

Insights



Wade Weems Assesses TikTok's Legal Options in the U.S. for the South China Morning Post

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The U.S. has cornered ByteDance, the Chinese parent of TikTok, leaving it with no easy options, Kobre & Kim's Wade Weems, a Shanghai-based former U.S. Department of Justice National Security Division prosecutor, told the *South China Morning Post*.

One option is for ByteDance to sell TikTok, but parts of its code is similar to ByteDance's other products, leaving the company that buys the app to have to take time to iron things out. With the Trump administration setting out a deadline of 90 days, Weems believes the chances of companies cleaning things up within a few months are "to put it lightly, slim at best." Even if they manage it, they will have to negotiate with the U.S. government for the latter's "right to monitor, inspect or impose any controls."

Another option is to mount one of a few possible legal challenges, which Weems says is "difficult, but not impossible." ByteDance's statement mentioned due process, and Weems argues the company might say it "was not afforded a fair look at the evidence" during the process. Another potential legal challenge could be mounted on First Amendment grounds, Weems says, where TikTok can argue, "Trump's actions restricts the content of the ideas found within its app" and therefore violates their free speech.

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