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## Holland & Knight

**United States: FOIA Settlement Advances Story On Civil Rights-Era Informant Records**

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A unique settlement in a Washington, D.C., Freedom of Information Act lawsuit has provided a Memphis newspaper unprecedented access to the FBI's informant records from the civil rights era, including documentation of the U.S. government spying on Dr. Martin Luther King Jr. The settlement resolved the 2008 request by reporter Marc Perrusquia and the *Commercial Appeal*, an E.W. Scripps newspaper, for records pertaining to Ernest Withers, the most well-known photographer from the era and an informant for the FBI.

After a series of rulings that were favorable to the newspaper and at the judge's urging, the parties agreed to mediation. The discussions produced a creative resolution under which another federal agency, the National Archives and Records Administration, will release portions of 70 archived FBI investigative files in which Withers participated as an informant, including material he furnished to the FBI. The files include the FBI's investigations of Dr. King, the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People (NAACP), and the black power and peace movements. The FBI also reimbursed the newspaper \$186,000 in legal fees.

Documents already released have shed new light on the FBI's controversial surveillance efforts. For example, they show that the FBI monitored the Nation of Islam by infiltrating local mosques with informants and collecting membership rosters. Other documents show that the Southern Christian Leadership Conference paid a Memphis militant group to stand down. According to records, Dr. King told the militants that he would use his influence to secure grant funding if they would help him lead a peaceful march. The *Commercial Appeal* expects that its story will continue to develop as more records are released over the next year. Holland & Knight represented the *Commercial Appeal* and its reporter in this matter.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

Attachment D

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