

# Taxpayers Should Not Fund Abortions

**By Professor Robert P. George**  
**Director of the James Madison Program**  
**in American Ideals and Institutions At**  
**Princeton University**



I strongly urge the voters of my beloved native state of West Virginia to vote “Yes” on Amendment 1.

Amendment 1 simply affirms the truth that the Constitution of West Virginia does not create a right to abortion or require the people of the state to fund abortions with tax dollars. It does not outlaw abortion or even prohibit the legislature from voting to fund abortions.

Enacting Amendment 1 will set right a wrong done twenty-five years ago by the West Virginia Supreme Court of Appeals. In the 1993 case of *Women’s Health Center of West Virginia v. Panepinto*, that Court, by a vote of 3-2, imposed upon the people of the state an alleged constitutional duty to fund the killing of unborn children in what (despite misleading language about “medical necessity” that, in effect, treats all abortions as “medically necessary”) amounts to elective abortions if they also provide financial assistance for childbirth.

The attempt by the Supreme Court of Appeals majority to draw a logical or moral equivalence between killing unborn babies and giving them the gift of life was morally repugnant to say the least. But it was also constitutionally absurd. Nothing in the text, logic, structure, or historical understanding of the state or federal constitution could justify such a result. Imposing it was a willful usurpation by the state judiciary of authority properly vested in the people of West Virginia and their elected representatives in the legislature.

By enacting Amendment 1, the voters of West Virginia can undo an anti-constitutional decision and reclaim their just authority to legislate on the question of abortion funding and, if *Roe v. Wade* is reversed—as it should and, I believe, will someday be—on the question of abortion itself. I hope that if Amendment 1 passes, the people of West Virginia will use their authority to reject the funding of procedures in which unborn children are targeted for death simply because they are unwanted, handicapped, or female.

Judging from what I have been reading on the Internet, a disinformation campaign is being waged against Amendment 1. Some of its opponents have falsely suggested that it is a “radical” measure that would “outlaw” abortion. Far from outlawing abortion, it would not even prohibit state funding of abortion. It would merely restore the authority to make the decision about funding to the legislature, where it constitutionally belongs.

As I said, I hope and believe that someday—perhaps soon—*Roe v. Wade* will be reversed or dismantled, enabling the people of West Virginia and other states to protect the unborn by forbidding procedures in which the object of the act is killing the unborn child (because he or she is, say, unwanted, or handicapped, or female) rather than saving the life of the mother, which has always been permissible under abortion statutes in the U.S., even where the child cannot survive the maternal life-saving procedure and fetal death is therefore inevitable. But that is not what Amendment 1 does. Still, Amendment 1 would do something important by restoring to the people of the state their authority to decide whether taxpayer dollars should be used to fund abortions.

That’s why I urge West Virginians to vote “Yes.”