

TikTok

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Garland

★★★★★
Thomas Berry

TIKTOK ISN'T JUST
FOR VIRAL DANCES...

...IT'S FOR
GROWING AN
INDEPENDENT
BUSINESS...

...IT'S FOR
TEACHING PEOPLE
ABOUT MY WAY
OF LIFE...

...AND IT'S FOR SHARING
MY POINT OF VIEW.



THE FIRST
AMENDMENT
PROTECTS OUR
RIGHT TO SPEAK
OUR MINDS.

BUT DOES
IT PROTECT
TIKTOK'S RIGHT
TO HOST US?

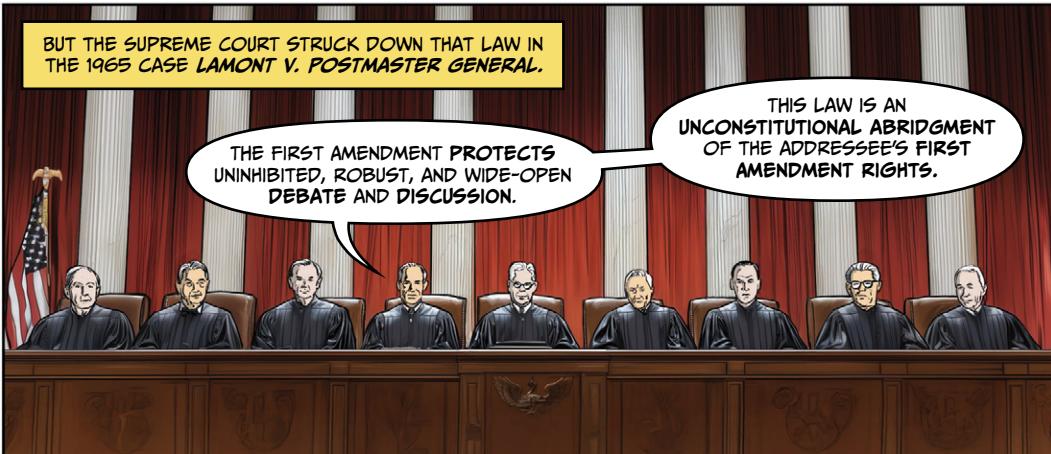
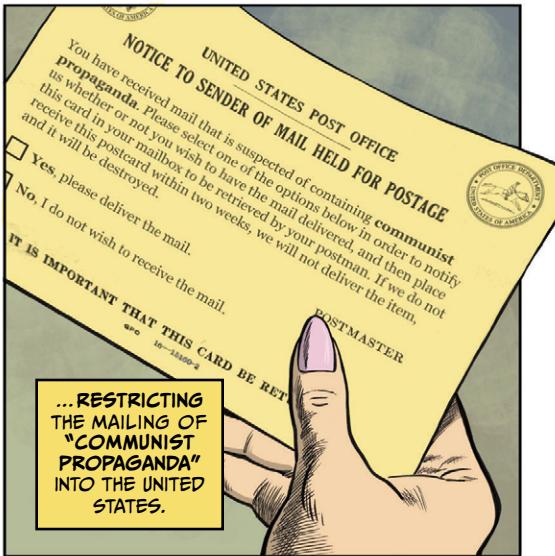
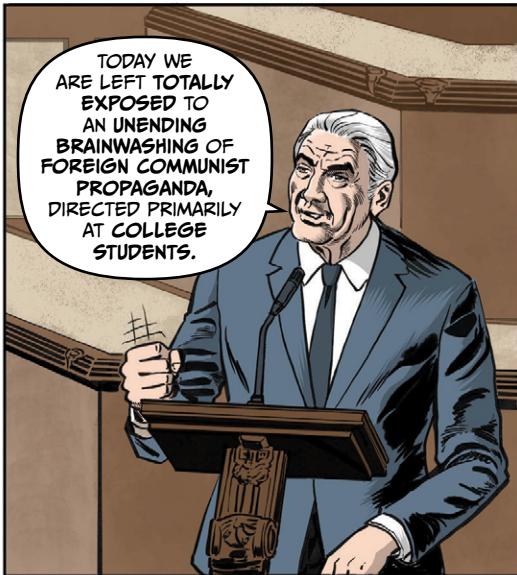
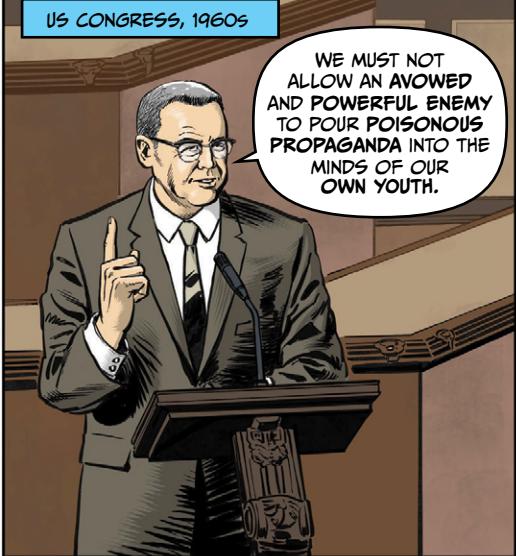
OR DO
NATIONAL SECURITY
CONCERN OUTWEIGH
THAT RIGHT?

THAT WAS THE QUESTION THE SUPREME COURT HAD TO ANSWER.

US CONGRESS, 1960s

WE MUST NOT ALLOW AN AVOWED AND POWERFUL ENEMY TO POUR POISONOUS PROPAGANDA INTO THE MINDS OF OUR OWN YOUTH.

TODAY WE ARE LEFT TOTALLY EXPOSED TO AN UNENDING BRAINWASHING OF FOREIGN COMMUNIST PROPAGANDA, DIRECTED PRIMARILY AT COLLEGE STUDENTS.



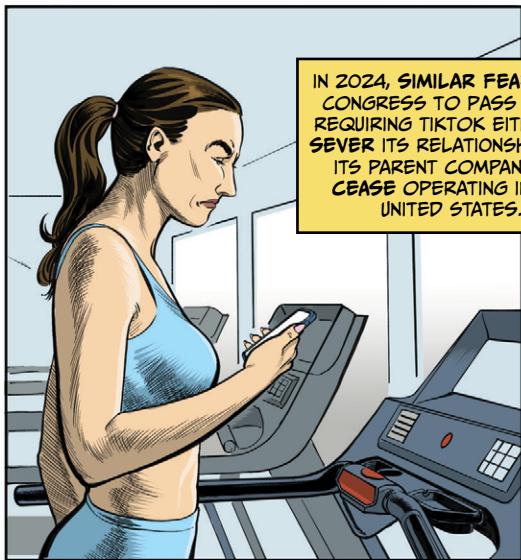
US CONGRESS, 2020S

COMMUNIST CHINA IS USING TIKTOK AS A TOOL TO SPREAD DANGEROUS PROPAGANDA.

TIKTOK IS COMMUNIST CHINESE MALWARE. IT IS DIGITAL FENTANYL THAT IS POISONING THE MINDS OF OUR YOUTH EVERY DAY ON A MASSIVE SCALE.

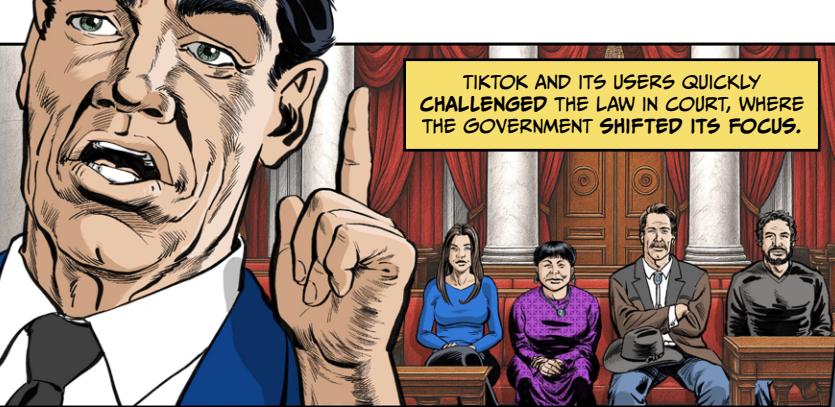


IN 2024, SIMILAR FEARS LED CONGRESS TO PASS A BILL REQUIRING TIKTOK EITHER TO SEVER ITS RELATIONSHIP WITH ITS PARENT COMPANY OR CEASE OPERATING IN THE UNITED STATES.



170 MILLION AMERICANS USE TIKTOK, MAKING THE LAW A SPEECH RESTRICTION OF UNPRECEDENTED SCOPE. HOW COULD SUCH A WIDE-RANGING BAN BE COMPATIBLE WITH THE CONSTITUTION?





THE GOVERNMENT JUSTIFIED THE LAW BY POINTING TO POTENTIAL DATA PRIVACY CONCERNs.

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BECAUSE CHINESE LAW EMPOWERS ITS GOVERNMENT TO ACCESS PRIVATE DATA—AND BROADLY COMPELS TIKTOK'S CHINESE PARENT COMPANY, BYTEDANCE, TO ASSIST THE GOVERNMENT WITH INTELLIGENCE WORK—

—THE UNITED STATES ARGUED THAT TIKTOK COULD SERVE BOTH AS A DATA-COLLECTION TOOL FOR CHINA AND AS A CHANNEL FOR ITS PROPAGANDA.



MANY OF THE GOVERNMENT'S CONCERNs ABOUT HOW CHINA MIGHT WEAPONIZE TIKTOK WERE STILL HYPOTHETICAL.



CAPTAIN, LOOK!

IT SAYS ON TIKTOK THAT WE SHOT FIRST!

I TOLD YOU TO DELETE THAT APP.

SHOULD WE TURN AROUND AND GO HOME?

NO!

AS FOR ITS FEAR OF CHINESE DATA COLLECTION, THE US GOVERNMENT SAID IT HAD DETAILED EVIDENCE—BUT BECAUSE IT WAS CLASSIFIED, THE US WOULDN'T LET THE PUBLIC OR TIKTOK'S LAWYERS SEE IT.

LEGAL BRIEF

The risk is particularly high

FORTUNATELY, BOTH THE DISTRICT OF COLUMBIA'S APPELLATE COURT AND THE SUPREME COURT MADE CLEAR THAT THEY DID NOT TAKE THIS CLASSIFIED INFORMATION INTO ACCOUNT, SINCE DOING SO WOULD HAVE VIOLATED TIKTOK'S RIGHT TO CHALLENGE THE EVIDENCE AGAINST IT.

LEGAL BRIEF

The risk is particularly high

RIIPPP!

THE EVIDENCE USED TO PROVE THE GOVERNMENT'S CASE MUST BE DISCLOSED TO TIKTOK SO THEY HAVE AN OPPORTUNITY TO SHOW THAT IT IS UNTRUE.

AFTER A FAST-TRACK BRIEFING AND ARGUMENT, THE SUPREME COURT ISSUED ITS OPINION JUST TWO DAYS BEFORE THE LAW WAS SCHEDULED TO GO INTO EFFECT. THE UNANIMOUS OPINION WAS "PER CURIAM," MEANING NO SINGLE JUSTICE WAS CREDITED AS ITS AUTHOR.

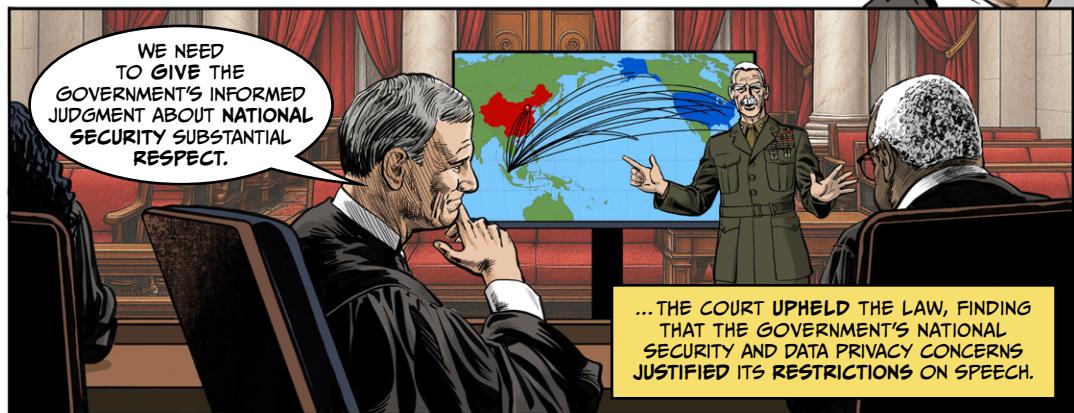


SINCE THE QUICKLY WRITTEN OPINION ADDRESSED NOVEL AND UNFAMILIAR TECHNOLOGY, THE COURT WROTE THAT ITS "ANALYSIS MUST BE UNDERSTOOD TO BE NARROWLY FOCUSED."



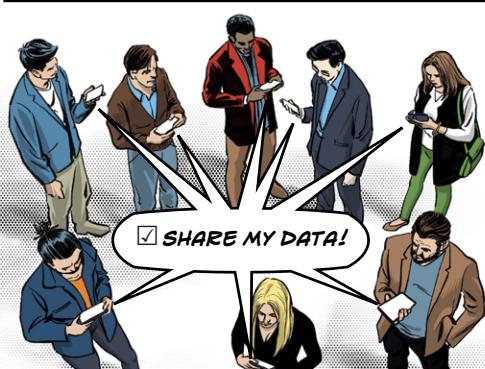
WHILE THE JUSTICES DIDN'T BUY THAT THE BAN WAS JUSTIFIED BY FEARS CHINA MIGHT WEAPONIZE TIKTOK BY CONTROLLING WHAT USERS SEE...

ONE MAN'S "COVERT CONTENT MANIPULATION" IS ANOTHER'S "EDITORIAL DISCRETION."



EVEN THOUGH TIKTOK IS FAR FROM THE ONLY APP OR WEBSITE THAT COLLECTS USERS' DATA AND HAS TIES TO CHINA, THE COURT HELD THAT TIKTOK COULD BE SINGLED OUT BECAUSE IT HAS MANY MORE AMERICAN USERS THAN ANY OTHER SUCH SERVICE.

THE RULING SENT TIKTOK OFFLINE. BUT SOON AFTER PRESIDENT TRUMP TOOK OFFICE, HE VOWED NOT TO ENFORCE THE LAW UNTIL A DEAL WAS REACHED—SO TIKTOK RETURNED.



FOR NOW... THE FUTURE OF TIKTOK—AND FREE SPEECH ONLINE—REMAINS IN FLUX.

