

The Anti-Cheating Movement: Ridding Esports of Cheats

Article

10.07.2021

By Erick Orantes, Aalok Sharma and Habib Ilahi

Over a hundred years ago, several Chicago White Sox baseball players were credibly accused of tanking against the Cincinnati Reds in the 1919 World Series. Allegedly, a criminal syndicate led by mobster Arnold Rothstein paid those players to deliberately throw the games. A criminal trial later took place; however, all players were acquitted of all charges. Nonetheless, the scandal, which later became known as the Black Sox Scandal, rocked professional baseball for decades.

More recently, some esports titles have encountered their own matchfixing scandals which may become synonymous with the Black Sox.¹ With millions of dollars in wagers in legal and illegal gambling marketplaces, it should come as no surprise that some esports matches are thrown or fixed. Recently, the FBI has conducted probes into Counter Strike Global Offensive (CSGO) teams and tournaments for purported bribery, match fixing and other cheating. Similar to the Black Sox Scandal, criminal syndicates approach gamers to purposefully throw their match for the benefit of the syndicate. The investigation into cheating and fixing in CSGO is ongoing. According to media reports, the illegal activity between syndicates and some players has been going on for quite some time. This type of match fixing results in considerable harm to game publishers, tournament organizers, leagues, teams, players, coaches, fans, advertisers and sportsbooks.

Since some esports tournaments take place across the globe, criminal enforcement can become complicated. Certainly, global competitions raise the issue of jurisdiction and conflicts of laws. However, for cheating that occurs within the United States, some laws may be used to ferret out cheating in esports. For example, the Sports Bribery Act of 1964 provides for criminal penalties “for any person who 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 that the

The Anti-Cheating Movement: Ridding Esports of Cheats

purpose of such scheme is to influence by bribery that contest.”² Violations of the Sports Bribery Act permit fines and imprisonment for up to five years. To date, the Sports Bribery Act has been used very little by prosecutors. There are less than two dozen reported decisions, with the majority of those cases involving manipulated results in horse racing. Besides federal laws, state law can be used to prosecute criminal conduct. As an example, New Jersey law prohibits “rigging publicly exhibited contest[s].” Under that law, it is a crime to tamper with a sporting event, including the solicitation or acceptance of benefits for rigging an event. The ultimate goal of this law is to insure integrity so that the outcome is not affected by nefarious conduct.

Increasingly, some believe that recently passed legislation, titled the Rodchenkov Anti-Doping Act of 2019, may assist in the crackdown of cheating in esports. The act was passed to provide criminal enforcement mechanisms to counter cheating or doping. This act was created as a result of the state-sponsored doping scheme employed by the Russian Olympic Committee during the 2014 Olympic Winter Games held in Sochi, Russia. Unlike the Sports Bribery Act or other federal and state laws, the Rodchenkov Act specifically provides for extraterritorial enforcement. Thus, global esports competitions would not escape enforcement by federal prosecutors. Under the Rodchenkov Act, it is unlawful for any person to use a “prohibited method” or “prohibited substance” in any international sports competition. However, the term “prohibited method” relates solely to methods or practices which involve illegal doping. Accordingly, the Rodchenkov Act could be used to crackdown on illegal doping in esports, but it would provide little assistance in rooting out illegal match fixing.

Corruption, match fixing, bribery, and other misconduct has existed in traditional stick-and-ball sports for centuries. Given the meteoric growth in the esports marketplace, it was only a matter of time until this industry faced similar misconduct. While there are a number of tools available to prosecutors to seek out corruption, the most effective methods involve self-governance, and may include rigorous investigations by outside counsel. Due to the irreparable harm that teams and organizations face with this growing threat, the esports marketplace must take protective measures itself and rid itself of cheating.

-
1. Other than organized match fixing, esports organizations are focused on eradicating corruption and doping. This conduct is being monitored by some game publishers, governmental authorities, and third parties such as Esports Integrity Coalition (ESIC).
 2. It’s unclear whether the Sports Bribery Act applies to esports. The statute only applies to “sporting contests,” which means “a contest in any sport, between individual contestants or teams of contestants (without regard to the amateur or professional status of the contestants therein), the occurrence of which is publicly announced before its occurrence.”

The Anti-Cheating Movement: Ridding Esports of Cheats

CONTACT

Aalok K. Sharma

RELATED CAPABILITIES

Esports, Sports Technology & Wagering

Sports & Recreation

STINSON

STINSON LLP \ STINSON.COM