

FILED

MAY 16 1986

RICHARD M. WEARE, CLERK  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

1  
2  
3 UNITED STATES OF AMERICA

4 Plaintiff,

5 vs.

6 GIDEON ISRAEL, and PATRICK A.  
7 CZERNIAK,

8 Defendants.

9 NO. CR-86-027-TUC-RMB

10 O R D E R

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14 The Forest Service requires groups of ten or more people  
15 who gather on Forest Service land "for the purpose of expression  
16 or exchange of views or judgments" to apply for a special use  
17 permit. Such a regulation impermissibly singles out those who  
18 wish to gather in order to exercise their First Amendment  
19 rights. The Court finds that this regulation is therefore  
20 UNCONSTITUTIONAL.

21 The Forest Service has every right to regulate  
22 large-group use of government land. If the Forest Service  
23 wishes to regulate large groups its regulation must not only be  
24 content-neutral, but must apply to ALL large groups.

25 IT IS ORDERED that the defendants' motions to dismiss are  
26 GRANTED. The criminal charges pending against defendants are  
27 DISMISSED.

28 DATED this 15 day of May, 1986.

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Richard M. Bilby  
United States District Judge

ATTACHMENT I

USA  
PO  
Foster  
Bogert