

Montana Attorney General Urges Court to Dismiss TikTok's Challenge Against State Ban



Montana's Attorney General, Austin Knudsen, has submitted a legal request to a U.S. judge, urging the upholding of a groundbreaking state ban on the utilization of the popular short video sharing app, TikTok. The ban, scheduled to take effect on January 1st, is being challenged by TikTok, a subsidiary of China's ByteDance, which filed a lawsuit in May with claims that the ban infringes upon the First Amendment rights of both the company and its users. TikTok users based in Montana have also initiated a lawsuit against the ban in a separate legal action.

Attorney General Knudsen, representing the Republican party, defended the ban by emphasizing that the state legislature and governor were justified in their decision to prohibit TikTok's operations within Montana, particularly due to its ties to a foreign adversary. He argued that Montana has the authority to ban potentially harmful products and activities without violating the rights to free speech. Knudsen elaborated on this perspective in a legal filing, pointing out that the prohibition of products with negative consequences, such as cancer-causing radios or apps promoting illegal gambling, is distinct from restricting expressive content.

The legal filing stated, "The targeted harms -- preventing cancer, illegal gambling, or data-gathering by a hostile foreign state -- are inherently nonexpressive." A hearing regarding TikTok's request for a preliminary injunction is slated for October 12th, where further arguments will be presented.

See also: [Security Concerns Lead NYC to Prohibit TikTok on Government Devices](#)

TikTok boasts over 150 million American users and has faced mounting pressure from U.S. lawmakers to undergo a nationwide ban due to concerns about potential influence from the Chinese government. The company, however, has vehemently denied any involvement in sharing U.S. user data with the Chinese government and has underscored its commitment to safeguarding user privacy and security.

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The state of Montana has the ability to impose fines of \$10,000 for each violation by TikTok, but the legislation does not hold individual TikTok users accountable for penalties. According to TikTok's estimates, more than 380,000 individuals in Montana utilize the video-sharing platform, accounting for over a third of the state's population of 1.1 million people.

This legal battle is the latest development in a series of clashes between technology companies and governments over issues related to data privacy, national security, and free speech rights. Former President Donald Trump attempted to ban new downloads of TikTok and another Chinese-owned app, WeChat, in 2020. However, these bans were thwarted by court decisions. Efforts by some members of the U.S. Congress to empower the Biden administration with legal tools to potentially block TikTok have encountered obstacles and have yet to make significant progress.

In response to the Attorney General's filing, TikTok is expected to provide its own arguments in the ongoing legal dispute. Notably, TikTok has been adamant in asserting its position that it cannot be subjected to regulation. As the legal proceedings continue, the American Civil Liberties Union (ACLU) has weighed in, deeming the ban unconstitutional and a direct infringement on protected expression and association.

The outcome of this legal battle could potentially set a precedent for regulating social media platforms and balancing national security concerns and individual free speech rights in the digital age. The hearing on the preliminary injunction, scheduled for October, will be a crucial milestone in determining the direction of this complex legal issue.

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