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COMMUNICATIONS

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NFL STATEMENT ON NEW YORK TIMES STORY

Today's *New York Times* story on the National Football League is contradicted by clear facts that refute both the thesis of the story and each of its allegations. As the *Times* itself states: "The *Times* has found no direct evidence that the league took its strategy from Big Tobacco." Despite that concession, the *Times* published pages of innuendo and speculation for a headline with no basis in fact.

The studies that are the focus of the *Times'* story used data collected between 1996-2001. They were necessarily preliminary and acknowledged that much more research was needed. Since that time, the NFL has been on the forefront of promoting and funding independent research on these complex issues. Further, the data from the Mild Traumatic Brain Injury (MTBI) Committee studies have not been used in any way by the current Head, Neck and Spine Committee in its research on player health and safety. All of the current policies relating to player medical care and the treatment of concussions have been carefully developed in conjunction with independent experts on our medical committees, the NFLPA, and leading bodies such as the CDC.

Since learning of the proposed story, the NFL provided the *Times* with more than 50 pages of information demonstrating the facts. The *Times* ignored the facts. So we present them here:

- The *Times* claims that the concussion studies funded in part by NFL Charities purposely relied on faulty and incomplete concussion data. In fact, the MTBI studies published by the MTBI Committee are clear that the data set had limitations. Moreover, they expressly state that they were based on a data set that drew from two separate sources – the NFL injury surveillance system that collected simple data regarding concussions, and a set of forms that the teams were asked to provide to the League that provided additional factual detail about each such concussion. The studies never claimed to be based on every concussion that was reported or that occurred. Moreover, the fact that not all concussions were reported is consistent with the fact that reporting was strongly encouraged by the League but not mandated, as documents provided to the *Times* showed.
- The story claims that the League relied on legal advice from Lorillard and the Tobacco Institute. In fact, neither then-NFL Commissioner, Mr. Tagliabue, the League nor its counsel ever solicited, reviewed, or relied on any advice from anyone at Lorillard or the Tobacco Institute regarding health issues.
- The *Times* implies that there was a nefarious relationship between Joe Browne and Sam Chilcote. In fact, Joe Browne (then NFL SVP of Communications) built a personal relationship with Sam Chilcote while Mr. Chilcote was at the Distilled

Spirits Council in the 1970s. The NFL and the Distilled Spirits Council jointly produced Public Service Announcements, and Mr. Browne and Mr. Chilcote were the point people for their respective organizations. Details of that work can be found on the [DISCUS website](#). Mr. Browne and Mr. Chilcote remained friendly after Mr. Chilcote left DISCUS for the Tobacco Institute in 1981. Mr. Browne contacted Mr. Chilcote in 1982 for some advice as someone he knew in Washington, DC about a subject completely unrelated to tobacco, concussions, or any player-related or medical issue. We have seen no evidence – from the *Times* or otherwise – that demonstrated their relationship had anything to do with tobacco or NFL health and safety.

- The *Times* insinuates that the NFL hired Dorothy Mitchell, an associate at the law firm Covington & Burling, because of her experience in tobacco litigation. Ms. Mitchell, who had represented the NFL in employment litigation, sought an in-house job with the NFL and was hired as a labor lawyer to handle Collective Bargaining Agreement (CBA) related grievances. She later served as a legal liaison with the MTBI Committee, and her role in that capacity was to prepare grant documents, provide intellectual property advice, ensure the privacy of player information, and communicate with the players' union. Her experience as a young lawyer working on a tobacco case (among many other cases) was entirely unknown to the NFL personnel who hired and supervised her, as well as to members of the MTBI Committee, until they learned of this proposed story.
- The *Times* asserts a connection between the League and the Tobacco Institute because both hired the Stanford Research Institute (SRI). SRI's blue chip client list includes multiple U.S. government agencies, such as the Army Research Lab, the Department of Commerce, the Department of Defense, the Department of Education (including a study highlighted in the New York Times in 2009), the Department of Health & Human Services, the Department of Homeland Security, and the State Department, as well as prominent associations and foundations including the Alzheimer's Association, the Bill & Melinda Gates Foundation, and the Michael J. Fox Foundation for Parkinson's Research. In fact, one of the research studies the *Times* alludes to was jointly commissioned by the NFL and the NFL Players Association. There is no evidence that SRI engaged in misleading or inappropriate research.
- And finally, the story says that the NFL shared lobbyists with the Tobacco Institute. In fact, the League has never participated – either through its counsel of over 50 years, Covington & Burling, or otherwise – in any joint lobbying efforts with the Tobacco Institute.

The *Times*' sensationalized story is further refuted by the NFL's ongoing commitment on the issue of player health and safety – notably, to the support of research, including that of our most vocal critics, on the long-term effects of concussions in all sports, and to change our game in an effort to make the sport of football as safe as it can be. We have committed tens of millions of dollars to fund independent research, made 42 changes to our rulebook since 2002 to make the game safer, and have advanced concussion awareness and safer tackling at all levels of the sport. And we provide a host of benefit programs which, together with the proposed settlement of our players' concussion litigation, will ensure that our retired players are properly cared for in the future.

Contact sports will never be concussion-free, but we are dedicated to caring for our players, not just throughout long careers but over the course of long lives.

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