

Tick-tock... the Future of the Popular Social Media App Remains Unclear as Full Ban Draws Near

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Body

For the past few months, President Trump has threatened to ban the popular short-form video app, TikTok, in the United States. He initially stated on July 31 that, "as far as TikTok is concerned, we're banning them from the United States," due to the fear that the Chinese owned company is a national security risk.

The app has recently exploded in popularity, becoming one of the first Chinese social media platforms to gain attention in the U.S. and other western countries with over 315 million downloads in the first three months of 2020, according to analytics company, Sensor Tower. As of August 24, TikTok announced that there are over 100 million active users in the U.S., about 11.8% of TikTok's entire monthly active users.

After much speculation on the app's future in early August, Trump officially issued executive orders on August 6th to ban TikTok from operating in the US in 45 days if they are not sold by their Chinese-owned parent companies. The order alleges that TikTok "automatically captures vast swaths of information from its users," such as location data and browsing and search histories, which "threatens to allow the Chinese Communist Party access to Americans' personal and proprietary information - potentially allowing China to track the locations of Federal employees and contractors, build dossiers of personal information for blackmail, and conduct corporate espionage."

TikTok slammed the order in a stern statement the following day, saying it "sets dangerous precedent" undermining "global businesses' trust in the United States" and vowed to pursue all "remedies available," including legal action.

"We are shocked by the recent Executive Order, which was issued without any due process," the company said. "For nearly a year, we have sought to engage with the US government in good faith to provide a constructive solution to the concerns that have been expressed. What we encountered instead was that the Administration paid no attention to facts, dictated terms of an agreement without going through standard legal processes, and tried to insert itself into negotiations between private businesses."

Following the announcement, many corporations, including Microsoft, stepped up to make an offer on the app. After a few weeks of negotiations with a variety of companies, American multinational computer technology corporation, Oracle, and multinational retail corporation, Walmart, were the last two standing, resulting in a preliminary deal. Under the preliminary deal that Trump himself blessed, Oracle and Walmart would take a combined 20% in TikTok Global, a new U.S.-based company that would run the global service. "Details of the structure are still unclear,

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people involved with the deal talks have said, as the companies try to ensure that it will win final approval from governments on both sides," a recent Wall Street Journal article explains.

There has been some confusion since the deal between the three companies was announced, specifically with how the exact ownership is to breakdown, with the TikTok side and Oracle having issued contradictory messages since the preliminary deal was announced. A spokesman for ByteDance, TikTok's parent company, has said that it would directly hold an 80% share of TikTok Global, while Oracle has said publicly that Americans will be the majority owners and ByteDance will have no ownership in TikTok Global (TikTok's Fate Coming to a Head, WSJ). This confusion has led Trump to say he might not approve the deal if Oracle did not have control over TikTok. "If we find that they don't have total control, then we're not going to approve the deal," Trump said in an interview on Monday with "Fox & Friends."

Because the deal between Oracle, Walmart, and TikTok is still in the works, the ban was still in effect until a federal judge this past weekend granted a preliminary injunction against the Trump administration order to ban the app. The measures set in Trump's original executive order were to take effect on Sunday, September 20, would have forced companies like Google and Apple to remove TikTok from their app stores, making it difficult for new users to download the app. More restrictions are set to take effect on November 12th that would make it more difficult for the app to operate for existing users.

A recent New York Times article explained how the app was able to receive the preliminary injunction stating that "lawyers for the app told Judge Nichols in a hearing on Sunday morning that forcing online stores to remove the app weeks before an election - and at a time of increased isolation because of the pandemic - would impinge on the rights of potential new users to share their views. TikTok had sought the preliminary injunction to temporarily halt the ban." A ban would "be no different from the government locking the doors to a public forum," said John Hall, a lawyer for TikTok.

There have been many speculations on Trump's true intentions behind banning TikTok. Many cite that his hatred of the app stems from when thousands of TikTok users tanked a Trump rally in Tulsa, Oklahoma earlier this year on June 20th. It is assumed that the prank started from a video that went viral on TikTok which encouraged users to request multiple tickets for the Tulsa rally and not show up. The viral trend spread to other platforms including Twitter and Instagram. Brad Parscale, the chairman of Trump's re-election campaign, posted on Twitter that the campaign had fielded more than a million ticket requests and Trump himself boasted on Twitter about the extremely large expected turnout. On the day of the event, according to a spokesman for the Tulsa Fire Department, the fire marshal counted only 6,200 scanned tickets of attendees.

Others question if this is the beginning of a slow separation of the U.S. from the rest of the world. On Sept. 20th, a California judge stopped the Trump administration from implementing similar intended restrictions on TikTok to Americans' use of WeChat, a popular Chinese-owned messaging and e-commerce app. With her order, U.S. Magistrate Judge Laurel Beeler cited concern when she put the ban on hold: preserving the flow of constitutionally protected free speech under the First Amendment. In her 22-page order, she said she's convinced that "there are no viable substitute platforms or apps for the Chinese-speaking and Chinese-American community."

The future of TikTok is still uncertain as Oracle, Walmart, and TikTok continue discussing the details of their deal as the pressure builds from the Trump administration. The Commerce Department plans a full ban for November 12th if an American deal for TikTok isn't completed by then. Until then, many TikTok users have begun to shift their content onto other major social media platforms such as Instagram and Youtube in preparation for a total ban.

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