
(Consolidated with 24-1183 & 24-1113)

BRIAN FIREBAUGH; CHLOE JOY SEXTON; TALIA CADET; TIMOTHY
MARTIN; KIERA SPANN; PAUL TRAN; CHRISTOPHER TOWNSEND;
STEVEN KING,

Petitioners,

v.

MERRICK B. GARLAND, in his capacity as United States Attorney General,

Respondent.

From the Department of Justice in DOJ-Pub. L. No. 118-50

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Counsel for Amici Curiae

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See+ 5 5HS 1R supra QRWH D Wsupra QR D W W R Q
Bill to Protect Americans From Foreign Adversary Controlled
Applications, Including Tik Tok supra QRWH

- Id.
- Id.
- Id.

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WKH OHJLVODWXVUHQXDWLXVH DQDQDQDQVSDHWHFX
)LUVW \$PHQGPHQW IRUELGV D³ECDQNFHFP SODQVIKHW
OHVV UHVWULFWUnited States Playboy EntWGrp.H ' 8 6 ±

FLWDWL RQJRUFLWWKDG/ Q&WGFHQWLQWWKHDYU

)LUVW &RQJUHVV KDV QRW LGHV QWHLILRIYGHZIQPKI C
LQWHUHVW WKH \$FW, VS XODSRNUW O HW RD O B UDL YHW D W Q GP
SXUSR VH DQG &R QD UOHV G W W KE X LZ L G H D D S X E H G H G UKH
VXIILFLHQW WR MXVWLI\ WKH \$FMHFKH()RUDR K G WQ
DORQH LW IOXQNV VWULFW VFUXWLQ\

:LWK UHVSHFW WR QDWLRQDQG VHFUHGWDQJWL
SROLWLFDO GLVVHQW LV DFXWH ZKHQGH WKHR *YDJX
FRQFHSW DV WKHμSRPHVWLF SUHFHEWF XJOLY RQ GVK
WKH GRPHVWLF VHFUULW\ LQWHURSRWHWGWGDQD
EHFRPHV United States v. U.S. Dist. Court 8 6 see
also N.Y. Times Co. v. United States 8 6 % ODF
FRQFXUULQJ 37KH ZRUG μVHFUULWZKRM DRQRDX
VKRXOG QRW EH LQWRNHGXQGDIEQWDDWEP00O!QE

DDFFHV V WR 0RQWDQ DQ>HVL@ FGRQW B QVWVLDQ D XHYHGG HVQ

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7KH \$FW DOVR IQLEHFDXVHF WVV DVXQVH Q DVUR R B

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ZKROHVDOH EDQ RQ D SODWIRUP PRUDHU\$ZH'VVRBQ

WKH SRLQW KHUH WKH JRYHUQPHUQV WDEHREBYBXO

LW FKR VH WR LJQRUH WKHP LQ IDP\$OHRI&RQHJHVO

KDYH HQDFWHG JHQHUDOO\ DSSOHFD ELOFHGDWV D VSUDD

DERXW ZKLFK PDQX\$\$RWKH\$FVDTUHVFRQRHHUQHQR

HYLGHQFH DV WRUZKFWWKHVDOMHVQDQVWVXDWZRXOG E

ORUHRYHU 7LN7RN VWDWHV LW KDDUQ\$BNHQXVH

GDWD LQFOXGLQJ WKH 33URMHFWU7HYHDOV LQINVRD

ZRXOG JLYH WKH JRYHUQPHQW WKH B Q W W R I G L W D W
>7LN7RN DQG %\WH'D@DEH@ REBDDWHH@M QXQ G HUH W
7LN7RN DQG %\WH'D@DEH@ZWG R Q B H W W R V S K U R Y U G H O S I X
HYLGHQFH SURYLQJFWKMMHP@B@Q V H H N G G K H M D W Q J V
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7KH \$FW V X Q G H U L Q F O X V L Y H Q H V V I L X U R W U K L Q U C
38 Q G H U L Q F O X V L Y R H Q H G R X L E D L W H D E R X H U L Q R H Q W H L U V W K
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ZKLFK DSSOLHV WR FRQWHQW QHXHWU\Q ESHBFHQ UW
WKH DVVHUWHG JRYHUQPHQWDO LQWMDQWWDQ D
³XQUHODWHG WR WKH VXSSUHVVIXPOD RLRQHHL QPS UL
VHUYH WKDW LQWHUHVW LQ ³D GIPUHFV\DFRQQ RDIWV
DQG WKDW LW ZLOO GR VR LQ DVXSSUHVV WQ BWP R V H
³WKDQ LV HVVHQWLDO WR WKH BXODSKHJECQ FH RI W
8 6 ± FLWDWLRQV RPLWWHG

7KH \$FW IDLOV WKLV WHVW IRU ODDUHV\ WWH
VFUXWLQ\ -XVW DRI&RFLDHOV\LGDOQRZLVGHR\$FWKR
D FRPSHOOLQJ LQWHUHVW LW KDEVQFDWVGRDCH JRYH
LQWHUHVW /DZPQWHWV\W VLVQHUFM EGRDQJG E\$UDRYSFU
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WKH \$FW VHUYHV DVVHUWHG FRQDHUHQFX DEWXWQG³D
DQG PDWHULDO ZD\ WKDW TWHQQRW8PHUDH\ FRQM
KRZ HIIHFWLYHO\ EDRQQLRQJP QFLKFDQVLRQ RV HQ UWRR Z
WKR VH LQWHUHVWV

