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Attorney General Griffin Praises Federal Appeals Court Ruling in LEARNS Act Litigation

Griffin: ‘With its ruling today, the Eighth Circuit continues to ensure that the responsibility of setting curriculum is in the hands of democratically elected officials’

LITTLE ROCK – Attorney General Tim Griffin issued the following statement after the United States Court of Appeals for the Eighth Circuit overturned a lower court’s preliminary injunction that had prevented a portion of the LEARNS Act from being enforced:

“This is an important win for the LEARNS Act and for the rule of law. Plaintiffs in this case had sued state officials over the portion of the LEARNS Act that prohibits indoctrination in Critical Race Theory. A lower court issued a preliminary injunction, preventing that portion of the LEARNS Act from being enforced in certain ways. We appealed to the Eighth Circuit, which unanimously overturned the injunction. The appellate court held that prohibiting teachers from providing classroom materials and instruction about Critical Race Theory does not violate the Free Speech Clause of the First Amendment because the government cannot be compelled to provide specific classroom materials. If it were otherwise, school curriculum would effectively be set by litigious actors and the courts. With its ruling today, the Eighth Circuit continues to ensure that the responsibility of setting curriculum is in the hands of democratically elected officials who, by nature, are responsive to voters.

“The case was remanded back to the United States District Court for the Eastern District of Arkansas, where I will continue to vigorously defend the LEARNS Act.

“I am grateful to Solicitor General Autumn Patterson, Senior Assistant Solicitor General Asher Steinberg, Senior Assistant Attorney General Jordan Broyles, and Senior Assistant Attorney General Justin Brascher for their excellent work on this case.”

To read the Eighth Circuit’s opinion, [click here](#).

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state’s 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas’s Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General’s (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master’s degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney’s Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to

practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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