

SPORTS

In Seven Words, N.F.L. Does an About-Face on C.T.E.

By **KEN BELSON** and **ALAN SCHWARZ** MARCH 15, 2016



Asked if there was a link between football and degenerative brain disorders, Jeff Miller, N.F.L. senior vice president for health and safety policy, said, “The answer to that is certainly, yes.” Credit Gregory Payan/Associated Press

Perhaps no one will remember the setting, a hearing room for the House Energy and Commerce Committee, or the person who asked the question, a member of the House of Representatives from Illinois. But seven words spoken in the Rayburn House Office Building in Washington on Monday could profoundly affect the country’s most popular sport.

After years of the [N.F.L.](#)'s disputing evidence that connected football to chronic traumatic [encephalopathy](#), the degenerative brain disease found in nearly 100 former players, a top official for the league for the first time acknowledged the link. To many, it was an echo of big tobacco's confession in 1997 that smoking causes [cancer](#) and heart disease.

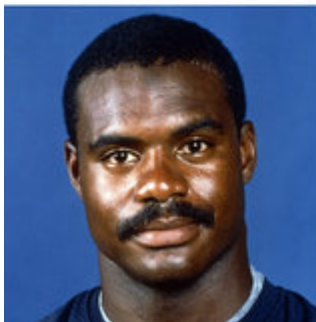
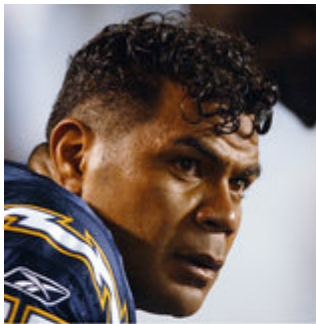
Representative Jan Schakowsky, Democrat of Illinois, asked during a round-table discussion about [concussions](#) whether "there is a link between football and degenerative brain disorders like C.T.E."

Jeff Miller, the N.F.L.'s senior vice president for health and safety policy, said, "The answer to that is certainly, yes." [His answer](#) signaled a stunning about-face for the league, which has been accused by former players and independent experts of hiding the dangers of [head injuries](#) for decades.

"The comments made by Jeff Miller yesterday accurately reflect the view of the N.F.L.," Brian McCarthy, a spokesman for the league, said Tuesday, confirming that Mr. Miller had not misspoken.

The N.F.L.'s Tragic C.T.E. Roll Call

Chronic traumatic encephalopathy, a degenerative brain disease, has been found in dozens of former N.F.L. players. Here are some of the most notable cases, along with New York Times coverage.



Lawyers for some players involved in a lawsuit with the N.F.L. over its handling of brain injuries quickly seized on the league's admission.

A settlement was approved by a district court judge last April but is on appeal. The players argued to the Third Circuit that the league should pay damages to all players found with C.T.E., not just those who were diagnosed before the settlement was approved a year ago.

In a letter sent early Tuesday morning to the United States Court of Appeals for the Third Circuit, Steven Molo, their lawyer, said Mr. Miller's comments on Capitol Hill were "a stark turn from its position before the district court."

"The N.F.L.'s statements make clear that the N.F.L. now accepts what science already knows: a 'direct link' exists between traumatic [brain injury](#) and C.T.E.," Mr. Molo's letter said. "Given that, the settlement's failure to compensate present and future C.T.E. is inexcusable."

More broadly, the N.F.L.'s public position could influence other levels of football because many college, high school and youth leagues take their cues from the league.

Others in the sports world, including parents of young athletes, "have trusted the N.F.L., and the N.F.L. was on the fence for a long time," Chris Nowinski, a co-founder of the Concussion Legacy Foundation, said. "We now have a significant confirmation from the N.F.L., and that could have ripple effects around football and sports."



Steelers center Mike Webster was the first N.F.L. player reported to have C.T.E. He died in 2002 at age 50 after experiencing prolonged emotional and cognitive decline. Credit Gene J. Puskar/Associated Press

The N.F.L. has spent millions of dollars in efforts to tamp down fear among parents over football's physical toll. It has directed millions of dollars to research C.T.E. and head trauma. It gave \$45 million to USA Football, a formerly obscure nonprofit, to promote safe tackling and reassure jittery mothers that football's inherent risks can be mitigated through on-field techniques and awareness. The league has hired experts to monitor games.

The league's longstanding skepticism was commonly repeated by officials at lower levels of the sport. Dr. Patrick Kersey, the medical director for USA Football, [recently said](#) that "C.T.E. is a massively sensationalized issue."

"As that relates directly to the sport of football," he continued, "that discussion is completely inappropriate."

Only one N.F.L. official has ever publicly acknowledged any long-term consequences of head trauma among the league's players: Greg

Aiello, a spokesman for the league. He told The New York Times in 2009 that, “It’s quite obvious from the medical research that’s been done that concussions can lead to long-term problems.”

“I certainly felt gratified that he said that because the statement that I led with was that the N.F.L. had a really bad track record of denial,” Ms. Schakowsky said in a telephone interview Tuesday, referring to Mr. Miller’s answer during the round-table discussion.

Mr. Miller, 45, stands only behind [Roger Goodell](#), the commissioner, in terms of league responsibility on the issue. A Wisconsin native and graduate of the University of Pennsylvania and the University of Chicago Law School, he was hired by the N.F.L. in September 2008 as its first full-time Washington lobbyist, working on issues ranging from antitrust matters to labor relations. Before that he had served as a lawyer for the United States Senate Judiciary Committee.



Roger Goodell, the N.F.L.’s commissioner, has long dismissed concerns about the possible dangers of playing football, saying that all sports carry risks. Credit Doug Mills/The New York Times

“One of Commissioner Goodell’s priorities is to enhance our public policy presence in Washington,” a league spokesman told Politico at the time. “And we believe the hiring of Jeff Miller is a major step in that direction.”

Several years later, the N.F.L. made Mr. Miller its senior vice president for health and safety policy. He successfully lobbied many state legislatures to pass laws that require any youth athlete who sustained a concussion to return to play only after being cleared by a medical professional. And he has been involved in implementing the league’s “concussion protocol” that mandates how teams handle players who sustain injuries and later clear players to return to action.

In 2013, amid reports that fewer children were playing organized football because of parents’ worries about brain safety, Mr. Miller told a reporter from the NFL Network that the league was concerned.

“People who are engaged in our sport are more likely to be fans and more likely to enjoy the game,” he said. “It’s a great sport for kids, and them not playing is a problem.”

The N.F.L.’s denials of any link between football brain trauma and C.T.E. began before the first case was even identified. In a study published in the journal [Neurosurgery](#), which examined players’ head injuries sustained from 1996 through 2001, the league’s committee on concussions claimed that no player had developed the disease — even though C.T.E. can be diagnosed only by examining brain tissue after death, and no deceased player had ever undergone such a procedure.

Eight months later, the same journal published the first report of C.T.E. in an N.F.L. player, the Hall of Fame center Mike Webster, who died in 2002 at age 50 after experiencing prolonged emotional and cognitive decline. Dr. Bennet Omalu, a neuropathologist in Pittsburgh, stated that “this case highlights potential long-term neurodegenerative outcomes in retired professional National Football League players subjected to repeated mild traumatic brain injury.”

The N.F.L.’s concussion committee immediately wrote to the journal demanding that Dr. Omalu’s paper had “serious flaws” and called for its retraction — a request that was denied. The committee similarly discredited two subsequent reports of C.T.E. Dr. Omalu had found in retired players. The Baltimore Colts physician Andrew Tucker, a member of the N.F.L. group, said: “The picture is not really complete until we have the opportunity to look at the same group of people over time.”

After a fourth C.T.E. case was found in June 2007, Mr. Goodell claimed there was no proof that the player ever sustained a concussion — that he might have developed his disease from swimming.

He explained: “A concussion can happen in a variety of different activities.”

Mr. Goodell has consistently said that the league would leave it to researchers to determine the links between football and any forms of brain disease. Just days before the Super Bowl last month he tried to dismiss concerns about the possible dangers of playing football, saying that all sports carry risks.

“There’s risks in life,” he said. “There’s risks to sitting on the couch.”

Mr. Miller’s answer Monday might serve the N.F.L. well, according to some legal experts. It could make it harder in the future for a player to accuse the league of concealing the dangers of the sport.

“Strategically, the N.F.L.’s admission makes a world of sense,” said Jeffrey A. Standen, the dean of the Chase College of Law at Northern Kentucky University. “The league has paid a settlement to close all the claims previous to 2015. For future sufferers, the N.F.L. has now effectively put them on notice that their decision to play professional football comes with the acknowledged risk of degenerative brain disease.”