

The N.F.L. Has Been Consumed by the Concussion Issue. Why Hasn't the N.H.L.?



Joanne Boogaard in 2011. The death of her son Derek Boogaard, a hockey player for the Rangers, raised awareness of degenerative brain disease from head trauma in the sport. Credit Marcus Yam for The New York Times

By John Branch

May 31, 2019

The day after Mother's Day was the eighth anniversary of the death of N.H.L. player Derek Boogaard. As usual, his mother, Joanne, spent a quiet day of reflection at home in Regina, Saskatchewan, and continued a tradition of writing a letter to her dead son to be published in the [Regina Leader-Post](#).

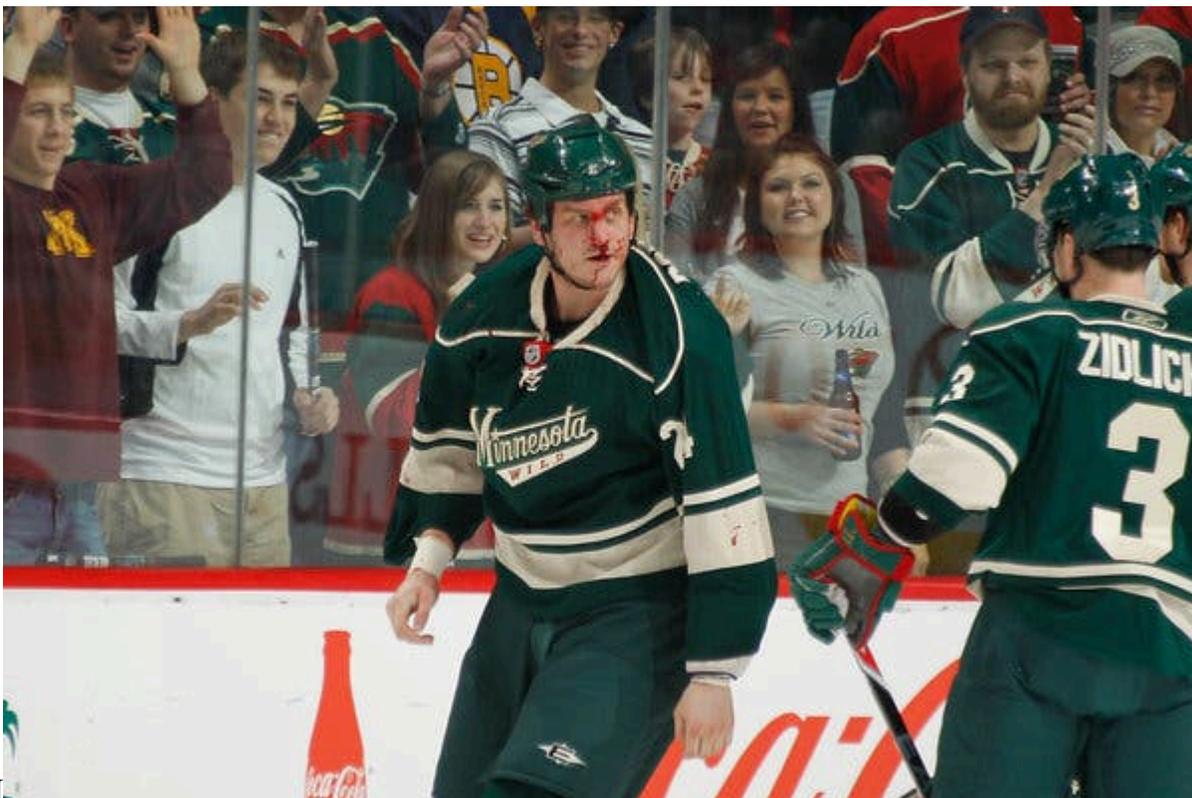
This year's letter lamented a missed call from him the night he died. It detailed life events involving his siblings, nephews and nieces, who mostly know "Uncle Derek" from photographs and stories told.

The end of her letter, however, was directed as much to the league as it was to Derek.

“NHL still has a lot of work to do in acknowledging and accepting responsibility for players who have passed and those who are out there with CTE and don’t even know it,” she wrote, referring to chronic traumatic encephalopathy, the degenerative brain disease caused by repeated blows to the head.

Derek Boogaard, who had C.T.E., was 28 and a prized enforcer for the Rangers when he died of an accidental overdose of painkillers and alcohol in 2011. His death and subsequent diagnosis ushered in a period of awareness of the long-term, sometimes fatal, repercussions of brain injuries in hockey. Only football seemed to be more dangerous among major team sports in the United States.

With the Stanley Cup finals underway, Joanne Boogaard and a growing group of former players worry that people have moved on to a stage of acceptance — that the N.H.L. has emerged from its concussion crisis by steadfastly denying that hockey has any responsibility for the brain damage quietly tormenting players and their families.



Boogaard after fighting during a game in 2010. He was a so-called enforcer, a role that requires responding in kind to violent or dirty play by opponents. Credit Bruce Kluckhohn/NHLI, via Getty Images

Other factors contribute to the lower sense of urgency around head injuries in the sport compared to the N.F.L., including hockey’s lower profile in the sports landscape, and fewer deaths making headlines.

But hockey's strategy of willful denial stands out.

During Commissioner Gary Bettman's annual [state of the league address](#) before Game 1 of the finals on Monday, neither Bettman nor any of his questioners uttered the words "concussion," "brain," "safety" or "C.T.E."

Lawsuits that the Boogaards filed against the N.H.L. churned through the courts for years but were ultimately dismissed, mostly on technicalities over jurisdiction and timing. The N.H.L. has batted away similar lawsuits from other families and accepted no blame in the death of Boogaard or others racked by concussions or brain disease.

Last year, the N.H.L. [settled a case with hundreds of retired players](#) who had sued the league for hiding the dangers of head hits. The \$19 million deal was far from the [\\$1 billion settlement the N.F.L. made](#) with former players five years previous.

"There's been a lot going on in the last eight years, with a lot of hockey players that have died and a lot of others who are suffering," Joanne Boogaard said from her home. "I don't want people to forget him. And I don't want people to think it's over, that it's all better. It's not."

In Memoriams

Missing Him So



DEREK BOOGAARD
June 23, 1982 - May 13, 2011

Hi Derek,

8 years have passed and I still wait to hear our voice again, just a phone call to let me know you're OK. Little did I know that the last phone call I missed from you was your last one - oh how I wish to turn back the clock.

Remembering you is easy, tears fall from my eyes, my heart aches, but when I remember the happy times we had, a smile comes to my face, still so many emotions. I remember your grin, your saying "oh yea," your eyes that shone with laughter, your walk, your big teddy bear heart you had for everyone.

Your family still copes; days, weeks, months, years have gone by and we still celebrate your birthday, there is always a spot for you at Christmas. Curtis's place at Turtle Lake is beautiful, you would have loved it there, it was your dream place to have for us all to be together. Gladys is done with Dentistry now, we are so very proud of her. Logan has a baby girl (Lila) - wow has he grown up and is finishing up law school. Haden of course is playing hockey (goalie, thank goodness) and thinks of you all the time. Molly is busy with her hockey, baseball, and music. Ryan and Lisa are doing great with your little niece Skylar who is almost 5 now, and knows your name very well from all the pictures we all have of you around our homes. Krysten just finished her 3rd year of nursing school, doing fantastic - another proud moment. Tyson is still firefighting and they also have their wood business which keeps them both super busy (HAGER WOOD SHOP). Aaron and his girlfriend Hailey are expecting a baby in August and doing very well, it's very exciting. You will be sure to know, he will know his Uncle Derek, too. Our family is growing and missing you.

Boston is still working hard with CTE at making more people aware of the safety of all athletes. Donating your brain has helped in so many ways, as painful as it was for us. NHL still has a lot of work to do at acknowledging and accepting responsibility for players who have passed and those who are out there with CTE and don't even know it. You did help in getting more awareness out there. People just need to read your book/story by John Branch, BOY on ICE; the facts are all there.

ALWAYS LOVED, NEVER FORGOTTEN, FOREVER MISSED

Mom, Dad, Curtis (Gladys, Logan, Haden, Molly), Ryan (Lisa, Skylar),
Krysten (Tyson), Aaron (Hailey), many aunts, uncles,
cousins and Opa and Oma

Every year, Joanne Boogaard writes a letter to her son for publication in the Regina Leader-Post. Credit Regina Leader-Post

Unlike football, in which the sheer number of C.T.E. cases ([more than 100 in the N.F.L.](#)) and the N.F.L.'s eventual [public admission](#) that there is a correlation between its game and brain disease forced concussions into the regular conversation around football, hockey has avoided such a shift.

“You have this strange cultural disconnect where, presumably, the players can read newspapers and educate themselves on these issues, and their employer, in sharp contrast, doesn’t appear to want to educate them and prevent these injuries,” said [Stephen Casper](#), a historian of neurosciences and a professor at Clarkson University.

Two things seem certain: One, more players will die and be found to have C.T.E. “This is one of those fields where the more you know, the less good the news is,” said Ken Dryden, the author and Hall of Fame goaltender.

Two, the N.H.L. will deny playing a part. It is what the league has done since the start.

After Boogaard’s death, Bettman was asked by The New York Times about a possible link between hockey and C.T.E.

“There isn’t a lot of data, and the experts who we talked to, who consult with us, think that it’s way premature to be drawing any conclusions at this point,” he said in 2011.



N.H.L. Commissioner Gary Bettman has steadfastly played down any connection between degenerative brain disease and violent play in hockey. Credit Bruce Bennett/Getty Images

On May 1, Bettman sat before a Canadian parliamentary committee [investigating concussions in sports](#). He [was asked again about hockey and C.T.E.](#)

“I don’t believe there has been, based on everything I’ve been told — and if anybody has information to the contrary, we’d be happy to hear it — other than some anecdotal evidence, there has not been that conclusive link,” Bettman said.

Although there are uncertainties surrounding C.T.E., which only can be positively diagnosed posthumously, it has been linked to dementia-like symptoms including memory loss, depression and impulsivity. Scientists remain unsure why some seem to get it and others do not, for example.

There are at least nine publicly known cases of deceased N.H.L. players found to have had C.T.E., including [Boogaard](#), [Bob Probert](#), [Steve Montador](#) and [Todd Ewen](#). Other cases are pending examination. [Several other players](#) who never reached the N.H.L. and died before age 40 had the disease, including [Andrew Carroll](#) and [Kyle Raarup](#).

Last year's deal between the N.H.L. and some former players gave the illusion that the concussion matter had been settled, but the effect was more like hitting a reset button. The few who declined the settlement or never joined the broader case can continue their individual claims; they are expected to receive instructions on how to proceed at a hearing in Minneapolis on June 16.



Dan Carcillo, a former hockey player, with the jersey of his friend Steve Montador, an N.H.L. player who was found to have had the degenerative brain disease C.T.E. Credit Charles Rex Arbogast/Associated Press

Among those moving forward is the family of Montador, who played 10 years in the N.H.L. and died in 2015 at age 35. A long-pending lawsuit filed by Montador's estate argues, among other things, that the N.H.L. "utterly failed to provide him with crucial medical information on the permanent ramifications of brain trauma."

Montador's father, Paul, is eager to resume the fight with the N.H.L. in court.

"My son would be alive if it wasn't for the way the N.H.L. handled the concussion issues, and had it recognized the impact of concussions, and eventually C.T.E., has on its players," Paul Montador said.

Montador watched Bettman's recent testimony in Ottawa. Like others, he was disappointed but not surprised.

“Had they handled this differently from the start, he wouldn’t have to act like a lawyer,” Montador said. “He could act like a human being.”

The day before Bettman’s testimony, Kelli Ewen, the widow of Todd Ewen, [filed a lawsuit against the N.H.L.](#) in federal court in California. The complaints include negligence, fraudulent concealment and wrongful death.



Kelli Ewen, the widow of Todd Ewen, who had C.T.E., has filed a federal lawsuit against the N.H.L. Credit Whitney Curtis for The New York Times

Todd Ewen played 11 seasons in the N.H.L. and killed himself in 2015 at age 49, fearing he had C.T.E.

Lili-Naz Hazrati, a neuropathologist with the Canadian Concussion Centre, examined Ewen’s brain and concluded that he did not have C.T.E. — a surprising revelation [later deemed to have been incorrect](#) by others, including scientists at [Boston University’s Chronic Traumatic Encephalopathy Center](#).

In the nearly three years between those competing diagnoses, Hazrati served the N.H.L. as a witness in its litigation, and Bettman used the erroneous Ewen results to argue against links to C.T.E. He criticized “media hype” and “fear mongering” in a [2016 letter to Senator Richard Blumenthal of Connecticut](#).

Critics paint Bettman and the N.H.L. as sports' equivalent of tobacco sellers or climate-change deniers — purposely clouding issues that few still debate in order to protect their own interests.

“It’s hard to know what’s going to push the N.H.L. to the side of right on this,” said [Chris Nowinski](#), a co-founder of the Concussion Legacy Foundation, which is affiliated with Boston University’s C.T.E. Center. “What’s clear is that it’s not science that’s going to convince them.”



Washington Capitals star Alex Ovechkin, left, fighting Andrei Svechnikov of the Carolina Hurricanes during a playoff game. Fighting is down in hockey but remains an important part of it. Credit James Guillory/USA Today Sports, via Reuters

Dryden sees a simple solution: Use rules to eliminate most hits to the head. Concussions will never be fully extinguished, perhaps not in any sport, but Dryden believes any hit to the head — whether accidental or not, whether with a shoulder, stick, fist or elbow — should be penalized.

“Football faces an immense challenge — the real answers, they’re tough,” Dryden said. “In hockey, they aren’t. That’s the part that is so aggravating.”

For now, the N.H.L. has tickled the issue with its [rule book](#), penalizing hits that appear to target the head and allowing officials to determine whether they were avoidable or not.

“The brain isn’t impressed by all these explanations and distinctions,” Dryden said.

The league still endorses a culture of [bare-knuckle fighting](#) (the video game [NHL 19 includes it](#), boosting the energy level of the winner’s team) — though fights are in decline, something Bettman applauds while arguing, without evidence, that some level of fighting is necessary as a “thermostat” to deter more violent acts.

Early in the playoffs this year, the superstar Alex Ovechkin of the defending champion Washington Capitals was [involved in a notable one](#).

Two weeks later, at the parliamentary hearing, Bettman said, “I don’t believe there’s much we can do” to reduce head injuries. He promoted the league’s concussion protocols, “updated regularly,” he said, since 2010.

“The deep contradiction is, if all science is anecdotal, as Mr. Bettman said during his testimony, then why bother having these protocols?” Casper said. “What are they for?”

Joanne Boogaard still waits for someone from the N.H.L. to say that, yes, they could have done more to help stem Derek’s onset of C.T.E. symptoms and, perhaps, save his life.

She and her ex-husband, Len, no longer expect that kind of forthrightness. They did not want to be part of the settlement because they did not want the N.H.L.’s money.

“It’s not a money thing,” Joanne Boogaard said. “Just be responsible. Be a leader of the sport.”