



Written by [Bob Adelman](#) on September 18, 2023

ATF Backs Down in “Zero Tolerance” Lawsuit

Erich Pratt, senior VP of Gun Owners of America, [was “excited” on Friday to announce](#) that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) had backed away from retaliating against a gun dealer. That gun dealer, Morehouse Enterprises, doing business as Bridge City Ordnance in Valley City, North Dakota, had sued the ATF over its enforcement of the Biden administration’s ghost gun order last year, and the ATF retaliated by doing a deep search into the dealer’s records.

Not surprisingly, the ATF found a couple of minor bookkeeping errors and began the process of removing his federal firearms license (FFL).

Said Pratt:

The ATF kicked a hornet’s nest when they thought they could send a message to gun dealers who dared to challenge their illegal actions in court.

In response, GOA and GOF [Gun Owners Foundation, its sister organization] stepped in, and we made clear they were about to engage in a losing battle.

We are thrilled for Bridge City Ordnance and hope this encourages ATF to revisit their “zero tolerance” policy.

This is no “victory,” but merely regaining some ground that had been lost to the enemy.

The attack on the private ownership of firearms has been going on for decades, but the Biden administration ramped up that attack when it issued its now-infamous “zero tolerance” statement declaring that even the smallest error in the paperwork the government requires gun dealers to keep will be cause for retraction of a dealer’s FFL.

Shortly thereafter, the ATF revised its own internal operations manual, discarding all previous notions of giving a gun dealer the benefit of the doubt when a paperwork error was discovered during an audit. In its place, according to the lawsuit brought against the ATF in July, a “much harsher” version designed to put every gun dealer in the country out of business, either by force or by threat of force, was put in place.

From the lawsuit:

The 2022 AAP [Administrative Action Policy], then, represents a one-way ratchet in favor of license revocation — designed and intended from the ground up to put as many firearm dealers as possible out of business, not only ruining livelihoods but also impeding Americans’ ready access to constitutionally protected firearms in the process.



AP Images



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The weaponization of the Biden administration's "zero tolerance" policy has already closed more than 1,000 gun dealers since it was announced — just as intended.

But when the ATF swooped in to "audit" the books of Bridge City Ordnance (BCO), they shortly learned that this would be no pushover. In fact, so confident was one of the ATF agents involved that he remarked to the owner that the raid was in fact in retaliation for his earlier lawsuit against the ATF over its "ghost gun" policy.

The lawsuit noted that the ATF had considered waiting for a period of time before launching its raid on BCO, but threw caution to the wind, raiding the dealer in February this year. During the three days of its "investigation," the agency rummaged through the dealer's records dating back years.

Remarkably, BCO had never been cited for a single infraction in all its years in business, but during those three days the agency found at least three minor infractions, more than enough to shut it down.

From the lawsuit:

This ATF tactic — revoking a federal firearms license on the basis that a licensee agreed, often years in the past, to have understood every nuance of a regulatory scheme hundreds of pages long — is a bit like revoking a lawyer's admission to a court for failure to use the proper size font in a brief, on the theory that his admission application attested that he had read and understood the local rules.

It is also like revoking the driver's license of a person who fails to use his turn signal, alleging that he acted in "purposeful disregard of, or a plain indifference to, or reckless disregard of a known legal obligation."

After all, several decades ago, the DMV handed that driver a manual with hundreds of pages of nuanced rules and regulations.

The GOA went on the attack, accusing the ATF of being guilty of the same crimes it declares gun dealers were committing. One case in particular stands out, and perhaps is the reason the ATF didn't want this case to go to trial.

During "discovery" such a trial would have revealed the outrageous conduct of one of the ATF's own agents, Christopher Lee Yates, that should have landed him in jail for decades.

From the lawsuit:

Christopher Lee Yates. For example, in 2019, Christopher Lee Yates, an ATF contractor, was convicted of stealing thousands of firearms from ATF's Martinsburg, West Virginia headquarters, over the course of several years.

Even when caught, the theft was not discovered by ATF headquarters, but instead by tracing firearms Yates stole and sold.

As part of the Yates scandal, criminal investigators discovered that ATF personnel had deliberately signed "certif[ied] ... reports" falsely stating that countless firearms had been destroyed, even though the same firearms were later recovered on the streets (clearly not destroyed).

If these same violations had been committed by an FFL, license revocation would be swift



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for having made “a false or fictitious written statement in the FFL’s required records,” or “inventory ... for which disposition could not be accounted for....”

Yet upon information or belief, not one ATF employee was ever punished for the Yates fiasco.

It gets worse. The ATF has been hiding the fact for years:

Even though Plaintiff GOA submitted a FOIA request to ATF in November of 2019 (more than 3.5 years ago), seeking more information regarding the Yates case (FOIA # 2020-0097), ATF has yet to respond.

This is the rogue, out-of-control agency that is tasked with destroying the retail gun business in the United States, thus eliminating with one fell swoop the freedom Americans enjoy under the Second Amendment, the right to keep and bear arms. Without the ability to buy them, there will be no keeping or bearing them, and that’s what the jackboots of the ATF, under the Biden administration, are successfully doing.

This is no victory. It is merely a halt in the action.

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[Gun Owners of America Sues ATF Over “Zero Tolerance” Policy](#)



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