Nation wants to strike bargain

Caribbean country prefers deal over fine

By TONY BATT
STEPHENS WASHINGTON BUREAU

WASHINGTON -- Although it is demanding $3.4 billion per year from the United States for outlawing Internet gambling, the island nation of Antigua and Barbuda would prefer a compromise that would allow Americans to gamble legally online, a lawyer for the Caribbean country said Wednesday.

The Bush administration announced in May it would withdraw the U.S. gambling sector from the jurisdiction of the World Trade Organization.

The announcement followed a ruling in March by a WTO appellate court in favor of the claim by Antigua and Barbuda that the U.S. ban on Internet gambling is illegal.

Mark Mendel, the attorney representing Antigua and Barbuda, said the U.S. withdrawal does not eliminate its obligation to pay for the Web gambling ban.

But after a four-year dispute, Mendel said he hopes the WTO ruling will convince the United States to negotiate a compromise.

"We have never taken the position that the United States should have to open its doors to unfettered Internet gambling to countries around the world or even to Antigua, as such," said Mendel, an attorney based in El Paso, Texas, who also practices in Ireland.

"But we felt then and we feel now that there is very solid middle ground for some kind of compromise whereby Antigua companies could offer these services into America on a fair and very protected basis without impinging on fundamental objectives of the United States government," Mendel said.

Gretchen Hamel, a spokeswoman for the U.S. Trade Representative's office, said her agency has met with Antigua officials on numerous occasions including as recently as two weeks ago. Another meeting is scheduled for next week in Geneva, Hamel said.

"We have made clear at every stage that we are open to considering creative solutions for the people of Antigua which respect to our legitimate restrictions on Internet gambling," Hamel said.

Mendel made his comments during a panel discussion of Internet gambling at the Cato Institute, a libertarian think tank.

Mendel praised bills introduced this year in the House by Reps. Barney Frank, D-Mass., and Shelley Berkley, D-Nev., that seek to overturn recent U.S. restrictions on Web gambling.

Berkley's bill, which has 64 co-sponsors including Reps. Dean Heller and Jon Porter, both R-Nev., calls for a one-year study of Internet gambling by the National Research Council of the National Academy of Sciences.

"We think that it is inevitable that this (Internet gambling) behavior will be legitimized in one way or another in the near term," Mendel said.

Before the Internet gambling restrictions, there were more than 100 Internet gambling operations in Antigua and Barbuda employing more than 10,000 people, Mendel said.

Now there are 30 licensed Internet gambling operators employing about 1,000 people.
"The damage has been done," Mendel said.

Mendel disagreed with John H. Jackson, a law professor at Georgetown University, who described the Internet gambling dispute between Antigua and Barbuda and the United States as an "oops case."

The U.S. is "not thumbing its nose" at international trade obligations but simply made a mistake when it failed to exclude gambling several years ago from WTO jurisdiction, Jackson said.

Jackson also doubted Antigua and Barbuda would succeed in winning $3.4 billion a year in compensation from the United States, saying the WTO decision was a narrow ruling that focused on horse racing bets made online.

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