

# THE TRUTH BEHIND PROFESSIONAL TENNIS:

A Tennis Lesson on Match-Fixing.  
Game, Set, And Match.

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## INTRODUCTION

“Well, if you were going to invent a sport which was purposely designed for match-fixing. The sport you would invent would be called, ‘tennis.’”

—*Richard Ings*<sup>2</sup>

Richard Ings made this remark in February 2016 in an episode in the show *Four Corners* that aired in Australia entitled “Bad Sport” by Linton Besser and Justice Stevens. Richard Ings was a former ATP executive who revealed that the Sport of Tennis is the most unregulated market in terms of sports betting. This revelation has led to the exposure of corruption that goes on in the World of Tennis.<sup>3</sup>

One aspect that is clear is that the sport of tennis is a magnet for gambling. This is due to the nature of the game and its lopsided economical structure, which is also extremely vulnerable to match-fixing.<sup>4</sup> Now, in our modern-day world sport’s history, the integrity of tennis has been questioned.<sup>5</sup> For years, there has been evidence of tennis matches being fixed around the world for gambling and nongambling purposes, but now more than ever, the

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<sup>2</sup> Bradley Campbell, Tennis is corrupt and the ATP can’t stop it, *The World* (Jan. 18, 2016, 4:00PM) <https://www.pri.org/stories/2016-01-18/tennis-corrupt-and-atp-cant-stop-it>.

<sup>3</sup> Bad Sport, *Four Corners*, Australian Broadcasting Corporation, [www.abc.net.au/4corners/bad-sport-promo/7120372](http://www.abc.net.au/4corners/bad-sport-promo/7120372) (last updated September 18, 2017).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

sport's integrity is hanging in the balance.<sup>6</sup> What does this really mean in terms of major tournaments, such as the Four Grand Slam events hosted each year around the world? Well, in 2008, tennis governing bodies, which includes the ATP (men's tennis), WTA (women's tennis) and other minor league events, hired consultants to complete a study based on the integrity of the sport.<sup>7</sup> The study revealed that match-fixing is the most serious threat that attacks the core of the sport.<sup>8</sup> The Tennis Integrity Unit (hereinafter referred to as the "Tennis Integrity Unit" or the "TIU") was formulated shortly after this report. The Tennis Integrity Unit is an anti-corruption body covering all professional tennis around the world.<sup>9</sup> Its primary responsibility is the enforcing of the sport's zero tolerance policy on match-fixing.<sup>10</sup> The TIU has three main priorities: the first is to prevent corruption from taking place in the sport; the second priority is to investigate and prosecute offenders; and the third is to educate players and stakeholders to recognize and to report corrupt activity.<sup>11</sup>

A striking aspect about the TIU is its power to follow up on intelligence anywhere in the world, as investigators travel on a regular basis to tournaments and events in order to interview persons of interest.<sup>12</sup> However, is the power to question an individual really useful? The TIU does not have criminal or investigative powers such as a police force.<sup>13</sup> Yet, once you are on the TIU's radar and are found guilty of match-fixing, or really any type of corruption matter (such as doping, money laundering or drugs), you can say goodbye to your tennis career and possibly expect a heavy fine as well. It is clear that the TIU has only been around for twelve years, and many have questioned its influence and its resourcefulness in order to get things accomplished when it comes to the corruption of the sport.

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Mark Harrison, *Tennis Integrity Unit* (2020), <https://www.tennisintegrityunit.com>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> R.M. Rodenberg, et al., *Tennis integrity: a sports law analytics review*. *Int Sports Law J* 16, 67–81 (2016).

On July 13, 2009, allegations arose that the ATP knew of players and ATP members that were violating their anti-corruption program and that the ATP chose not to conduct administrative proceedings in response to the allegations.<sup>14</sup> This gave rise to the question of whether the TIU is applying its standards to every player around the world or if it was using its power to make a profit in the market. The TIU believes that “suspicious betting patterns do not necessarily mean players are involved.”<sup>15</sup> As a result, it made clear that there was no evidence of anyone suppressing evidence or reports of fixing, even though a few reports have surfaced in the last decade about the integrity of the TIU as well. This goes back to the question of whether the integrity unit has any teeth.<sup>16</sup> Therefore, it is my belief that there needs to be an investigation into the investigatory styles of the TIU, and there needs to also be investigation as to whether the TIU is operating at an optimal level. Transparency is key in any organization, especially in one that is tasked with investigating corruption in professional tennis.

It seems that one of the central problems in regard to match-fixing lies in regulation. So, in order to address the regulation problem, we must first answer the questions of “what is match-fixing, and how does it occur?” By looking at the legal primer on match-fixing, economists have come to define it.<sup>17</sup> Economists have defined match-fixing as “where individual contestants may be willing to reduce their effort contribution for specific matches if the rewards for doing so are large enough.”<sup>18</sup> The reasoning is simple: sometimes this occurs either because the opposition values the victory more and is willing to pay to secure it.<sup>19</sup> Therefore, this means that there is an opportunity to generate returns through gambling because there is a lack of legal uniformity.<sup>20</sup> Again, this goes to say that when fixers are successful, it is usually because

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<sup>14</sup> *Id.*

<sup>15</sup> Kevin Mitchell, Tennis Match-fixing claims, eight players in Australian Open Draw suspected, *The Guardian* (Jan. 17, 2016), <https://www.theguardian.com/sport/2016/jan/18/eight-players-australian-open-draw-suspected-match-fixing>.

<sup>16</sup> Rodenberg et al, *supra* note 13.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

they are backed up by criminals throughout some stage of the match-fixing process.<sup>21</sup> This puts the TIU in a difficult position since it does not have criminal investigative powers.<sup>22</sup>

It is clear that tennis players agree to match-fixing or to corruption of the game because there is something bigger to gain. The reasons why are not always explicit but the decision to do so affects the integrity of the sport. There are laws against match-fixing all over the world, but one striking example is how the United States deals with bribery in sports. In the U.S., we have laws against bribery in sporting contests, specifically 18 U.S. Code section 224.<sup>23</sup> The term “sporting at the end of contest” refers to any contest in any sport.<sup>24</sup> The U.S. code goes into detail by stating that a person who carries out or conspires with some other person to carry out a scheme in commerce to influence in any way by bribery any sporting contest with knowledge and purpose shall be fined under this title or imprisoned no more than five (5) years or both.<sup>25</sup>

This begs the question of whether match-fixing and corruption can be stopped altogether, because clearly match-fixing is still occurring at a prominent level. Although we have a Tennis Integrity Unit and laws against match-fixing and corruption, there needs to be a better solution to match-fixing and corruption in the sport of tennis. There are many cases around the world with regards to match-fixing and corruption in tennis. This article will provide some of the most prominent cases that have emerged in tennis. Tennis like any other individual sport is seen by many across the world and its integrity should be held pure. Tennis is like a romantic relationship – with the thrusting across the net; the ball is just a medium; and a messenger of love and loathing all rolled up in one.<sup>26</sup> It is this romance that should be held pure,

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<sup>21</sup> *Id.*

<sup>22</sup> U.S. Congress, United States Code: Bribery and Graft, 18 U.S.C. § 224. 1976. Periodical. Retrieved from the Library of Congress, [www.loc.gov/item/uscode1976](http://www.loc.gov/item/uscode1976).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Alexis Tadié, *The Seductions of Modern Tennis: From Social Practice to Literary Discourse*, *Sport in History*, 35:2, 271- 295 (2015), DOI: 10.1080/17460263.2015.1022210.

<sup>26</sup> *Id.*

because this is what people expect to see when they watch the sport: two tennis players playing for the love of the game.

In Part I, this article will explore the history of tennis by providing brief examples of some of the tennis greats and the evolution of the sport. Part II will give a brief overview of laws or statutes from different parts of the world and how they deal with matching fixing and corruption in tennis. Part II will also discuss the birth of the Tennis Integrity Unit. Part III will explain what the Tennis Integrity Unit does and how it operates around the world. Part III will also explain the limitations of the Tennis Integrity Unit with regard to match-fixing and corruption. Part IV will provide specific case examples regarding match-fixing and corruption that the Tennis Integrity Unit has detected and resolved in its tenure. Part V will demonstrate how to effectively resolve match-fixing and corruption in tennis and whether the TIU needs to be remodeled to fix this problem.

## I. HISTORY OF TENNIS

Every sport has legends, but before there were legends, there was the history of the sport. Tennis was originally known as lawn tennis because it was played on the grass courts by Victorian gentlemen and ladies.<sup>27</sup> Its origins trace all the way back to 12<sup>th</sup> and 14<sup>th</sup> century France. The game of tennis grew out of a French handball game called jeu de paume meaning “game of the palm,” which served as an indoor racket and ball game. As the game grew more popular, courtyard playing areas became altered into indoor courts. There is still controversy and dispute over the invention of modern tennis but in 1873 Major Walton Clopton Wingfield published the first rule book and took a patent out on his game in 1874.<sup>28</sup> The same year tennis courts appeared in the United States.<sup>29</sup> In 1877, The All England Club held the first Wimbledon tournament and the court was structured as a rectangular court with the set of rules that govern the modern day of tennis today.<sup>30</sup> This development was crucial to the game of tennis as it has

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<sup>27</sup> History of Tennis, The Origins of Tennis (2009-2010), <https://www.tennistheme.com/tennishistory.html>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

evolved around the world due to the British influence and structure that dates back England in the mid 19<sup>th</sup> century.

With the evolution of the game came the tennis legends that ruled the court. Before there were legends, tennis only revolved around the wealthy and elite. The evolution of the game began in England between 1877-1939. After World War II, champions didn't make Wimbledon; rather, Wimbledon made Champions. In the immediate post war years, the rise of three more major tournaments gained attention around the world even though they had already been established for some time. These tournaments range from The French Open, which was established in 1881, the U.S. Open in 1877, and the Australian Open in 1905.<sup>31</sup> All four of these aforementioned tournaments are what tennis players strive to reach and to win ultimately.

Historically, if a tennis player turned professional and accepted payment to play, they were ineligible to play at any of the four major tournaments.<sup>32</sup> However, by 1967, the question of amateurism and professionalism was resolved when Wimbledon became the first tournament to invite the top eight tennis professionals to compete against each other.<sup>33</sup> Since then, the world of tennis has evolved and given rise to the greatest players of all time.

Among these legends, some deserve special recognition for their dedication and progressive influence that propelled the sport to where it stands today. Some of the most influential tennis players in the early years of tennis include Ken Rosewall, Andre Agassi, John McEnroe, Jimmy Connors, Ivan Lendl, and Bjorn Borg.<sup>34</sup> Ken Rosewall had a long career that included both pre- and post-Open Era competitions.<sup>35</sup> He was an eight Grand Slam title winner who started his career in the early 1950's it ended in 1980. He was a testament towards excellence because as it stands today, he won his last Grand Slam title, the 1972 Australian

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<sup>31</sup> Id.

<sup>32</sup> The Editors of Encyclopedia Britannica, Rod Laver, Britannica, <https://www.britannica.com/biography/Rod-Laver> (last updated Oct. 29, 2020).

<sup>33</sup> Id.

<sup>34</sup> Bill De Giulio, Top Ten Men's Tennis Players of All Time, [howtheyplay.com](https://howtheyplay.com/individual-sports/Top-10-Greatest-Male-Tennis-Players-of-All-Time) (Feb. 2020), <https://howtheyplay.com/individual-sports/Top-10-Greatest-Male-Tennis-Players-of-All-Time>.

<sup>35</sup> Id.

Open, at the record age of 37.<sup>36</sup> He is the oldest Grand Slam winner.<sup>37</sup>

Another, distinctive player is Andre Agassi who was an 8-time Grand Slam winner, but most of all he was a champion for the community. There is probably no one out there that exceeds his work in the community.<sup>38</sup> One of the most famous tennis players is John McEnroe, who was born on February 16, 1959 in West Germany and turned pro in 1978.<sup>39</sup> He totaled \$12 million in career prize money, and even though he won only 7 Grand slam titles, he was known for his temperament on the court. McEnroe was one of the few tennis players who could fire up his game by showing off his frustration on the court. He would equally take out his anger on his opponent and anyone else that was around, including the umpire and fans in the stands. When it came to hard courts, fast surfaces, and the impressive creative shots on court, there is arguably no one better.<sup>40</sup>

John McEnroe's epic tennis rival was Jimmy Connors, another noteworthy tennis legend. Jimmy Connors is another all-time great, 8 Grand slam titles and earning a career \$8 million in prize money. No one dominated tennis the way Jimmy Connors did in the mid 1970s.<sup>41</sup> He achieved a long and impressive career and still holds the record for ATP tour titles at 109.<sup>42</sup>

Following the footsteps of Jimmy Connors was another big tennis legend by the name of Ivan Lendl. He was born on March 7, 1960 in Czechoslovakia.<sup>43</sup> He totaled \$21 million in career prize money alongside 144 career titles and 8 Grand Slam singles titles. Ivan Lendl was the most dominant player of the 1980's.<sup>44</sup> He would wear down his opponents with his powerful groundstrokes and topspin on his forehand.

Finally, the last tennis legend in the early years of tennis is Bjorn Borg. He is to me the most notable in terms of dominance on

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<sup>36</sup> Id.

<sup>37</sup> Id.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Id.

<sup>41</sup> Id.

<sup>42</sup> Id.

<sup>43</sup> Id.

<sup>44</sup> Id.

clay and grass. Bjorn Borg was born on June 6, 1956 in Sweden. He amounted \$3 million in career prize money and a total of 101 career titles including 11 Grand Slam singles titles. Out of those 11 titles, six came from the French Open Grand Slam, which is played on clay and 5 on Wimbledon's grass. Borg was the first player in the early years of tennis to win more than 10 majors.<sup>45</sup>

As we gravitate towards the modern era and into the beginning of the 1990's there are 3 tennis players that are arguably the best of all time. These players grew out of the early tennis legends in terms of competitiveness, dedication, and love for the sport. However, I have an honorable mention by the name of Pete Sampras, who was born on August 12, 1971. He accumulated a grand total of \$43 million in career prize money during his tennis career and obtained 64 career titles including 14 Grand Slam Singles Titles.<sup>46</sup> Pete's standing in the tennis world at the end of his career in 2002 placed him to be the greatest of all time during this period. He sometimes does not get the recognition he deserves because he never made it to a grand slam final at the French Open, must less to win it. I would definitely say that he is a true champion that inspired the top three players of all time and their commitment to excellence.

The top three tennis players in the world are still current active players. Their commitment to excellence and love for the sport is unlike any other. They have drastically changed the level of the game and it is because of them that we are experiencing a golden age in tennis history. The number three spot goes to Novak Djokovic. He was born on May 22, 1987 in Belgrade, Serbia.<sup>47</sup> He currently has a total of \$144 million in career prize money, which includes 78 career titles and 17 Grand Slam Singles Titles.<sup>48</sup> He has been quite consistent in terms of winning titles throughout his tennis career, but injury has also caused him some setbacks. The second spot goes out to the tennis legend Rafael Nadal even though I would classify him as the greatest of all time in my book. Rafael Nadal, also known as "Rafa" on the court, was born on June 3, 1986 in Majorca, Spain. He has a current total of \$120

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<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> Id.

<sup>48</sup> Id.

million in career prize money. Rafa currently holds 84 career titles and 19 Grand Slam Singles Titles.<sup>49</sup> Out of those 19 titles, 12 have come from the French Open. He is regarded as the “King of Clay” because of his impressive wins on the French clay surface, as it makes it difficult for anyone to beat him on this surface. Nadal has continued to strive and improve his game throughout the years, especially his serve. He will go down as a top two in sports history. The only other person that stands in his way is the renowned tennis legend who at the age of 38 is still playing and there doesn’t seem to be a force out there to stop him. Roger Federer tops the top of the list on tennis legends. Roger Federer has a record of 20 Grand Slam Singles Titles, 103 career titles, and a current total of \$129 million in career prize money.<sup>50</sup> He is regarded as the greatest tennis player of all time. Roger Federer also has a record of being ranked number one in the world for 237 consecutive weeks from 2004-2008.<sup>51</sup> These top three tennis legends have revolutionized the game and made the love for the game an absolute spectacle to watch and admire. It is this admiration for excellence, dedication, and perseverance that has transformed the game in the past twenty years. There are now more people out there that believe that hard work and determination in the sport are key to excelling in any sport. These tennis legends have laid a foundation for younger players to strive for in the upcoming years. It is important to keep the integrity of the sport because the tennis legends mentioned have given so much to the history of the sport and within the past two decades its integrity is being tarnished more than ever. Corruption and match-fixing are the two biggest concerns in tennis right now and the world has been dealing with it differently based on the laws, statutes and agencies around the world.

#### *A. Laws, Statutes, and Agencies*

There are different laws, statutes, and agencies around the world that have specific approaches when it comes to regulating violations that occur in tennis matches. This section examines the

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<sup>49</sup> Id.

<sup>50</sup> Id.

<sup>51</sup> Id.

laws and regulations of the two biggest countries. These countries are the United States and Europe with regards to corruption and match-fixing. Ultimately, we will dwell specifically into the Tennis Integrity Unit which encompasses almost every country in the world and how they deal with the situation. Threats to the sports integrity have been widely known in the U.S. over the years.<sup>52</sup> The most notable act in place today is the 1964 Sports Bribery Act. Ironically enough the hearing took place hours before the assassination of John F. Kennedy.<sup>53</sup> The Sports Bribery Act was meant to serve as a powerful deterrent as to how match-fixing occurs.<sup>54</sup> According to an article on legal sports, there is a strong likelihood that match-fixing as a whole has continued to be underreported in the United States.<sup>55</sup> The fact that legal sport betting emerged throughout the past one and half decades, efforts have been made to reexamine and modernize state level statutes including giving leagues the ability to sue match fixers in some of the proposed legislation.<sup>56</sup> Yet to this date there is still no whistleblower protection that can encourage reporting of corruption and match-fixing in sports.<sup>57</sup> It is important to note that this act only prohibits gambling related corruption.<sup>58</sup> There is currently no federal law that explicitly prohibits the manipulation of sporting events in the U.S.<sup>59</sup>

By looking at 18 U.S. Code section 224 titled: Bribery in Sporting Contests, this statute clearly lays out in different parts what is considered to be bribery and match-fixing. 18 U.S. Code section 224 defines bribery as (a) whoever carries into effect, attempts to carry into effect or conspires with any other person to carry into effect any scheme in commerce, to influence in any way, by bribery any sporting contest, with knowledge the purpose of such scheme is to influence by bribery that contest, and shall be

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<sup>52</sup> John Holden, *The Sports Bribery Act: A Look at Attempts to Aid Integrity*, [legalsportsreport.com](https://www.legalsportsreport.com/20813/sports-integrity-in-the-us-history/) (2018), <https://www.legalsportsreport.com/20813/sports-integrity-in-the-us-history/>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

fined under this title or imprisoned no more than 5 years or both.<sup>60</sup> Section C of this code defines the term “sporting contest” as any contest in any sport between individual contestants or teams of contestants.<sup>61</sup> The term “person” under this same section means any individual and any partnership, corporation, association, or other entity.<sup>62</sup> This statute went into effect in 2012 but it has been hard to bust individuals due to the lack of reporting.

Europe on the other hand has devoted less attention to the topic of match-fixing and corruption than the U.S. It was not until 2017, that Europe started dedicating its attention and catching up and many EU Member states have already implemented Bribery laws that are actually even stricter than those in the U.S.<sup>63</sup> The problem just like in the U.S. is the lack of ratification, and implementation and enforcement, this is one of the main obstacles in the European fight against corruption and match-fixing when it comes to sports.<sup>64</sup> Even though EU Member states have improved their anti-bribery regimes in the last couple of years, the differences in the enforcement across Europe varies heavily. The UK has led much of the change within Europe and introduced the Bribery Act of 2010 which came into effect in July 2011.<sup>65</sup> It is said to be the strictest anti-bribery legislation in the world.<sup>66</sup> With this said, the UK is only a part of Europe and while it has an act in place it still does not encompass every other European country.

My inference is that it is difficult to enforce or make laws that are uniform in every state, such as in the U.S., or across different European countries. I believe that these acts are just sitting there waiting to be updated but modernization needs to be inclusive of more factors, such as a uniform law across the world and investigations to catch corruption and match-fixing at higher

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<sup>60</sup> U.S. Congress, United States Code: Bribery and Graft, 18 U.S.C. § 224. 1976. Periodical. Retrieved from the Library of Congress, [www.loc.gov/item/uscode1976](http://www.loc.gov/item/uscode1976).

<sup>61</sup> Id.

<sup>62</sup> Id.

<sup>63</sup> Squire, Patton, Boggs, Five Minutes on Anti-Bribery and Corruption Laws, [anticorruptionblog.com](http://anticorruptionblog.com), (2015), <https://www.anticorruptionblog.com/foreign-corrupt-practices-act/five-minutes-on-anti-bribery-and-corruption-laws-in-europe/>.

<sup>64</sup> Id.

<sup>65</sup> Id.

<sup>66</sup> Id.

levels. While there are many bribery laws across the world, when it comes to sports specifically tennis, the regulations do not reach the full force and effect on cracking down corruption and match-fixing. There is one unit that emerged after much speculation over tennis match-fixing and corruption that has worked over the past decade to prevent these effects. This was the birth of the Tennis Integrity Unit.

### *B. The Birth of the Tennis Integrity Unit*

The Tennis Integrity Unit (TIU) is the anti-corruption body governing all professional tennis around the world. It has a responsibility to enforce the sports zero – tolerance policy on betting related corruption.<sup>67</sup> The TIU was implemented in 2008 and making tennis one of the first sports to establish its own anti-corruption unit.<sup>68</sup> In regard to prevention, the TIU works hand in hand with the sport to prevent people who attempt to tamper with the sport by denying access to player only areas in tournaments. This prevention measure also includes a standard protocol which has a list of individuals who are not suitable to receive credentials to access tennis tournaments and backstage.<sup>69</sup> There are also rules that prevent unauthorized transmission of scoring data.<sup>70</sup> The supervisory board is made up of a total of nine members. The board's mission according to its handbook is broken into three distinctive parts. First, the purpose of this unit is to maintain the integrity of tennis.<sup>71</sup> Second, protect against any efforts to impact improperly the results of any match.<sup>72</sup> Lastly, the unit is founded on the principle of establishing a uniform rule and consistent scheme of law enforcement and sanctions that are applicable to all professional tennis events.<sup>73</sup>

The best way to look at the TIU in terms of their operation is through their investigative process. There are eight main steps in the TIU operation. Every stage is kept confidential and the

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<sup>67</sup> Harrison, *supra* note 8, at Tennis Integrity Unit.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

Integrity board will only publicly report a decision once a corruption offense has been committed.<sup>74</sup>

When an initial report is made by either a player or an official, the TIU goes through the first phase which is called the: Intelligence Gathering stage.<sup>75</sup> In this stage, the unit gathers all necessary information from any parties that may be involved. Secondly, the TIU will make an initial determination of whether there is a case worth pursuing by assessing all the information gathered.<sup>76</sup> Thirdly, if there is a case worth pursuing, an investigation is opened indicating that corrupt activity has occurred.<sup>77</sup> The fourth stage involves interviewing suspects and witnesses along with data and financial records.<sup>78</sup> A file is then created in stage five of the process and submitted to the TIU officer also known as an “AHO” which stands for Anti- Corruption Hearing Officer.<sup>79</sup> In stage six, the officer has a hearing on the matter.<sup>80</sup> This leads to stage seven where a decision and penalty is announced.<sup>81</sup> After a decision is announced all decisions are subject to an appeal court for arbitration.<sup>82</sup>

With regards to operation, the TIU has a rule book that specifies all of the offenses and consequences for a player not following the rules of the game when it comes to integrity. For example, in the event that any player is approached by any person who offers or provides any type of money, benefit or consideration to a player such to influence the outcome of a match, it is the duty of the player to report it to the TIU.<sup>83</sup> Failure to do this will prompt an Anti-Corruption Hearing Officer to investigate this situation if the conversation comes to light. This rule is quite clear, but I seriously doubt that if players are approached by someone offering them money or compensation, they would report it to the TIU. The TIU, I believe has the right approach but the

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<sup>74</sup> Id. at Investigation Process.

<sup>75</sup> Id.

<sup>76</sup> Id.

<sup>77</sup> Id.

<sup>78</sup> Id.

<sup>79</sup> Id.

<sup>80</sup> Id.

<sup>81</sup> Id.

<sup>82</sup> Id.

<sup>83</sup> Id. at Rulebook.

execution in my belief brings more harm than good. In this example the TIU could send an officer to investigate, but it would also send a message to the player for reporting the offense. The player could not be reprimanded by the TIU for reporting but could face serious problems for reporting the corrupt people who suggested the bribe in the first place. If the corrupt people are caught or investigated, they could possibly retaliate against the player who rejected their offer.

This all goes back to whether players are ever safe. On the one hand a player approached by someone can report them to the TIU to preserve their status as a tennis player but at the same time the player is risking exposure for saying no because no one knows what consequences could ensue from it. On the flip side players could feel coerced when approached by someone willing to pay a player for throwing a set, or the game itself. I believe that it is incredibly difficult for a player to be put into this position because if a player feels coerced to say yes, he risks being sanctioned and possibly losing their tennis career.

A prime example of a player who recently admitted to match-fixing and not reporting is Jonathan Kanar.<sup>84</sup> A decision was reached on. Mr. Kanar was suspended for four years and six months and fined \$2000.<sup>85</sup> Mr. Kanar also failed to report a corrupt approach he received in relation to a match. He is currently ranked 1,494 in the world.<sup>86</sup> It's common knowledge that tennis players not in the top 100 are not paid well, since there is no actual salary or opportunity to be sponsored. It's sad and upsetting that Mr. Kanar was suspended.

Additionally, former tennis player Joao Souza, once ranked number 69 in the world, received a lifetime ban from tennis - along with a \$200,000 fine.<sup>87</sup> He incurred the ban and fine after being found guilty of match-fixing and corruption. The TIU investigation revealed that between 2015-2019, Souza was involved in match-fixing tournaments around the world.<sup>88</sup> The

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<sup>84</sup> Id. at Currently Suspended.

<sup>85</sup> Id.

<sup>86</sup> Id.

<sup>87</sup> Former World No. 69 Joao Souza Receives Lifetime Ban For Match-Fixing, Tennis.com (Jan. 25, 2020), <https://www.tennis.com/pro-game/2020/01/brazilian-tennis-player-banned-for-life-for-match-fixing/87097/>.

<sup>88</sup> Id.

anti-corruption hearing officer Richard McLaren found Souza guilty of failing to report corrupt approaches, failing to cooperate with the investigation, destroying evidence and soliciting players to play poorly.<sup>89</sup>

The differences in two cases involve players who are on completely different levels of tennis playmaking. One is ranked in the bottom thousands while the other is ranked in the top 100. I think it is hard to pinpoint exactly when and where tennis match-fixing is going to occur and why two cases are just an example to understand how the TIU operates. We will see more specific TIU case examples throughout.

### *C. Tennis Integrity Unit Limitations*

The great power but it also has certain limitations. The TIU has an annual budget of about 2.4 million dollars since its start in 2008 and has about one million dollars each year.<sup>90</sup> This number is still comparatively low compared to other major sporting organizations.<sup>91</sup> One obvious handicap is to compel people to comply.<sup>92</sup> If players refuse to cooperate, they can still be sanctioned if found guilty of corruption. The TIU underfunded, has a limited staff that have all the particular skills to conduct investigations.<sup>93</sup> On multiple occasions it has taken the TIU more than a year after receiving a report on a player suspected of corruption to investigate.<sup>94</sup> Back in April 2014 the player in question was interviewed until May 2017.<sup>95</sup> In some low priority cases some players are not interviewed at all. What is a surprise is that there is no exact formula the TIU uses to determine which case they take on immediately and which case is considered a low priority or not even worth investigating. TIU has too much

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<sup>89</sup> Id.

<sup>90</sup> Id.

<sup>91</sup> Johnette Howard, 'Tennis' fight against match-fixing remains an uphill battle, ABC News (Jan. 16, 2017, 7:51 AM), <https://abcnews.go.com/Sports/tennis-fight-match-fixing-remains-uphill-battle/story?id=44805478>.

<sup>92</sup> Id.

<sup>93</sup> John Templon, Heidi Blake, and Tom Warren, There's a Tsunami of Corruption Inside Tennis, BuzzFeed News (April 25, 2018, 3:07 pm), <https://www.buzzfeednews.com/article/johntemplon/scathing-review-finds-serious-match-fixing-scurge-in-tennis>.

<sup>94</sup> Id.

<sup>95</sup> Id.

discretion on what cases it decides to pursue and that should worry every tennis player out there. It's *Hunger Games* selection, may the odds be ever in your favor when it comes to dodging the TIU.

One of the most interesting things about TIU is an independent review report on the TIU. This report was made on December 19, 2018.<sup>96</sup> The report points out all major problems when it comes to tennis integrity.<sup>97</sup> The report indicates that the TIU missed a great opportunity when it failed to take significant steps on matches that had been flagged for review.<sup>98</sup> The panel in this report says that the TIU a proactive attitude on its part as to how to best detect, investigate, and prevent breaches of tennis integrity. This statement defines the TIU and calls into question whether this unit is part of the corruption game. Although there is no clear evidence that indicates that the TIU is actively playing part in the corruption of tennis, it surely is not doing the best job at preventing it. With that said, all is not necessarily bad when it comes to the TIU, it has accomplished significant work across the world in its effort to stop match-fixing and corruption.

#### *D. TIU Case Examples*

One of the most serious cases occurred in 2019, where the TIU notified Spanish police about a match-fixing ring, alleging that there were 83 participants in the ring, 23 of whom were professional tennis players.<sup>99</sup> Spanish officials thanked the TIU for putting them on notice of this bribery ring which involved Armenian gang members.<sup>100</sup> The Spanish police uncovered that these gang members would strike deals with tennis players and brought muscle to tournaments to make sure the players held

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<sup>96</sup> Id.

<sup>97</sup> Adam Lewis, Beth Wilkinson, Marc Henzelin, Independent Review of Integrity in Tennis Final Report, TennisIntegrityUnit.com, [https://www.tennisintegrityunit.com/storage/app/media/Independent%20Reviews/Final%20Report\\_191218.pdf](https://www.tennisintegrityunit.com/storage/app/media/Independent%20Reviews/Final%20Report_191218.pdf), (last visited Nov. 8, 2020).

<sup>98</sup> Rodenberg, *supra* note 13.

<sup>99</sup> Spanish Police Bust Match-Fixing Ring, Tennisnow.com, <http://www.tennisnow.com/Blogs/NET-POSTS/January-2019/Spanish-Police-Bust-Match-Fixing-Ring.aspx>, (last visited Nov. 8, 2020).

<sup>100</sup> Id.

their end of the bargain.<sup>101</sup> This is an important case because it shows that the TIU have the power to bust this corruption ring but passed on the complaints that they had received to the proper officials. It suggests that the TIU made the effort to uncover this ring. It appears to be that the TIU would work well in a joint task force with police around the world to investigate parts that the TIU cannot do alone.

In May 2011, the Austrian tennis player Daniel Koellerer was given the ultimate sentence by the TIU.<sup>102</sup> Koellerer used his personal website to facilitate bets on matches, his price was a lifetime ban for match-fixing.<sup>103</sup> He was the first of many to receive a lifetime ban. What happened to Koellerer is sad and shameful because it kills the integrity of the sport.

One of my favorite players that had the promise to be one of the greatest of all time was Karim Hossam. He was often dubbed the tennis prodigy.<sup>104</sup> At an early age he had already competed and won many important tournaments. Everything ended when he chose not to walk a straight line and entered match-fixing rings that ended his career. The young 24-year-old sat across two former British detectives who were investigators with the TIU. The TIU had suspected for some time that Karim was fixing matches. It was through a series of interviews with the TIU that lasted over six months that revealed how just four years back when Karim was 20 years old, he was sucked into the match-fixing game. His interviews reveal that he was approached by someone in the match-fixing business and asked him whether he would throw the first set in a match. Karim, who was only 20 years old and considerably naïve, said that he did it because he just believed that the guy was going to pay him. Karim did not know that he sold his tennis career for \$1,000 that day. The worst part about this is that the TIU found him guilty of just one single offense and that carried the weight of finishing his career forever. Other interviews reveal Karim did it because he needed money to

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<sup>101</sup> Id.

<sup>102</sup> Ruby Pratkanis, 20 of the biggest scandals in recent tennis history, MSN (Jan. 21, 2020), <https://www.msn.com/en-au/news/other/20-of-the-biggest-scandals-in-recent-tennis-history/ss-BBZec0s?viewall=true#image=1>.

<sup>103</sup> Id.

<sup>104</sup> Karim Hossam: The rise and fall of a match-fixing tennis prodigy, BBC (Feb. 5, 2019), <https://www.bbc.com/news/stories-47121681>.

play in bigger tournaments and come to U.S. tennis camps.<sup>105</sup> Karim continued to take money for fixing his own matches and other tennis players' matches as well. By 2017 the TIU had finally caught up to him. After receiving a temporary ban from the TIU, he did not stop match-fixing other players' matches, he began to do it even more.<sup>106</sup> He was eventually given the lifetime ban as evidence came out of all his previous dealings. Many people may make inferences, a player with such great talent to be one of the greatest, sold his career for money. Sadly, Karim did not see another way to get ahead in his tennis career. His case was probably the best example of the TIU doing their job correctly, but at the same time, the process was slow and insufficient.<sup>107</sup> It was revealed that Karim exposed voluntarily most of the information to the TIU in return, Karim receive nothing for his confession. Currently coaches young children the sport of tennis.<sup>108</sup>

The last interesting case involves an Argentinian player Nicholas Kicker, who was ranked 84<sup>th</sup> at the time of the match-fixing scandal.<sup>109</sup> Nicholas Kicker was the highest ranked player to be found guilty of match-fixing.<sup>110</sup> The story behind this scandal involves Marco Trungelliti, who is another tennis player. Marco Trungelliti was approached by a match fixer and reported the encounter to the TIU, but he also had information about one other person, Nicholas Kicker. Kicker was approached by the same individual and turned the match fixer down. He ultimately failed to report the illegal approach. Kicker received a six-year ban with a contingency of turning into three years if he commits no further breaches.<sup>111</sup> Additionally, he was found guilty of fixing two matches and fined \$25,000. As of now, he is to resume playing in January 2021. It was reported that Mr. Kicker is educating

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<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *See Id.*

<sup>109</sup> Ben Rothenburg, Match-Fixing Whistle Blower Goes From Feel Good Story to Pariah, *New York Times* (June 2, 2019), <https://www.nytimes.com/2019/06/02/sports/tennis/marco-trungelliti-french-open.html>.

<sup>110</sup> *Id.*

<sup>111</sup> Associated Press, Argentina's Nicholas Kicker Suspended Six Years For Fixing Matches, *Tennis.com* (June 19, 2018), <https://www.tennis.com/pro-game/2018/06/nicolas-kicker-suspended-six-years-fixing-matches/74757/>.

himself and producing educational videos about the consequences of match-fixing and why it kills the integrity of the sport.<sup>112</sup>

### *E. Resolving Match-Fixing Corruption*

After looking at the TIU and the cases involving match-fixing corruption the question becomes how to effectively stop it. The TIU is an independent agency with limited power. Research demonstrates match-fixing corruption occurs in low level tennis tournaments. The players that play these tournaments are not ranked very high and do not have a salary unlike the top 100 players in the world. It seems the absence of a stable income - influences players to take payoffs for throwing a match and even becoming match fixers themselves. A solution to this problem may be to provide a base salary depending on the players' rank, performance, and the consistency of the player to keep moving throughout the ranks. Additionally, an evaluation can be implemented for a period of 3 years. If the player does well, it will equate to a salary increase. The funding for this could come from the biggest tennis circuits and the top four grand slam tournaments that are offered each year. The International Tennis Federation study cites that 6,000 players out of the 14,000 that enter low level tournaments do not earn a cent.<sup>113</sup> A current proposal that was made by an independent review panel issued recommendations on how to best tackle match-fixing. The proposal suggests that it should reduce the number of pro players at the sport's lowest tournaments to make sure that the prize money is better targeted to men and women who play just to make a decent living.<sup>114</sup>

A solution that could help catch more of the match-fixing corruption that goes on lies within remodeling the structure of the TIU. The TIU is already understaffed putting more money into hiring more people to investigate could significantly improve their

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<sup>112</sup> Associated Press, Nicholas Kicker has match-fixing ban reduced (Mar. 19, 2020, 3:26 PM EDT), NBC Sports, <https://sports.nbcsports.com/2020/03/19/nicolas-kicker-has-match-fixing-ban-reduced/>.

<sup>113</sup> Matt Bonesteel, Latest arrests show that tennis's match-fixing problem isn't going away, despite reform attempts, Wash. Post (Jan. 10, 2019), <https://www.washingtonpost.com/sports/2019/01/10/latest-arrests-show-that-tennis-match-fixing-problem-isnt-going-away-despite-reform-attempts/>.

<sup>114</sup> *Id.*

effectiveness around the world. A joint task force with police around the world could also speed up the efficiency part. Although the TIU can remodel as much as it wants, it will never cease to eliminate every single match-fixing incident that occurs.

#### CONCLUSION

Ineffective standards and the lack of power best describes the TIU when it comes to exposing and solving match-fixing corruption around the world. It has resulted in punishing some tennis players while others are still roaming free. The TIU needs to have a better handle on controlling tennis match-fixing. The only way this is going to occur is by restructuring the TIU to allow for better enforcement measures when it comes to match-fixing. The police and fully funded TIUs can work together to fight match-fixing corruption. The integrity of tennis as a sport is at stake and it deserves to be treated with the utmost care.