

1. Mark your confusion.
2. Show evidence of a close reading.
3. Write a 1+ page reflection.

A US TikTok Ban is Gaining Support in Congress. Why Some Say That Would Hurt Free Speech.

Source: Ella Lee, *USA Today*, March 23, 2023

As the choir of lawmakers and national security experts calling for a ban on TikTok grows louder, the social media app has found a rare congressional ally in Rep. Jamaal Bowman, D-N.Y. — a savvy TikToker himself.

"(TikTok) is a place...where people can express themselves in a way that they see fit," Bowman told *USA Today*. "Banning it is an attack on the people who prefer this platform's freedom of speech."

Republicans and Democrats alike worry the short video site, which is owned by Chinese company ByteDance, could be used by the Chinese government to spy on Americans and spread misinformation. Several bills introduced recently could ban Americans from using the app.

But First Amendment advocates say such bans could run counter to a basic principle of American democracy: free speech. A First Amendment right to use TikTok, said Jameel Jaffer, executive director of the Knight First Amendment Institute at Columbia University, "has, I think, not received the kind of attention that it deserves."

TikTok has vocally opposed proposals to ban the app in the U.S., where the company claims it has 150 million active users. Brooke Oberwetter, a TikTok spokesperson, told *USA Today* that an American ban on TikTok would amount to a "ban on the export of American culture and values to the billion-plus people who use our service worldwide."

Bowman is the most prominent lawmaker to speak out against a ban. He was joined at a press conference Wednesday by Reps. Mark Pocan, D-Wisc., and Robert Garcia, D-Calif., who said they supported the message.

Bowman said at the press conference he's in favor of privacy and security reforms for social media, but not at the expense of creative expression.

"But we have to uplift freedom of speech and the creativity that so many content creators are bringing to the American people," he said.

First Amendment issues

The First Amendment protects freedom of expression by prohibiting Congress from restricting the press or any American's right to speak freely, among other rights.

James Lewis, director of the Center for Strategic and International Studies' strategic technologies program, told *USA Today* that restricting TikTok content could be construed as censorship.

"It seems a little silly to say that a bunch of lip-synching 15-year-olds are protected speech, but it's protected speech," Lewis said.

Both the American Civil Liberties Union and the Foundation for Individual Rights and Expression have urged against a TikTok ban, suggesting the move would raise serious First Amendment concerns and almost certainly face legal action.

"(A TikTok ban) is going to prevent people across the country from expressing themselves, from communicating with people, from artistic expression within political expression," Jenna Leventoff, senior policy counsel at the ACLU, told *USA Today*. "And that is in violation of their First Amendment right to free speech."

Content creators express concern

Of course, TikTok has grown beyond the singing and dancing that fueled its rise in popularity. A few swipes on the app's For You page could yield educational demonstrations, deeply personal testimonies and oddly edited clips that make little sense to those outside the platform's influence, each interacted with by millions of viewers.

"(TikTok) allows you to express yourself in a very particular way," Bowman said. "To threaten a ban, or to ban, or to give the president the power to ban (the app), you're banning a platform used by 150 million Americans who all operate under the First Amendment, which gives us the freedom to speak."

But not all the app's content is innocuous. The misinformation watchdog NewsGuard said in a September report that TikTok's search results are often riddled with misinformation, finding that nearly 1 in 5 of the videos automatically suggested by the platform when searching major news topics contained misinformation.

TikTok creators at Wednesday's press conference urged Congress to consider the impact a ban could have on American users. Callie Goodwin launched her greeting card company, Sparks of Joy Co., on TikTok during

the COVID-19 lockdown in 2020 with the goal of spreading happiness during a time of sadness and isolation, she said. Since then, she said she has sold more than 35,000 cards — and 95% of those orders came from TikTok.

"A TikTok ban wouldn't just put my business at risk; 95% of my livelihood would disappear overnight, along with this entire community of creators and customers that I have built over the platform," she said.

For Tiffany Yu, a disability advocate whose arm was paralyzed more than 25 years ago as the result of a car accident, TikTok has been a "game changer," allowing her to reach new audiences with her cause.

"A ban takes away the connections we've built, silencing communities that continue to be underrepresented and not given a voice," she said.

The case for a ban

But many lawmakers and others say the app endangers national security.

FBI Director Christopher Wray testified in December the agency was concerned about Chinese officials controlling the app's algorithm and argued the app could be used "to collect data through it on users which can be used for traditional espionage operations."

When announcing bipartisan legislation that would allow the commerce secretary to ban TikTok, Sen. John Thune, R-S.D., said that China can't be trusted with American data.

"The Chinese Communist Party has proven over the last few years that it is willing to lie about just about everything," Thune said, introducing the bill alongside Sen. Mark Warner, D-Va. "That likely won't end with TikTok, which is why it's important to establish a holistic and methodical approach to the challenges that are posed by technology from foreign adversaries."

The Biden administration, which has signaled support for Warner and Thune's bill, banned the app from all government-issued devices, as well.

TikTok singled out

Bowman urged Congress to question why TikTok is the only platform being scrutinized by Congress while most agree that all social media causes some harm.

"We're isolating TikTok and singling them out," Bowman said in the interview. "And they are no worse or better than any of the other social media platforms who have committed blatant, egregious violations in terms of impact on our society and democracy."

Bowman pointed to the Russia's interference in the 2016 election via Facebook, and the mis- and disinformation on all social media platforms that led to the Jan. 6, 2021 U.S. Capitol attack.

"It's a larger conversation that we have here, and singling out TikTok moves us away from that conversation," he said.

The platform's CEO, Shou Zi Chew, is testifying Thursday in Congress, where he will likely face aggressive questioning from lawmakers on the app's ties to China and handling of private user data.

In Chew's prepared testimony, he says TikTok plans to firewall protected U.S. user data from unauthorized foreign access, reject manipulation by any government to remain "a platform for free expression" and give access to third-party independent monitors for accountability. He also says the app will continue to prioritize safety for its users, particularly teens.

The legal experts interviewed by *USA Today* agreed that a privacy law addressing data collection would more effectively address the national security concerns raised by lawmakers than a ban while still protecting First Amendment rights.

In his interview with *USA Today*, Bowman indicated support for data privacy legislation and said his office is "looking at legislation related to the safety and security risk of all social media, and preventing the harm that it causes." But the lawmaker's decision to speak out has less to do with future legislation and more to do with encouraging "broad, nuanced conversations about social media," he said.

"Banning TikTok isn't going to stop the harm that happens in all of social media," he said.

Possible Response Questions

- What are your thoughts about the proposed TikTok ban? Explain.
- Did something in the article surprise you? Discuss.
- Pick a word/line/passage from the article and respond to it.
- Discuss a "move" made by the writer in this piece that you think is good/interesting. Explain.