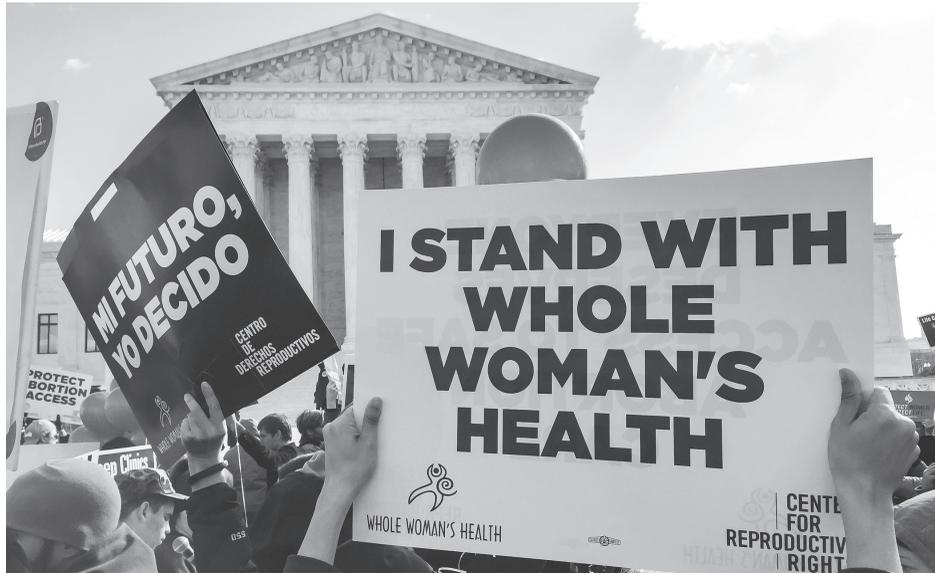


FROM THE COURTS

Roberts Counters Criticism of Vote Striking Down Abortion Law



Recent rulings have renewed criticism of Chief Justice John Roberts Jr. from social conservatives, and even the Trump White House.

by Marcia Coyle

With his vote striking down Louisiana's abortion law, Chief Justice John Roberts Jr., for the third time in two weeks, joined his liberal colleagues on the U.S. Supreme Court in rulings that dismayed or angered his colleagues on the right.

Justice Neil Gorsuch "certainly is wrong" and "Justice [Samuel] Alito misunderstands," Roberts wrote in various footnotes defending his opinion concurring in the court's 5-4 judgment in the Louisiana case *June Medical Services v. Russo*.

Roberts on June 18 led the 5-4 majority that ruled the Trump administration had violated federal law when it attempted to wind down the delayed deportation program for so-called Dreamers. His opinion was joined by Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan. And on June 15, he joined those four justices and his conservative colleague Neil Gorsuch in the 6-3 ruling that Title VII's ban on discrimination "because of sex" covered discrimination based on sexual orientation and gender identity.

Abortion decisions tend to bring out a higher degree of heated dissents not often reflected in the justices' disagreements with each other. The recent rulings have renewed criticism of Roberts from social conservatives, and even the Trump White House, which on Monday declared "unelected justices"—without naming them—had intruded on the power of states to set their own rules for abortion rights.

Among progressives, there was a sense that Roberts, although providing the key vote to strike down a restrictive state abortion clinic law, had left open a broader challenge to reproductive rights.

"We are concerned about his opinion," said Julie Rikelman of the Center for Reproductive Rights, who argued the Louisiana case on behalf of June Medical. "He didn't join the Breyer [plurality] opinion."

The chief justice's opinion in the Louisiana abortion case was based primarily on *stare decisis*. He viewed the Louisiana case as nearly identical to the court's decision in 2016 striking down a hospital admitting privileges law in the Texas case *Whole Woman's Health v. Hellerstedt*. Roberts dissented from that Texas decision. In that case, a 5-3 majority ruled that the Texas law had

no medical benefits and imposed an undue burden of a woman's right to access abortion.

The *stare decisis* doctrine requires judges, Roberts said, "to treat like cases alike. The Louisiana law imposes a burden on access to abortion just as severe as that imposed by the Texas law, for the same reasons. Therefore Louisiana's law cannot stand under our precedents."

He said at another point in his concurrence that he continued to believe that the *Whole Woman's Health* ruling was wrongly decided. "The question today however is not whether *Whole Woman's Health* was right or wrong, but whether to adhere to it in deciding the present case," he wrote.

In the Louisiana ruling, dissenting Justices Gorsuch and Samuel Alito Jr. argued that the majority in *Whole Woman's Health* balanced benefits and burdens to reach its decision in conflict with the test announced by the court in *Planned Parenthood v. Casey* in 1992. They trained their sights on Roberts' statement in his concurring opinion: "*Whole Woman's Health* held that Texas's admitting privileges requirement placed 'a substantial obstacle in the path of women seeking a previability abortion,' independent of its discussion of benefits."

"Justice Gorsuch considers this is a 'nonexistent ruling' nowhere to be found in *Whole Woman's Health*. I disagree," Roberts wrote in a footnote. He said the discussion of benefits in that case was not necessary to its holding because after the discussion, the majority "transitioned" to examining the law's burdens.

Gorsuch "certainly is wrong," Roberts wrote, to suggest that his position on the standard for reviewing abortion regulations is inconsistent with the court's abortion decision in *Planned Parenthood v. Casey* which disavowed "strict scrutiny."

Roberts noted that neither party in the Louisiana case had urged the court to "reassess the constitutional validity" of the *Casey* decision.

Alito "misunderstands my discussion of credentials as focusing on the law's lack of benefits," Roberts wrote in another footnote. "But my analysis, like *Casey*, is limited to the law's effect on the availability of abortion."

Marcia Coyle covers the U.S. Supreme Court. Contact her at mcoyle@alm.com. On Twitter: @MarciaCoyle.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL ZONING WORKSHOP** on **Thursday, July 9, 2020 at 10:00 AM** with the applicant(s), administration and City staff participating via video conferencing.

Governor DeSantis' Executive Order Number 20-69 and Extension 20-150 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

Public Comments: members of the public that wish to provide comments may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Wednesday, July 8, 2020**. The comments will be circulated to the administration, as well as remain as a part of the record for the meeting.

The following application will be considered:

HEARING NO.: 20-07-DOR-05

APPLICANT: Behar Font & Partners P.A. on behalf of Neneca Investments (Miami International Parkway). (the "Applicant")

PROJECT NAME: Avid Hotel

PROJECT OWNER: Neneca Investments (Miami International Parkway)

LOCATION: 8825 NW 26th Street Doral, FL 33172

FOLIO NUMBER: 35-3028-023-0130

SIZE OF PROPERTY: +/- 1.09 acres

PRESENT LAND USE: Industrial (I)

PRESENT ZONING: Industrial Commercial (IC)

REQUEST: The Applicant is proposing a five (5) story eighty-two (82) room limited service hotel to be developed on the property.

LEGAL DESCRIPTION: Lot 9-A in Block 2 of "MIAMI INTERNATIONAL PARKWAY AMENDED", according to the plat thereof, as recorded in Plat Book 153 at Page 37 of the Public Records of Miami-Dade County, Florida.

Location Map



ZONING WORKSHOP PROCESS: The zoning workshop consists of two sessions:

1. **First Session.** The first session of a zoning workshop shall provide a forum for members of the public to learn about proposed developments within the city. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this session, members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development. The applicant shall provide visual depictions, such as renderings, drawings, pictures, and the location of the proposed development. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. The members of the City Council shall not be present during the first session of the zoning workshop.

2. **Second Session.** The second session of a zoning workshop shall provide a forum for the City Council to learn about the proposed developments discussed at the first session of the zoning workshop. No quorum requirement shall apply. Developments shall be presented by the applicants sequentially, one at a time, for the City Council's review and comment. The applicant shall again present visual depictions of the proposed development. In addition, the applicant shall be available to answer any questions that members of the City Council may have about the proposed development.

No quorum requirement shall apply nor will any vote on any project be taken, but roll call will be taken, as it is a publicly noticed meeting.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC

City Clerk

City of Doral

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