

Nine Attorneys General, and Alyssa Milano, versus the First Amendment

On July 30, National Public Radio reports, “[a] coalition of attorneys general from eight states and the District of Columbia filed a lawsuit against the Trump administration ... to stop a Texas-based company from publishing instructions for 3D-printed guns on its website.”

In English: Nine state attorneys general want the federal government to censor the Internet, in violation of the First Amendment, for the purpose of making the Second Amendment less effectual.

Defense Distributed, a non-profit started by libertarian activist Cody Wilson, creates and publishes files that tell 3D printers and CNC milling machines how to make guns. After a five-year battle with the US State Department, which demanded censorship of these files on the risible claim that publishing them violated weapons export restrictions, Defense Distributed prevailed: The feds said uncle, paid the organization’s legal fees, and got out of the way.

Cue bizarre claims — actor/activist Alyssa Milano, writing on behalf of the anti-gun lobby, calls these files “downloadable guns” in a CNN op-ed — open cries for Internet censorship, and a conspiracy of state attorneys general to give those cries legal effect.

We’ve been here before. The 1873 Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use — parent act of the “Comstock laws,” so called after the priggish Postmaster General who pressed for their passage, provided that:

“Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use ... is hereby declared to be a non-mailable matter ...” The law provided for five years in prison and a \$5,000 fine (more than \$100,000 in 2018 dollars) for violators.

A century of resistance and legal challenges — led in part by an organization Ms. Milano avidly supports, Planned Parenthood — followed. It wasn’t until 1970 that Congress removed references to contraception from federal anti-obscenity laws.

I’m not surprised that the anti-gun lobby is throwing in with other pro-censorship lobbies (such as the anti-sex-worker lobby which recently got its own Internet censorship law, FOSTA, passed in the name of combating “human trafficking”). Enemies of freedom may

be evil, but they're not stupid. They understand that freedom can only be successfully attacked by suppressing access to ideas and information.

Fortunately, defenders of freedom understand that too. Even if today's Comstocks manage to shut down Defense Distributed like they shut down Backpage, the genies are already out of the bottle. Sex workers are already advertising elsewhere (and more securely). Defense Distributed's gun plans have been downloaded thousands of times and made available via numerous publicly accessible venues.

The second round of the battle against Comstockery isn't going to last a century. In fact, Comstock's spiritual children have already lost — nothing short of shutting down the Internet, if even that, could possibly turn the tide for them.

Now it's time to punish those rogue attorneys general — in court, in reputation, and at the ballot box.