Case #9: Liberty in Three Dimensions

The first 3D printed gun, the Liberator, was designed by Cody Wilson. He posted the design online for use by anyone who wished to print or modify it. In the first two days of release, the design was downloaded over 100,000 times and posted on Pirate Bay (an online data pirating site). Wilson has explained that the purpose of his design was to support his philosophical commitment to disturbing state power and to make a statement that “gun control is a fantasy.” Wilson’s aim was not to create violent disturbance, but to shift the way people think about the limitations of the state’s control over property and commerce.

Current 3D printing technologies are quite limited, and printing firearms is not practical in terms of reliable weapon manufacturing. All of the current generation of printable firearms are single-shot weapons—they must be reloaded after each shot. Also, the plastics used in 3D printing degrade quickly under the high pressures associated with explosive propulsion. Under firing tests conducted by the United States Bureau of Alcohol Tobacco and Firearms (ATF), some versions of the Liberator exploded during the first shot. Given the serious restrictions on the 3D gun’s applications, what, if any, legitimate uses might such a firearm have? Some argue that the low cost and ability to make such weapons at home would help provide freedom from government intrusion and helps to ensure that citizens have a balance of power against tyrannical forces, whatever those might be.

Without background checks or waiting periods, some worry about the potential for 3D printed guns to subvert legal restrictions on handguns. There is also concern that children may mistake lightweight plastic printed weapons for toys and accidentally harm themselves or others. Richard Marinos, a spokesman for the ATF, says the Liberator “can defeat metal detection, and that’s something we’re concerned about. . . . This is more for someone who wants to get into an area and perhaps be an assassin. Or they want to go to a courthouse and shoot a witness.”

Wilson inserts a metal bar into the Liberator’s handle to avoid breaking the Undetectable Firearms Act (UFA), but others might be less scrupulous. As part of the 2013 reauthorization of the UFA Sen. Chuck Schumer and Rep. Steve Israel introduced a separate bill which “would require that certain major components of plastic firearms are made of non-removable detectable metal or steel.” The bill was opposed by the National Rifle Association and was eventually defeated.

Some restrictions on the distribution of plans for 3D printed guns have been imposed by the United States State Department under the International Traffic in Arms Regulations (ITAR).

---

ITAR requires that people wishing to export arms, technical data, blueprints, or defense services apply for licensure with the US State Department. Based on this provision the State Department ordered Wilson to remove the Liberator file from servers. Wilson complied but has since filed suit against the United States on the grounds that the restriction violated his constitutional rights under the First, Second, and Fifth Amendments of the United States Constitution.

Wilson's release of the Liberator came on the heels of industry leader Makerbot removing weapon files from their servers in the wake of the deadly Sandy Hook school shooting. Recognizing the dangers of 3D printing and the difficulty of policing even with new, stronger legislation, other companies continue to consider the dangerous implications of their technology. Although the Protection of Lawful Commerce in Arms Act shields gun makers from civil litigation in the U.S., some worry about liability for arms printed using their technology. Some have also considered formal warnings that dangerous weapons can be produced using the technology or parental control features that might limit what certain users can produce. It is even possible that companies could work with Federal Bureau of Investigation and other agencies to provide data on who is printing weapons, or weapon parts such as receivers or magazines.

Case from the 2016 Regional Ethics Bowls
© Association for Practical and Professional Ethics 2016