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Attorney General Marshall Files Brief Supporting National TikTok Ban

(Montgomery, Ala.) – Alabama Attorney General Steve Marshall today joined a coalition of 21 attorneys general in asking the United States Court of Appeals for the District of Columbia to uphold the national TikTok divest-or-ban legislation passed by Congress earlier this year. The federal law bans TikTok in the United States if Chinese-owned ByteDance, TikTok’s parent company, does not sell its stake in the platform. ByteDance and TikTok sued the federal government following the ban.

“All users of TikTok must understand that every click, location, and recording is used as intelligence that we have ample reason to believe is available to the Chinese Communist Party. Americans asked for Congress to take action against this intrusion by a top foreign adversary, and Congress acted,” Attorney General Marshall said. “We are urging the courts to uphold the lower court’s decision and enforce this critical national security law.”

The coalition’s brief is urging the court to deny TikTok’s petition as it is within Congress’s power to act on matters of national security and foreign affairs. TikTok is a threat to national security and consumer privacy as the company collects user data that is then accessible to a foreign adversary, the Chinese Communist Party, creating both privacy and security concerns for America.

Public and private investigations have produced evidence that TikTok’s technology and infrastructure are ultimately accessible by the Chinese government. While TikTok claims the First Amendment protects its right to gather Americans’ data, the ban does not violate the company’s free speech rights because it doesn’t target behavior with a significant expressive element, or single out those engaged in expressive activity.

Allowing TikTok to operate in the United States without severing its ties to the Chinese Communist Party exposes Americans to the risk of the CCP accessing and exploiting their data.

“TikTok is a valuable tool for conducting corporate and international espionage, and it may allow the Chinese Communist Party to track the real-time locations of public officials, journalists, and other individuals adverse to the Chinese Communist Party’s interests,” the attorneys generals stated in the brief.

Attorneys general from Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Hampshire, Oklahoma, South Carolina, South Dakota, Tennessee, and Utah joined also joined the brief led by Montana Attorney General Austin Knudsen and Virginia Attorney General Jason Miyares.

Click here to [read the brief](#).

