

# Strange customs at Customs

US tourists claim harassment over rainbow

by Tom Yeung

**W**hen Jon Barnett took his first trip to Canada this October, he thought he would be visiting the more polite and civilized neighbour to his own country.

That is until the Kansas City resident hit the BC-Washington State border crossing.

Barnett, his partner, his brother and his brother's partner, who is from Seattle, were driving north Oct 15. After a short 10 minute wait on the American side, they hit the border checkpoint at 11 am.

Their view of our country gradually soured as the gay tourists spent the next hour answering some strange questions from Canada Customs agents.

Barnett says the group was first asked the usual set of questions: why were they visiting Canada (for

vacation, said Barnett), where they planned to go (Vancouver), where they were staying (The Hotel Dakota) and if they were transporting any drugs or weapons (no).

The tourists were then asked to pull over to the customs office. A second customs officer informed them there was reason to suspect they were transporting illegal drugs and weapons.

Barnett estimates the second officer took 30-45 minutes opening every compartment in their 1993 Honda Accord. Upon discovering a dozen condoms in Barnett's shaving kit, Barnett says the officer slipped on a second pair of latex gloves.

Finding no weapons or drugs, the officer told each of the tourists to empty their pockets.

Still with nothing, the officer then asked the four if "any of you are carrying the AIDS disease."

Recalls Barnett: "I can remember word for word what he said."

While his three travelling companions answered no, Barnett refused to answer.

"I just kind of scratched the front of my pants and I said 'I don't think I'm carrying it in my pockets,'" says Barnett, letting some of his southern drawl slip through.

The officer told him that "international law requires you to answer." Barnett, who is not HIV-positive to his knowledge, told the officer his answer was either "I don't know" or "none of your business."

After interrogation by a third officer, the four were eventually allowed into the country. Barnett estimates they spent close to \$1,000 US over the weekend in downtown Vancouver.

For Barnett, there's no question as to why they were searched.

"It was real apparent from the moment we were pulled over. We had a rainbow sticker on our car, where all the cameras could see."

Getting an answer about Canada's policy on HIV depends on who you ask.

When interviewed by Xtra West, Canada Customs spokesperson Deirdre Urquhart said asking tourists their HIV status "is not generally done."

"No, they're not permitted to ask that," she said.

Urquhart, program service officer for customs, did say that someone who look obviously ill might be asked because of fears they might be a drain on Canada's healthcare system.

But it's up to the individual discretion of each customs officer, she said. Front line officers are told to treat everybody equally, but there's no anti-discrimination program in place.

Urquhart laughed when Xtra West suggested the condoms may have prompted the officer's questions, saying condoms are common enough, but said she was surprised to find out the rainbow flag was a gay symbol.

Immigration lawyer Garth Smith says customs officer are allowed to, and do, routinely ask HIV status. Unlike the United States, which predicates its HIV policy on fear of spreading the disease, the Canadian government is more concerned with health costs.

"From a civil liberties point of view, I think it's quite offensive. But from a national security point of view, I think it's a good thing that this front line can ask those questions of people coming into Canada."

Barnett maintains the rainbow flag was what tipped off customs. Over the telephone he says neither he nor any of his companions look ill, boasting that at the age of 42 friends think he's much younger.

## News