

Even the Liberal 9th Circuit Court of Appeals Couldn't Let This Christian's Arrest Stand

Turns out you can't be arrested for peacefully reading from the Bible on public property, even if you're reading aloud.

The 9th Circuit Court of Appeals, arguably the most liberal of the U.S. appellate courts, recently determined that a Christian man, Mark Mackey, was wrongly arrested for reading the Bible aloud in front of the California Department of Motor Vehicles in Hemet in 2011. The arresting officer, California Highway Patrol Officer Darren Meyers, cited him for violating a state law that forbids the interference with an open business through obstruction and intimidation.

Based on video evidence provided by Mackey, that wasn't true. [Click here to see the video.](#)

But in its final decision, the 9th Circuit wrote:

Upon arrival, Meyer encountered Mackey reading his Bible aloud in a dirt patch, neither obstructing nor intimidating anyone in line. Meyer avers that Mackey was "yelling at the people waiting in line," "that there was obvious verbal confrontation between the group of men and the people standing in line," and that the "confrontation was heated and nearing a physical state." That version of events is completely belied by video and audio footage, which does not reveal any confrontations whatsoever, and merely shows Mackey reading the Bible aloud, somewhat apart from people standing in line.

Mackey and the others who were arrested that day were later cleared of any wrongdoing in criminal court. But Advocates for Faith & Freedom filed a federal lawsuit for unlawful arrest on

Mackey's behalf, arguing the officer had no basis or probable cause to arrest him.

Mackey had offered to dismiss his suit if the CHP simply admitted the arrest was unlawful and agreed to properly instruct its officers, but that offer was rejected. His attorney, Robert Tyler, argued:

An innocent man exercising his religious liberty and free speech was criminally prosecuted based on erroneous claims put forth by a false and deceitful police report. It appears to me that the arrest and prosecution of my client was politically motivated because they did not agree with my client's speech. But that is exactly why our founders created the First Amendment—to protect even disagreeable speech. Today's decision renews my hope in the justice system. {eo}