



Written by [Joe Wolverton, II, J.D.](#) on July 12, 2018

## Printing 3D Firearms and Accessories Now Protected as Free Speech

In November 2012, I wrote the following seemingly fantastical story in *The New American*:

A “little piece of paper” is all that prevents the printing of firearms at home using 3D printers.

That was the comment made by Cody Wilson, co-founder of a company that will soon offer customers plans for printing the plastic guns in the privacy of their own homes.



Texas-based Defense Distributed has already finished three downloadable designs of plastic guns that can be printed using the new 3D technology. The company calls the new technologically tooled guns the ‘Wiki Weapon.’

Cody, a second-year law student at the University of Texas, is not the type to be dissuaded by government red tape, however. In a publicity photo taken by Wilson himself, the revolutionary law student-cum-gun-maker holds a rifle in one hand and a copy of Frederic Bastiat’s *The Law* in the other. In what is undoubtedly a shot at federal overreaching, Wilson named his AK-47 the ‘Individual Mandate.’

When asked whether he was troubled by the possibility of his plans getting into the hands of children or criminals, Wilson responded in true libertarian style, ‘People say you’re going to allow people to hurt people, well that’s one of the sad realities of liberty. People abuse freedom. But that’s no excuse to not have these rights or to feel good about someone taking them away from you.’

At that time, the ability to print a functioning weapon was a wonder, but it didn’t take long for the federal gun-control machine to catch up to the three-dimensional printing machine.

As reported by *Wired*:

Less than a week later, Wilson received a letter from the US State Department demanding that he take down his printable-gun blueprints or face prosecution for violating federal export controls. Under an obscure set of US regulations known as the International Trade in Arms Regulations (ITAR), Wilson was accused of exporting weapons without a license, just as if he’d shipped his plastic gun to Mexico rather than put a digital version of it on the internet. He took Defcad.com offline, but his lawyer warned him that he still potentially faced millions of dollars in fines and years in prison simply for having made the file available to overseas downloaders for a few days.

Wilson, undeterred by the federal leviathan’s efforts to seize not only his fully-functioning, homemade, plastic printed firearm, filed suit in 2015 against the United States, averring that the U.S. State Department was depriving him (and his co-plaintiffs) of their right to free speech as protected by the First Amendment by ordering Cody’s company that it could not post online the file — computer code —



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with which others could print their own weapons and accessories, as written by Cody.

The claim that the feds were violating the Second Amendment's guarantee of the right to keep and bear arms was included in Cody's complaint, too. "If code is speech, the constitutional contradictions are evident," Wilson explained to *Wired* when he first launched the lawsuit in 2015. "So what if this code is a gun?"

That question represents a quite clever constitutional conundrum that it seems the federal government's lawyers can't figure out.

Surprisingly, the U.S. Justice Department offered to settle the case, surrendering its pursuit of Cody and his code (or gun, or, well, file).

The long and short of the Justice Department's rare and remarkable retreat is that publishing code that can be used to print a weapon capable of firing ammunition is now a constitutionally protected expression of free speech!

"I consider it a truly grand thing," Wilson says, as quoted by *Wired*. "It will be an irrevocable part of political life that guns are downloadable, and we helped to do that."

Along with numerous liberty-minded quotes from Thomas Jefferson, H.L. Mencken, and Patrick Henry, in its "Manifesto" Cody's Defense Distributed wrote the following when the story began in 2015: "This project could very well change the way we think about gun control and consumption. How do governments behave if they must one day operate on the assumption that any and every citizen has near instant access to a firearm through the internet? Let's find out."

It's three years on and we have found out. We've found that in our day, firearms may be manufactured in diverse ways, and as of July 10, 2018, using computer code to command a printer to produce a three-dimensional gun is constitutionally protected free speech. That is indeed a victory for liberty.

We mustn't be complacent, though, for we know that an armed people is a free people and there are legions of legislators determined to disarm Americans, in open and hostile opposition to the Bill of Rights and the natural right to defend oneself and one's property from anyone—including a president, a congressman, or a judge—who would threaten its perpetuation.

Image: [Screenshot from ghostgunner.net](#)



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