

HOCKEY

N.H.L. Accepted a Link Between Fighting and Concussions, Emails Show

By JOHN BRANCH MARCH 28, 2016



Commissioner Gary Bettman in January. Emails among N.H.L. officials, unsealed in a court battle, acknowledge that so-called enforcers frequently use pills “to ease the pain.” Credit Mark Humphrey/Associated Press

The N.H.L.'s top officials have privately acknowledged that fighting could lead to [concussions](#) and long-term health problems, including [depression](#), and that so-called enforcers frequently use pills "to ease the pain," according to emails unsealed during a continuing court battle with former players.

The exchanges, mostly between Commissioner Gary Bettman and his top lieutenants in 2011, contradict what the league has said publicly and what it has argued in defending itself from a [class-action lawsuit brought by dozens of former players](#) over the effects of concussions.

After three N.H.L. enforcers died between May and August 2011 — all either by suicide or accidentally while struggling with personal problems — league officials contemplated in a series of emails whether to eliminate fighting from the league.

"An interesting question is whether being an NHL fighter does this to you (I don't believe so) or whether a certain type of person (who wouldn't otherwise be skilled enough to be an NHL player) gravitates to this job (I believe more likely)," Bettman wrote in an email on Sept. 3, 2011.

The email was sent to Deputy Commissioner Bill Daly and to Brendan Shanahan, then the league's senior vice president for player safety and hockey operations. Shanahan, now president of the Toronto Maple Leafs, started the email chain by sharing a link to a story in the Globe and Mail newspaper of Toronto, with the headline "Getting Rid of Hockey's Goons."

"I tend to think its a little bit of both," Daly replied to the others. "Fighting raises the incidence of head injuries/concussions, which raises the incidence of depression onset, which raises the incidence of personal tragedies."

A few minutes later, Bettman responded.

"I believe the fighting and possible concussions could aggravate a condition," Bettman wrote. "But if you think about the tragedies there were probably certain predispositions."

The "tragedies" were the deaths of Derek Boogaard, Rick Rypien and Wade Belak. Boogaard, then with the Rangers, died of an accidental overdose of prescription painkillers and alcohol at age 28. Rypien, 27, and Belak, 35 and recently retired, each reportedly committed suicide.

The unsealing of the emails and their substance was reported earlier Monday by the [Canadian sports network TSN](#). The New York Times obtained the files from lawyers for the former players.

In the emails, Bettman added that the “bigger issue” was whether the N.H.L. Players’ Association “would consent to in effect eliminate a certain type of ‘role’ and player. And, if they don’t, we might try to do it anyway and take the ‘fight’ (pun intended).”

The N.H.L. did not take action on eliminating fighting from the game, but the number of fights has dropped in recent years. This season, according to [Hockeyfights.com](#), which tracks fighting in the N.H.L. and other leagues, there have been 317 fights in the N.H.L., down from 645 in 2010-11.

Hockey has a history of permitting players to stop the game to fight, usually costing the players time in the penalty box, that dates back more than 100 years.

The N.H.L. is fighting a class-action lawsuit brought by former players in United States District Court in Minneapolis. Plaintiffs argue that the N.H.L. failed to warn them of the short- and long-term effects of concussions. The N.H.L. has argued that there is no link between hockey and brain damage, including the degenerative brain disease chronic traumatic [encephalopathy](#), or C.T.E., which has been found in several deceased players, including Boogaard.

As part of the litigation, lawyers for the players argued that emails between N.H.L. officials should be unsealed. The league has fought the motions. But the emails about fighting from September 2011 were among those that were unsealed by Judge Susan Richard Nelson.

“The documents speak for themselves,” Charles Zimmerman, a lead lawyer for the players, said in an email on Monday. “We do believe the N.H.L. should lead on player safety and health issues. Fighting and concussions and head hits, we all know, cause cumulative and progressive cognitive harm. We want these risks and tragedies to be minimized and cared for by the N.H.L. when and if they harm the players who made the sport great.”

The N.H.L. did not immediately respond to a request for comment.

The emails that were unsealed included some from 2014 in which Gary Meagher, the N.H.L.'s vice president for communications, wrote that the league had taken a different stance toward safety from that of the N.F.L., which "is in the business of selling that they are making the game of football safer at all levels — it is smoke and mirrors but they are masters of smoke and mirrors."

"The N.H.L. has never been in the business of trying to make the game safer at all levels and we have never tried to sell the fact that this is who we are," Meagher added.

But the most provocative communication string in the latest set of released emails came from those between Bettman, Daly and Shanahan, who wrote that the present-day enforcers were, in some ways, different from those of a generation ago — but also much the same.

"This is not the same role as it was in the 80's and 90's," Shanahan wrote. "Fighters used to aspire to become regular players. Train and practice to move from 4th line to 3rd. Now they train and practice becoming more fearsome fighters. They used to take alcohol and cocaine to cope. (Kordic) Now they take pills. Pills to sleep. Pills to wake up. Pills to ease the pain. Pills to amp up. Getting them online."

Boogaard, for example, died of an overdose of prescription painkillers, which he was able to obtain easily both from team doctors and on the street. The N.H.L. is also fighting a wrongful-death lawsuit filed by his family.