At Defense Distributed, few glimpses of life after Cody Wilson

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- Nathan Mattise
- The US Marshals sent this updated wanted poster to media when Wilson was finally apprehended following his time evading arrest in Taipei.
- Defense Distributed's new leader, Paloma Heindorff, holds up the letter from the Department of State that started all the company's legal battles.
  Defense Distributed

It's been nearly a year since 3D-printed firearms activist Cody Wilson was arrested for the alleged sexual assault of a female minor. Yesterday, he appeared in an Austin, Texas courtroom and plead guilty to lesser charges that will likely see Wilson register as a sex offender and serve multiple years probation. He won't be able to possess any firearms and must consent to keystroke/remote monitoring during that time.

But long before Wilson's plead, his situation quickly prompted an unexpected change in leadership at Defense Distributed, the now-infamous Austin, Texas-based digital printing and firearms company he started in 2012. News of an arrest warrant for Wilson came on September 19, 2018, and Paloma Heindorff was named the company's new director less than a week later on September 25.

At the time, Heindorff stated that Wilson would no longer have any involvement with the company. She also promised business would continue on as normal and that she would likely take a different approach publicly than her outspoken, interview-friendly predecessor.

Ars called Defense Distributed this week to see if the company would provide an update on things in the year post-Wilson. Could Defense Distributed at least share any updated figures on sales or fundraising from the last year? The last available data on those topics came during Heindorff's introductory press conference, when she mentioned the Defense Distributed legal fund had eclipsed $400,000 and that the company had sold 3,000 Ghost Gunner milling machines (that, at roughly $1,500 each, would've provided about $4.5 million in revenue).

But Stephen Sheftall, who handles sales communication at the company among his duties, said the company had no use for media at this time and wouldn't be doing any interviews in the foreseeable future. Heindorff, however, has done at least one extended interview since settling into her new role. Back in February, Reason.com sat down with Heindorff about four months into her tenure.

"I'm not going to say it was the best promotion I've ever got, but from a business standpoint we've done incredibly well—minimal disruptions to the daily operations," she said. "Cody's departure has affected us less than people think, and I understand why people would think it would be chaos. He was incredibly powerful figurehead. But there are quite a bit of us working back there. It's been more of a personal effect than, 'Oh, now we can't run the company.' The company is doing just fine."

Court cases: One onto appeals,

another slowly moves

Even if Defense Distributed hasn't been doing as much direct press, there have been some notable public happenings involving the company during Heindorff's first year at the helm. For starters, Defense Distributed has continued its legal efforts revolving around the online distribution of 3D-printed gun CAD files. While several states took action against untraceable, self-milled or printed "ghost guns" in 2018, Defense Distributed brought its own case called *Defense Distributed v. Grewal* (the attorney general of New Jersey is Gurbir Grewal), which had its day in court back in January. The case centered on a newly enacted state law, SB2465, aimed at regulating "ghost guns" and the promotion or distribution of related files online. Such laws led to Defense Distributed and similar companies taking down gun milling and printing information from their websites. (In Defense Distributed's case, the company instead continues to offer this info for sale via a USB stick to eligible customers.)

Ultimately, the case was dismissed in February, though the judge made that decision based on jurisdiction rather than the merits of the case. But less than two weeks later, the New Jersey AG revealed one of the documents that led to the case initially being heard had been faked by an IP address in Slovakia.

"It's really the info they're trying to stifle, otherwise they would've written different laws," Heindorff told Reason.com when asked to reflect on the state battles around that time. "How disrespectful to one's subjects, I'll call them. The general [populace] cannot be trusted with this info."

After the case's dismissal, a New Jersey judge eventually also denied Defense Distributed's motion to seek an injunction (PDF) for the law pending an appeal. As the company revealed on its Legio blog in April, Defense Distributed is now

appealing *Defense Distributed v. Grewal* in the Third Circuit Court of Appeals. Initial filings have been made, but there are no upcoming court dates currently scheduled.

Defense Distributed v. Grewal was not Defense Distributed's only legal crusade, however. In fact, that was entirely separate from perhaps the more wide-reaching legal case, *State of Washington v. Department of State.* In this, Washington alongside several other states pursued legal action initially because they believed that, when the Department of Justice settled its five-year legal battle with Defense Distributed in July 2018 and allowed the CAD files in question to be reposted online, that action violated the Constitution. But in a November 2018 filing, government lawyers for the defense explained that rule changes being considered by the State Department at the time would make any legal conflicts in *Washington* moot.

By February 2019, US District Judge Robert Lasnik got tired of waiting. He denied the Department of State's motion to stay the case and allowed the proceedings to move forward. The plaintiffs soon filed a motion for summary judgment that month, and the two sides have gone back and forth on timelines and submitting supporting documents in either direction since. One of the defendants' main arguments, as outlined in a June filing, seems to be the states' lack of "traceability and redressability"—essentially, the fact that these files are now out there and can't be taken offline makes this litigation moot in their view. Motions from both sides were delivered by early June, but there is no public timetable for the case's next steps.

Enlarge / r/defense_distributed no longer exists as of summer 2019. Previously, Defense Distributed employees and customers used the forum to interact, and 3D-printing gun enthusiasts would share tips, videos, and more.

Out of court, pressure from Big Tech and Congress

During Heindorff's young tenure, Defense Distributed has also faced increased pressure outside of the courts from big tech companies. This summer, Facebook seemed to clarify that "A Page representing a real brick-and-mortar store, legitimate website or brand" could promote 3D-printed firearms "only for sale off of our services and as long as those retailers comply with all applicable laws and regulations." But currently, Facebook company policy also states that "3D gun printing files or instructions to manufacture firearms using 3D printers or CNC milling machines, including links to websites where such files or instructions are made available, may not be shared by anyone" on Mark Zuckerberg's giant social media platform. Defense Distributed does not maintain an official brand page on the platform, and private groups that have popped up for Defense Distributed customers typically explicitly ask members to avoid posting "DEFCAD OR OTHER

LINKS!”

Other social media sites cracked down on distribution of 3D printed gun files and information this summer as well. Just weeks after the nonprofit gun violence news outlet The Trace found Twitter users freely distributing 3D-printed gun design files, Twitter introduced a new policy banning such actions entirely in June. And on reddit, a longtime subreddit devoted to Defense Distributed, r/defense_distributed, was banned for violating that site’s rules about posting prohibited goods or services.

“Facebook won’t allow anyone to share any links to our products. On YouTube, if videos reference Defcad codes, they get removed. These corporations are saying knowledge of this knowledge is too dangerous for people to have,” Heindorff told Reason.com several months before this summer’s social media saga. “The plans for this gun were downloaded a million times five years ago, but apparently the knowledge this even exists is too dangerous to talk about. That’s crazy to me.”

As The Trace reported, such bans haven’t stopped the spread of 3D-printed gun information. Users wanting to discuss and swap information about 3D-printed firearms simply took their discourse elsewhere. On Keybase, a platform from dating site OkCupid that has end-to-end encryption, expiring messages, and the option for users to verify their identities through social media accounts, a group called Deterrence Dispensed quickly rose into the top 10 most popular Keybase teams within two weeks of the reddit ban. Entire platforms have sprung up to fill similar voids elsewhere: GunStreamer has become a gun-focused video site; Spee.ch is a blockchain-based media site where Deterrence Dispensed has made blueprints available for things like AR-15s and handgun frames.

But things may only get trickier for Defense Distributed and 3D-printed gun advocates from here. States such as New York and Washington have taken New Jersey’s lead and passed their

own legislation addressing 3D-printed guns in recent weeks. And some politicians at the federal level also continue to call for bans on 3D-printed guns.

Congressman Ted Deutsch (D-Fla.) and Senator Ed Markey (D-Mass.) put forth the 3D Printed Gun Safety Act of 2019 in late June as the latest example. If eventually made into law, the bill would make it illegal to "intentionally distribute, over the Internet or by means of the World Wide Web, digital instructions in the form of Computer Aided Design files or other code that can automatically program a three-dimensional printer or similar device to produce a firearm or complete a firearm from an unfinished frame or receiver." So far, however, there hasn't been any formal movement and this proposal remains one of 110 gun bills Congress currently has on the table.

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