



STATE OF ALABAMA  
**DEPARTMENT OF EDUCATION**



Larry E. Craven, J.D.  
 Interim State Superintendent of  
 Education

November 2, 2011

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**MEMORANDUM**

**TO:** City and County Superintendents of Education

**FROM:** Larry E. Craven, J.D. *LEC*  
 Interim State Superintendent of Education

Many of you have received a letter from the United States Department of Justice, Civil Rights Division, regarding the collection of student data. Much of this information appears to be related to the litigation arising out of H.B. 56. The Alabama Attorney General has been made aware of these requests and has drafted the attached response. Given the Attorney General's stated concerns, the most prudent approach, as of this date, is to permit the parties to resolve their outstanding issues before providing immediate response. Upon receipt of further guidance from the Attorney General, we will contact you.

Thank you for your attention to this matter.

LEC/MS/RS  
 Attachment  
**FY12-1003**



STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE  
ATTORNEY GENERAL

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November 2, 2011

*Via facsimile to 202.514.0293*

Honorable Thomas E. Perez  
Assistant Attorney General  
Civil Rights Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: *United States v. Alabama*, Case No. 2:11-cv-02746-SLB (N.D. Ala., pending).

Dear Tom:

When I met with you and Tony West in New Orleans in early July to discuss Alabama's Act No. 2011-535, it was clear that the United States was contemplating litigation to enjoin operation of the Act. Less than one month later, the United States sued the State and Governor Bentley. While I recognize that you have not appeared as counsel in that case, you are no doubt well aware of the litigation. I trust you are also aware that the matter is currently on interlocutory appeal to the Eleventh Circuit and that, by agreement of the parties, we are essentially stayed in the district court at this time.<sup>1</sup>

Yesterday, I was perplexed and troubled to learn that you have personally written to Alabama's school superintendents demanding information related to the pending litigation. Your letter does not state your legal authority to demand the information or to compel its production. If you have such legal authority, please provide it to me by noon Central Standard Time on Friday, November 4, 2011. Otherwise, I will assume that you have none, and will proceed accordingly.

Sincerely,

A handwritten signature in black ink that reads "Luther Strange". The signature is written in a cursive, slightly slanted style.

Luther Strange  
Attorney General

cc: Hon. Tony West, Assistant Attorney General, Civil Division, USDOJ  
Hon. Joyce White Vance, U.S. Attorney for the Northern District of Alabama  
Hon. Beth S. Brinkmann, Deputy Assistant Attorney General, Civil Division, USDOJ  
Hon. C. Lee Reeves, II, Trial Attorney, Civil Division, USDOJ

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<sup>1</sup> See Doc. 102 (Joint Motion to Stay Further Briefing on Motion to Dismiss and Rule 26(f) Obligations).