

Prejudicial Bans: Congress Tosses Over TikTok

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How delicious is political hypocrisy. Abundant and rich, it manifests in the corridors of power with regularity. Of late, there is much of it in the US Congress, evident over debates on whether the platform TikTok should be banned in the United States. Much of this seems based on an assumption that foreign companies are not entitled to Hoover up, commodify and use the personal data of users, mocking, if not obliterating privacy altogether.

US companies, however, are.

While it is true that aspects of Silicon Valley have drawn the ire of those on The Hill in spouts of select rage, giants such as Meta and Google continue to use the business model of surveillance capitalism with reassurance and impunity.

In May 2023, the disparity of treatment between the companies was laid bare in a Congressional hearing that smacked the hands of Mark Zuckerberg and Sundar Pinchai with little result, while lacerating TikTok CEO Shou Zi Chew. "Your platform should be banned," blustered Chair Cathy McMorris-Rodgers (R-WA) of the House Energy and Commerce Committee.

The ongoing concern, and one with some basis, is TikTok's link with parent company ByteDance. Being based in China, the nexus with the authoritarian state that wields influence on its operations is a legitimate concern, given national security laws requiring the company to share data with officials. But the line of questioning proved obtuse and confused, revealing an obsession with themes resonant with McCarthyite hysteria. On several occasions, the word "communists" issued from the lips of the irate politicians, including regular references to the Chinese Community Party.

Alex Cranz, [writing](#) for *The Verge*, summarised the hectoring session well:

“Between their obsession with communism, their often obnoxious and condescending tone, and the occasional assumption that Chew was Chinese, despite his repeated reminders that he is Singaporean, the hearing was a weird, brutal, xenophobic mess.”

TikTok, for its part, [continues to tell regulators](#) that it has taken adequate steps to wall off the data of its 150 million users in the US from ByteDance’s operations, expending US\$1.5 billion in its efforts to do so. A January [investigation](#) by the *Wall Street Journal*, however, found that “managers sometimes instruct workers to share data with colleagues in other parts of the company and with ByteDance workers without going through official channels”. How shocking.

Cranz might have also mentioned something else: that the entire show was vaudevillian in its ignorance of US government practices that involved doing exactly what ByteDance and TikTok are accused of: demanding that companies share user data with officials. If he is to be forgotten for everything else, Edward Snowden’s 2013 disclosures on the National Security Agency’s collaboration with US telecom and internet companies on that point should be enshrined in posterity’s halls.

The PRISM program, as it was called, involved the participation of such Big Tech firms as Google, Facebook, YouTube and Apple in sharing the personal data of users with the NSA. Largely because of Snowden’s revelations, end-to-end encryption became both urgent and modish. “An enormous fraction of global internet traffic travelled electronically naked,” Snowden remarked in an [interview](#) with *The Atlantic* last year. “Now it is a rare sight.”

The US House of Representatives has now made good its threats against TikTok in passing a bill that paves the way for the possible imposition of a ban of the app. It gives ByteDance a six-month period of grace to sell its stake in the company, lest it face a nationwide block. Whether it passes the Senate is an open question, given opposition to it by certain Republicans, including presidential hopeful Donald Trump. Other politicians fear losing an invaluable bridge in communicating with youthful voters.

On March 13, however, the righteous were shining in confidence. The House’s top Democrat, Hakeem Jeffries, [claimed](#) that the bill would lessen “the likelihood that TikTok user data is exploited and privacy undermined by a hostile foreign adversary” while Wisconsin Republican Mike Gallagher [declared](#) that the US could no longer “take the risk of having a dominant news platform in America controlled by a company that is beholden to the Chinese Communist Party.” The subtext: best leave the despoiling and abuse to US companies.

The blotted copybooks of such giants as Meta and Google have tended to only feature in morally circumscribed ways, sparing the model of their business operations from severe scrutiny. On January 31, the Senate Judiciary Committee [gave a farcical display](#) of rant and displeasure over the issue of what it called “the Online Child Exploitation Crisis.” Pet terrors long nursed were on show: the mania about paedophiles using social media platforms to stalk their quarry; financial extortion of youth; sexexploitation; drug dealing.

Senator Josh Hawley (R-MO) made much of Zuckerberg on that occasion, but only as a prop to apologise to victims of Meta’s approach to child users. The Meta CEO has long known that such palliative displays only serve as false catharsis; the substance and rationale of how his company operations gather data never changes. And the show was also all the more sinister in providing a backdrop for Congressional paranoia, exemplified in such

proposed measures as the Kids Online Safety Act (KOSA).

The Electronic Frontier Foundation has rightly called KOSA a [censorship bill](#) which smuggles in such concepts as “duty of care” as a pretext to monitor information and conduct on the Internet. The attack on TikTok is ostensibly similar in protecting users in the US from the prying eyes of Beijing’s officials while waving through the egregious assaults on privacy by the Silicon Valley behemoths. How wonderfully patriotic.

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