



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
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October 11, 2006

Chief Patrol Agent Brenna Neinast
U.S. Customs and Border Protection
2605 5th Avenue SE
Havre, MT 59501

Dear Agent Neinast,

We have been contacted about a news report describing the U.S. Border Patrol's recent recruitment efforts in Utah. The news report from September 22, 2006 (attached) quotes Agent Jared Thompson as stating, "We certainly love to hire return missionaries." The audio version of the interview with Agent Thompson is also available at www.ksl.com.

We write to seek clarification about whether U.S. Customs and Border Patrol gives religious preferences in its hiring, as Agent Thompson seemed to indicate. As you are aware, the Establishment Clause of the First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." U.S. Const. amend. I. The Establishment Clause is understood to mean that the government, and thereby government entities such as the U.S. Customs and Border Patrol, may not pass laws or policies "which aid one religion, aid all religions, or prefer one religion over another." *Abington School District v. Schempp*, 374 U.S. 203, 216 (1963) (citations and quotations omitted). The Supreme Court has also articulated an "endorsement test," under which the government may not engage in a practice that suggests to reasonable, informed observers that the government is endorsing religion. *See Lynch v. Donnelly*, 465 U.S. 668, 690 (1984) (O'Connor, J., concurring).

If U.S. Customs and Border Patrol does not give religious preference in its hiring, it should clarify publicly to the Utah audiences that it does not discriminate in its employment practices on the basis of religion, and that the U.S. Government actively recruits all positions regardless of the applicants' religious beliefs, practices, and experiences. Please respond to us in writing with your assurances that religious preference is not given in hiring.

Please contact me at 801.521.9862, ext 103 if you have any questions or concerns. Thank you for your time and consideration.

Sincerely,

Margaret Plane
Legal Director

cc: Mr. Jared Thompson
U.S. Customs and Border Protection
P.O. Box 609
Sweetgrass, MT 59484-0167