# Stuart Kyle Duncan On Abortion

**Highlights:**

* Stuart Kyle Duncan supported and upheld abortion limitations.
  + Duncan wrote a brief in support of a Texas law that placed restrictions on abortion providers.
  + Duncan upheld a law that forced teens to get parental consent before obtaining contraception.
* Stuart Kyle Duncan opposed abortion and contraception as a private attorney.

## Duncan Supported And Upheld Abortion Limitations

### Duncan Wrote A Brief In Support Of A Texas Law That Placed Restrictions On Abortion Providers

**Duncan Supported A Texas Law That Required Abortion Providers To Have Admitting Privileges Within 30 Miles Of The Clinic.** According to the Alliance for Justice, “Beyond contraceptive access, Duncan has consistently fought against women’s reproductive rights in the form of the right to choose to have an abortion. He co-authored an amicus brief in Whole Woman’s Health v. Hellerstedt, 136 S. Ct. 2292 (2016).29 The Whole Woman’s Health case involved a Texas law that required abortion providers to have admitting privileges within 30 miles of the clinic, which led to a mass closing of facilities that offered abortion procedures. Duncan’s brief argued that the regulation ‘enhance[ed] patient safety for an array of outpatient procedures.’” [Alliance for Justice, accessed [5/16/24](https://afj.org/wp-content/uploads/2019/12/AFJ-Duncan-Report.pdf)]

* **The Supreme Court Ruled That The Law Placed An Undue Burden On Women’s Right To An Abortion.** According to the Alliance for Justice, “However, the Supreme Court found that the admitting privileges requirement was unconstitutional as ‘there was no significant health related problem that the new law helped to cure’ and it placed an undue burden on women’s right to an abortion.” [Alliance for Justice, accessed [5/16/24](https://afj.org/wp-content/uploads/2019/12/AFJ-Duncan-Report.pdf)]

### Duncan Upheld A Law That Forced Teens To Get Parental Consent Before Obtaining Contraception

**Duncan, As Part Of The 5th Circuit Court, Upheld A Ruling That Forced Teenagers Get Parental Consent Before They Can Get Access To Contraception.** to According to the Texas Tribune, “The 5th Circuit Court of Appeals upheld a Texas law requiring parental consent to obtain contraception for minors. […] The 5th Circuit panel, which heard the case last year, found parental consent required for minors’ medical treatment under the Texas Family Code does not conflict with federal law that allows U.S. teens to obtain contraception confidentially at federally-funded family planning clinics. ‘Moreover, Title X’s goal (encouraging family participation in teens’ receiving family planning services) is not undermined by Texas’s goal (empowering parents to consent to their teen’s receiving contraceptives),’ wrote Judge Stuart Kyle Duncan. ‘To the contrary, the two laws reinforce each other.’” [Texas Tribune, [3/12/24](https://www.texastribune.org/2024/03/12/texas-parental-consent-birth-control-fifth-circuit-title-x/#:~:text=%E2%80%9CMoreover%2C%20Title%20X's%20goal%20(,two%20laws%20reinforce%20each%20other.%E2%80%9D)]

## Duncan Opposed Reproductive Rights As A Private Attorney

### Duncan Opposed Abortion And Contraception As A Private Attorney

**As A Private Attorney Duncan Submitted Briefs Opposing Abortion And Contraception.** According to the Alliance for Justice, “Kyle Duncan has spent his career fighting against reproductive rights and LGBTQ equality, defending discriminatory voting laws, and dismantling protections for immigrants. As a private attorney, he submitted briefs opposing marriage equality, access to abortion and contraception, and a path to citizenship for the children of immigrants. Since being appointed to the Fifth Circuit by Trump, Duncan has continued his efforts to undermine these and other critical rights and protections.” [Alliance for Justice, accessed [5/16/24](https://afj.org/nominee/stuart-kyle-duncan/#:~:text=As%20a%20private%20attorney%2C%20he,other%20critical%20rights%20and%20protections.)]

**Duncan Criticized The Idea Of Contraceptives For Good Health And Dismissed The Importance Of Contraception Access.** According to the Alliance for Justice, “Duncan has vigorously fought the contraceptive mandate in the Affordable Care Act. In fact, Duncan has dismissed the importance of access to contraception. For example, he has accused the government of treating ‘contraceptives as ‘the sacrament of our modern life,’’ and has criticized what he considers the idea that contraceptives are ‘necessary for ‘the good life,’ health and economic success of society, particularly women.’” [Alliance for Justice, accessed [5/16/24](https://afj.org/wp-content/uploads/2019/12/AFJ-Duncan-Report.pdf)]

**Duncan Was Lead Counsel In Hobby Lobby v. Burwell, Where The Company Sued To Deny Contraceptive Coverage As Part Of Their Employer-Sponsored Health Insurance Plans.** According to NPR, “The lead plaintiff before the court is Hobby Lobby, a chain of more than 500 arts and crafts stores with more than 13,000 employees. The owners are conservative Christians who object to some forms of birth control and contend that the mandate thus abridges their religious rights in violation of both the Constitution and federal law. […] Hobby Lobby and the Green family are represented by Kyle Duncan of the Becket Fund for Religious Liberty. Duncan argues that the contraception coverage requirement coerces the corporate owners to violate their religious beliefs. "That forces them to choose between violating their faith or exposing their businesses to severe consequences including, potentially, severe fines," he said in an interview. [NPR, [11/26/13](https://www.npr.org/2013/11/26/247392814/supreme-court-will-take-up-contraceptions-case)]