

# *The N.H.L.'s Problem With Science*

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By JULIET MACUR FEB. 8, 2017



N.H.L. Commissioner Gary Bettman during All-Star Weekend. He is seeking more information on C.T.E. Credit Bruce Bennett/Getty Images

In the 1950s, tobacco companies responded to research proving a link between smoking and lung [cancer](#) by trying to discredit the science. They formed their own research group to poke holes in the data and to stave off public panic that [cigarette smoking](#) could cause serious diseases and death.

More than 60 years later, the N.H.L. has responded to a class-action lawsuit regarding head injuries with a similar approach.

The suit, brought by former players and their families, claims that the league hid the dangers of head injuries. The plaintiffs are seeking unspecified damages.

It now looks as if the N.H.L., which makes about \$4 billion a year, has chosen to go after the science behind the brain disease called chronic traumatic [encephalopathy](#), or C.T.E. It's late to this game. Even the N.F.L. — a longtime and loud naysayer that blows to the head cause C.T.E. — [has acknowledged the link](#).

Court documents filed Monday in United States federal court in Minnesota showed that the N.H.L. had demanded troves of information from research done by neurology experts at [Boston University](#) who have examined the brains of more than 200 athletes for C.T.E. and have done groundbreaking work on the subject. The university is not a party in the case.

The N.H.L. has asked Boston University for research materials, unpublished data and, among many other things, the C.T.E. research center's information on the people who donated their brains for study — brains that were donated in many cases on the condition of anonymity and are protected by medical privacy laws. The league also wants medical records of the deceased and interview notes which would include discussions with their families, even though most of the athletes never even played hockey.



The Panthers' Greg McKegg, left, and the Lightning's Gabriel Dumont fighting in a game last month. Credit Wilfredo Lee/Associated Press

Hand it all over, the league said, so it can “probe the scientific basis for published conclusions” and “confirm the accuracy of published findings.”

This tactic sounds familiar to [Stephen Hecht](#), a scientist who for more than 40 years has been researching the connection between smoking and cancer. He has experienced that tactic firsthand.

In 1973, Hecht joined the American Health Foundation, a group whose founder, [Ernst L. Wynder](#), was an author of an influential study in 1950 that linked smoking to lung cancer. It essentially instigated Big Tobacco's aggressive campaign to prove that the science connecting smoking to cancer was wrong.

"They will try to discredit you at every stop, and it's harassment," Hecht said Wednesday in a telephone interview from his office at the University of Minnesota, where he is the Wallin Land Grant Professor of Cancer Prevention. "But when you're right in science, you're right. It seems that the N.F.L. and the N.H.L. are doing exactly what the tobacco industry did. But the only people who think the science is wrong are the people who are going to be hurt by it."

Because blows to the head in football have been linked to C.T.E., the league has been ordered to pay an unlimited amount to retired players who have been affected by the neurological disorders. Fear of C.T.E. has likely caused the decline in participation in youth football, too. But the N.H.L. doesn't seem willing to accept that its athletes, too, might suffer the effects of frequent brain trauma.

C.T.E. has been diagnosed in all five professional hockey players whose brains were studied by Boston University, and in 92 of the 96 N.F.L. players studied, according to a university spokeswoman.

But league commissioner Gary Bettman needs more information about it, perhaps from the N.H.L.'s own scientists, who need to double-check Boston University's work. Apparently, Boston University's peer-reviewed studies — there are more than 60 of them — are just not enough.

Here's what Bettman said last fall about C.T.E., when responding to questions from a United States senator about the effects of [concussions](#) in hockey.

"The science regarding C.T.E., including on the asserted 'link' to concussions that you reference, remains nascent, particularly with respect to what causes C.T.E. and whether it can be diagnosed by specific clinical symptoms," Bettman wrote.

He added: "The relationship between concussions and the asserted clinical symptoms of C.T.E. remains unknown."

It's as if Bettman slept through the last decade of C.T.E. revelations and research.

The N.H.L.'s demand is so onerous that it would cripple the scientists' ability to continue their work — which is to learn more about a devastating disease that causes symptoms similar to those in people with Alzheimer's, Parkinson's, [dementia](#) and A.L.S. To fulfill the league's request, Boston University said in a court document, the research center would have to cease working for months.

The university and the N.H.L. said they wouldn't comment on the case because they don't publicly discuss continuing litigation. So let Hecht explain what the N.H.L.'s burdensome request really means.

"It's hard enough to do good, solid science because it's more than a full-time job," he said. "So when you have an industry, like the tobacco industry, or the N.H.L., making all kinds of additional demands, it will essentially shut you down. Their hope is that you just go away."

But Hecht did point out an upside to the N.H.L.'s tactic.

"If there's somebody out there saying what you're doing is wrong," he said "it only makes you want to work harder."