

FOR IMMEDIATE RELEASE: Friday, February 18, 2022, 3:30 PM EST

FOR FURTHER INFORMATION: Laura Echevarria, (202) 626-8825, mediarelations@nrlc.org

MEDIA ADVISORY:

NATIONAL RIGHT TO LIFE COMMITTEE COMMENTS

ON TODAY'S NEW SETBACKS FOR THE ERA-REVIVAL MOVEMENT

WASHINGTON (February 18, 2022)— The Commonwealth of Virginia today withdrew from a federal appeal seeking to force the Archivist of the U.S. to certify the ERA as part of the Constitution. In a motion submitted to the U.S. Court of Appeals to the D.C. Circuit, Virginia Solicitor General Andrew Ferguson said that Virginia now believes that U.S. District Judge Rudolph Contreras ruled correctly in March 2021, in the case until now known as *Virginia v. Ferriero*. Judge Contreras -- an appointee of President Obama -- ruled that the ratification deadline for the ERA expired decades ago; that legislative actions by Nevada, Illinois, and Virginia "came too late"; and that it would have been "absurd" for the Archivist to ignore the deadline and certify the ERA as part of the Constitution.

Douglas Johnson, Director of the ERA Project for National Right to Life, commented on Virginia's withdrawal: "This is just the latest in a very long chain of legal and political setbacks for the ERA-revival cult. ERA-revivalists are now peddling the novel claim that Congress, not the courts, will have the last word on whether the ERA enters the Constitution, which is more of the delusional legal thinking that has earned them [an unbroken 40-year string of defeats in the federal courts.](#)"

In recent weeks, ERA-revivalists even have insisted that the Archivist, David Ferriero, has authority to unilaterally certify the ERA, and are demanding that Ferriero do so before his planned retirement in April. Congresswoman Carolyn Maloney's claims along these lines were the subject of [a devastating Four-Pinocchio review by The Fact Checker at the Washington Post.](#) Today, Senator James Lankford (R-OK) and six other Republican senators [sent the Archivist a letter](#) stating, "Were you to heed the irresponsible urgings of these advocates, it would do profound and lasting damage to the apolitical character of the office that you have long exercised." On February 8, three other Republican senators sent Ferriero a similar letter.

NRLC's Douglas Johnson commented, "Demands by some Democratic members of Congress and activist groups that the Archivist go rogue, disregarding both Justice Department guidance and Judge Contreras' ruling that the ERA has not been ratified, are an attack on the rule of law."

Douglas Johnson, director of the National Right to Life ERA Project, is NRLC's subject matter expert on the Equal Rights Amendment, an issue on which he has worked directly, and written, for 40 years. Mr. Johnson is available for telephone interviews or email exchanges to discuss the congressional and ratification histories of the ERA, to comment on the legal and political aspects of the issue, and to discuss the ERA-abortion connection.

@ERANoShortcuts is a non-NRL but recommended Twitter account dedicated exclusively to tracking ERA-related legal and political developments in the courts, Congress, Executive Branch, and state legislatures, from an “ERA-skeptical” perspective.

Founded in 1968, the National Right to Life Committee (NRLC), the federation of affiliates in each of the 50 states and the District of Columbia and more than 3,000 local chapters, is the nation’s oldest and largest grassroots pro-life organization. Recognized as the flagship of the pro-life movement, NRLC works through legislation and education to protect innocent human life from abortion, infanticide, assisted suicide and euthanasia.