Judge questions Montana’s ban on TikTok

A federal district judge voiced skepticism over Montana’s first-in-the-nation ban of TikTok during a hearing in Missoula on Thursday.

TikTok and several platform creators sued Montana earlier this year, calling the state’s ban unconstitutional and infringing on the free speech rights of both the company and users. Throughout Thursday’s hearing, attorneys for the plaintiffs argued that Montana’s ban was “overbroad,” while the state’s defense claimed it was necessary to protect the online privacy of Montana residents.

US District Judge Donald W. Molloy questioned the state’s evidence supporting its national security concerns and if it should make the decision on whether users share their data with the app.

Your argument just confuses me”

“TikTok is asking for information that the users consent to and they give that voluntarily to TikTok,” Molloy said. “Your argument just confuses me.”

Montana Solicitor General Christian Corrigan argued that there was no other way to protect the safety of Montanans other than a “flat ban” due to the security risks posed by the app’s Chinese owner, ByteDance.

Finding supporting evidence lacking, Molloy asked Corrigan if the state found any documents provided by TikTok in discovery to support its national security concerns. After criticizing the discovery process, Corrigan said, “We did not.”

TikTok, which is owned by the Chinese tech firm ByteDance, has repeatedly said that it has never shared any US data with the Chinese Communist Party. Despite this, the US government and more than half of all US states have moved to ban the app on government devices. Some state and federal lawmakers have proposed going further to ban it on citizens' private phones.

Molloy pointed to Montana as the first and only state in the country to approve such a ban. "Does that seem a little strange to you?" Molloy asked Corrigan.

If not blocked by a court, the ban is expected to go into effect next year, barring Montana residents from downloading TikTok at all.

Molloy said he would rule on a preliminary injunction as quickly as possible.

https://www.theverge.com/2023/10/12/23914697/montana-tiktok-ban-free-speech-first-amendment-national-security