

# Law Review

Trinity Term, 2000

## No Dogs Allowed: Freedom of Association v. Forced Inclusion of Anti-Discrimination Statutes and their Applicability to Private Organizations

By Kevin Francart

This Comment discusses how the Constitution and anti-discrimination statutes protect an individual's right to choose with whom to associate and how they protect an individual from invidious discrimination. The author focuses on fraternal, social, and business-related organizations.

The Comment begins with an explanation of major United States Supreme Court cases, federal constitutional and statutory protection, state anti-discrimination statutes, public accommodations and private club exemptions, and intimate and expressive associations. It continues with a discussion of three organizations: Boy Scouts of America, Freemasons, and United States Jaycees. Then the Comment identifies the protected classes that the organizations discriminate against, determines whether the organization is a public accommodation and if it meets a private club exemption, and examines whether the organization is an intimate association or an expressive association.

The author concludes that the test for characterizing an association should be that an association is commercial when its activities are not predominantly the type protected by the First Amendment. The benefits of this test are that it is manageable to apply and it protects both those who would lose their right to associate and those who would be invidiously discriminated against.

## Communications and Violence Against Women: Relevant Michigan Law on Privilege, Confidentiality, and Mandatory Reporting

By Leslie Hagen and Kim Rattet

This Article cites the rules relating to privileged communications as covered by statutes, case law, and common law. It is intended to help guide the reader through an ambiguous area of the law and to help establish better boundaries of what is privileged communication. The authors discuss the abuse of women by their male counterparts and analyze all aspects of the applicable law dealing with privileged communication. They begin with a discussion on various privilege relationships such as: domestic violence counselors, social workers, family counselors, sexual assault counselors, physicians, psychiatrists, attorneys, marital relationships, and psychologists. Then there is an in-depth review and analysis of Michigan's "Rape Shield Law."

The conclusion is a discussion of the Coordinated Community Response to domestic violence and sexual assault. The goal is to act as a resource for domestic violence and sexual assault service providers and counselors in aiding the victim or when faced with confrontation with law enforcement officers and attorneys.



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