

Carolina Panthers quarterback Cam Newton lays on the field after he was hit during a two-point conversion on Sunday, Oct. 2, 2016. Newton was placed in the NFL's concussion protocol after the play.

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YEARS OF DENIAL

By Charles Apple | THE SPOKESMAN-REVIEW

Ten years ago — after years of denying links between on-field concussions and permanent brain injury and downplaying the need for removal from games of players suffering head injuries — the National Football League agreed to pay \$765 million in a settlement with more than 4,500 retired players who had sued the league.

The NFL was adamant that it was admitting no guilt by agreeing to the settlement. But it adopted new concussion protocols to evaluate on-field head injuries. Some of those protocols have been helpful. Some, not so much.

THE NFL AGREES — FINALLY — TO ‘DO THE RIGHT THING’

In 1994, the NFL organized what it called a “Mild Traumatic Brain Injury Committee” — but the physician then-commissioner Paul Tagliabue put in charge wasn’t a neurologist — instead, he was a rheumatologist.

The committee published a number of scientific papers between 2003 and 2009 that concluded “no NFL player” had experienced chronic brain damage as the result of repeat concussions. In one notable 2005 paper — published in the journal “Neurosurgery” — the committee wrote that “professional football players do not sustain frequent repetitive blows to the brain on a regular basis.”

There was plenty of evidence, however, that suggested that NFL players did suffer chronic brain damage over time.

In 2002, neuropathologist Dr. Bennet Omalu had examined the brain of Hall of Fame center Mike Webster and found chronic traumatic encephalopathy, or CTE. Webster, who had spent most of his career with the Pittsburgh Steelers, had died that year after suffering from mental impairment, mood disorders, depression and a number of suicide attempts.

Omalu had tried to present his findings to the NFL, but the league dismissed his report and denied any links between concussions and CTE in retired players. Omalu’s struggle to

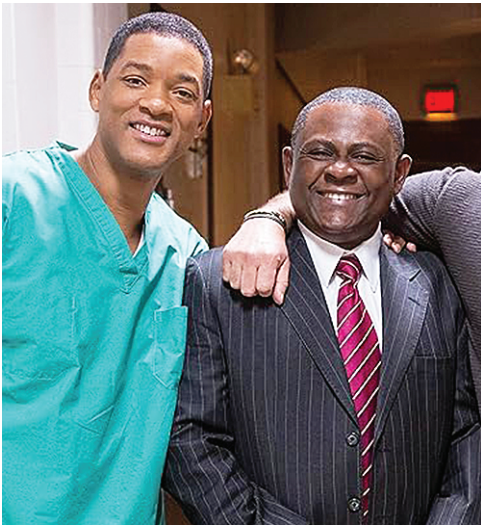
publicize the problem would be retold in a 2009 article in GQ magazine, then in a 2015 film, “Concussion,” starring Will Smith as Omalu.

In 2003, a report by the Center for the Study of Retired Athletes at the University of North Carolina found a connection between repeated concussions and depression among former football players. Two years later, another study by that center found a connection between concussions and Alzheimer’s disease.

In October 2009, a number of researchers were invited to a Congressional hearing to present their evidence. One member of Congress told NFL Commissioner Roger Goodell the league’s response to the issue was similar to how the tobacco industry had handled the link between smoking and health problems.

Goodell assured the committee the NFL was researching the problem. Two months later, an NFL spokesman told the New York Times “it’s quite obvious from the medical research that’s been done that concussions can lead to long-term problems.” The league began tweaking its on-field protocols to evaluate players who sustained blows to the head before they could return to play.

In August 2011, former Atlanta Falcons safety Ray Easterling filed the first CTE lawsuit against the NFL. His suit would later be joined by



SONY PICTURES

Will Smith poses with the real Dr. Bennet Omalu on the set of “Concussion.”

more than 4,500 other retirees.

On Aug. 29, 2013, the NFL agreed to pay \$765 million to settle the lawsuits. The league refused to admit wrongdoing but Goodell told the league’s lawyers it needed to “do the right thing for the game and for the men who played it.”

In November 2014, the settlement was revised to remove the cap on the amount the NFL might have to pay players.

It wasn’t until April 2016 that the Third Circuit Court affirmed the settlement. The league agreed to pay

\$75 million for baseline medical exams for retired players and another \$10 million for concussion research and education. Retirees who were found to suffer from brain injuries were promised an uncapped amount of damages.

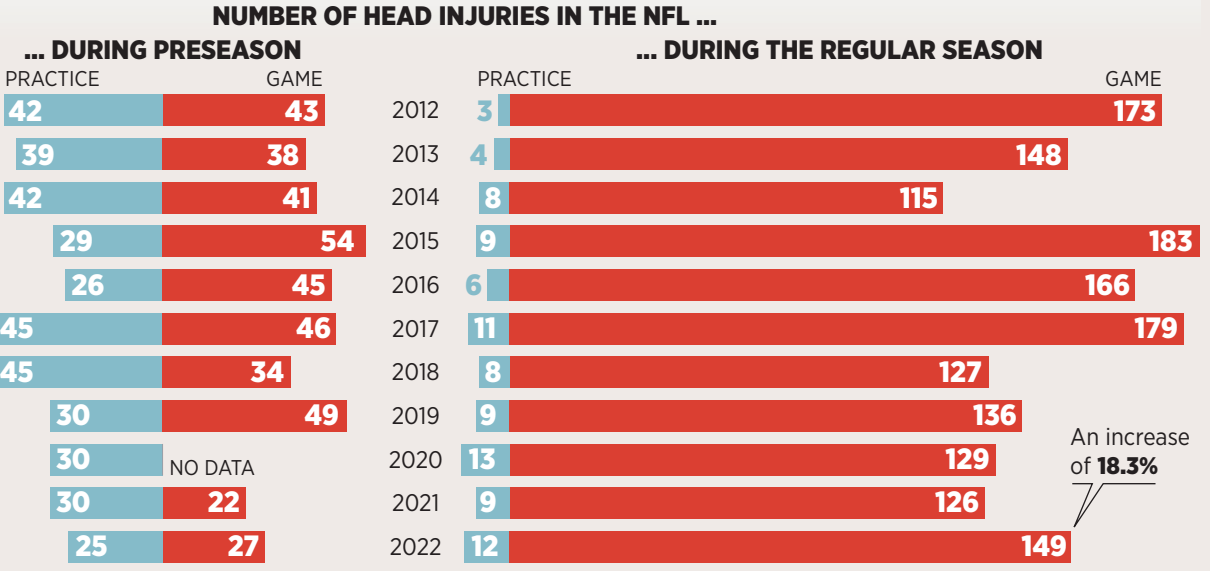
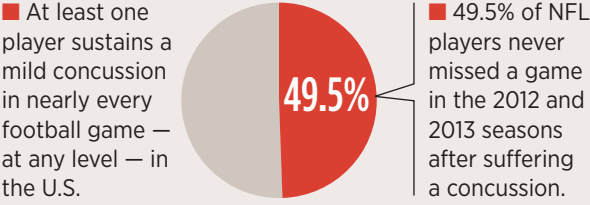
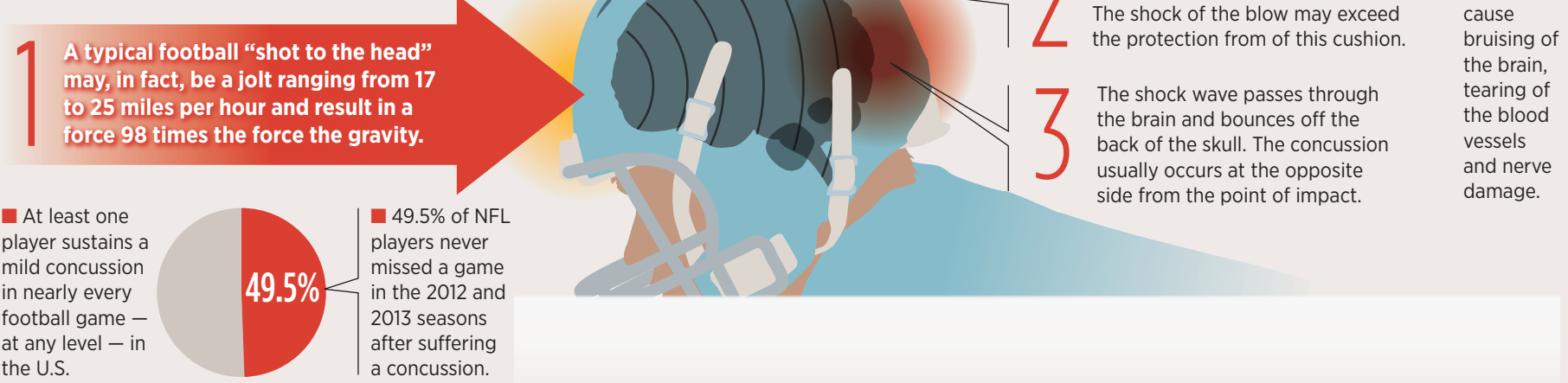
The family of a player who died with CTE would qualify for a payment as high as \$4 million. Players suffering from dementia could receive as much as \$3 million. Those suffering from Lou Gehrig’s disease could qualify for \$5 million.

The total amount the NFL might have to pay out had swollen to nearly \$1 billion. PBS’ Frontline pointed out, however, that figure was about what the league makes in a single season from sponsorships alone.

In the meantime, the league had begun to implement a number of rule changes aimed at reducing the number of head injuries and properly evaluating players who may have suffered concussions.

A 2020 study found the league’s changes “have been proven to be too weak to make the NFL game safer,” stated a team from the University of California-Irvine, the University of Houston and the Baylor College of Medicine. The number of athletes suffering injuries had not declined and there was a “strong increase” in the number of games missed due to head injuries.

WHAT CAUSES HEAD INJURIES?



Sources: “League of Denial: The NFL, Concussions and the Battle for Truth” by Mark Fainaru-Wada and Steve Fainaru, PBS’ “Frontline,” the NFL, NBC Sports, Forbes magazine, ESPN, Vox, Sports Business Journal, Legacy Pro Sports, National Library of Medicine, Union of Concerned Scientists, Brain Injury Law Center, Internet Movie Database