

**OLE Segment:
N-28**

GOVERNMENTAL PRIVILEGES

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STATE SECRET PRIVILEGE



Civil Federal Practice Seminar

STATE SECRET

→ ELEMENTS

- Reasonable danger that evidence will expose military matters
- In the interest of national security, those matters should not be divulged.

→ RATIONALE

- Protect lives, national security, presidential deliberation?



Civil Federal Practice Seminar

STATE SECRETS

"It is not necessary to show that harm will inevitably flow from disclosure."

Once it is established that state secrets are involved, the privilege is absolute.



Civil Federal Practice Seminar

STATE SECRET- MECHANICS

- Affidavit
- Court's Role ("May we have a look?")
- Fact Patterns



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