Subject: Motion for *Obergefell* Rehearing

Dear General DeWine:

As Senior Counsel for the Foundation for Moral Law, I respectfully request that you file a motion for rehearing in the *Obergefell* case.

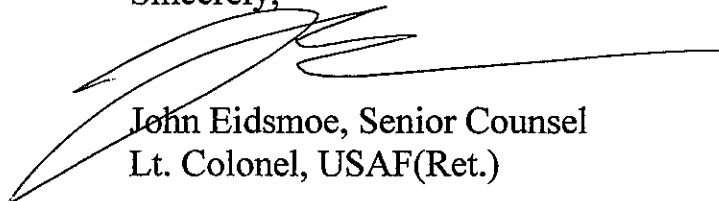
As I'm sure you are aware, Supreme Court Rule 44 allows a party to file a motion for rehearing within 25 days of the 26 June decision. I believe you have a very strong basis for requesting a rehearing -- the fact that Justices Ginsburg and Kagan did not recuse themselves despite having performed same sex weddings and, at least in the case of Justice Ginsburg, stating publicly that she believes same-sex marriage is a constitutional right. All of this clearly tells any reasonable observer that this Justice has her mind made up and will not consider the case impartially, and according to 28 U.S.C. Section 455 they should have recused but didn't.

The Foundation filed a motion for recusal with the Court because none of the parties were willing to do so. Under the Rules the Foundation had no standing for filing such a motion, but we decided to do so because at least it would get the issue before the Justices' attention and a motion is not necessary for recusal. I readily understand why the parties did not want to risk antagonizing the Justices before the April oral arguments, but there is no reason to refrain from doing so now. Our motion is attached.

This is an extraordinary measure, but these are extraordinary times, and this is an extraordinary case in terms of its long-term effects for America and for

Western Civilization. I urge you to act. Even if your motion is unsuccessful, you will at least know in your heart that you did everything you could to preserve marriage and the family.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Eidsmoe', with a long horizontal flourish extending to the right.

John Eidsmoe, Senior Counsel
Lt. Colonel, USAF(Ret.)