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Protecting Professional Football: A Case Study of Crisis Communication Tactics
Demonstrated During the Concussion Crisis by the National Football League
and the Introduction of Cultural Ingrainment as a Component in
Crisis Communications Models

Jordan Todd Mower

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of
Master of Arts

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ABSTRACT

Protecting Professional Football: A Case Study of Crisis Communication Tactics Demonstrated During the Concussion Crisis by the National Football League and the Introduction of Cultural Ingrainment as a Component in Crisis Communications Models

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This research analyzes the crisis communications tactics employed by the National Football League at key points during the concussion crisis in relation to strategies recommended by models based on image restoration theory and situational crisis communications theory. The discrepancies between the NFL's tactics and recommended situational tactics, viewed in light of the financial and market increases for the league over the duration of the crisis, show the need for an additional component in accepted crisis communications models. Cultural ingrainment is posited as a component to be added to present models as a mitigating factor of organizational harm in cases of strong attribution of organizational responsibility. This addition of cultural ingrainment provides an explanation for the possibility of so-called “invincible brands.”

Keywords: crisis communications, situational crisis communication theory, image restoration theory, public relations ethics, cultural ingrainment, invincible brands

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Chapter 1: Introduction

The National Football League is the highest revenue-grossing sports league in the world, expanding into foreign markets and gaining ever-increasing revenue and market saturation (Ejiochi, 2014.). The organization rakes in large amounts of money by filling stadiums with ticket-holders, selling merchandise, negotiating massive television deals, and through other lucrative endorsements. Its teams are so economically important to the communities in which they play that ownership groups often receive large portions of public funding for the stadiums in which games are played. Professional football is the most popular sport in America (Rovell, 2014). Recently, the reputation of the NFL has been threatened because of its involvement in several recent scandals and the extensive coverage of these scandals by American news media.

Many opinion leaders and members of the American public have observed that many of the values displayed by the actions of the NFL differ from ideal behavior. Fans and the public have observed numerous recent public relations crises related to player misbehavior, unethical behavior by teams and coaches, and self-interested actions by the league in their prioritization of discipline and player-safety measures. The primary question of this research asks, “Do the failed crisis communication responses demonstrated by the NFL during the concussion crisis, in light of their organizational success, point toward the need for inclusion of a new component of cultural ingrainment within accepted crisis communications models?” The term *cultural ingrainment* describes the degree to which a brand has become embedded in the culture of its society or the success of a brand in terms of cultural branding. In order to answer this primary research question, this case study examines the NFL's concussion crisis within the context of appropriate response strategies according to established models of image restoration and

situational crisis communication theory. This study introduces the addition of a cultural ingrainment component into existing crisis communications models as a component that explains the success of the NFL despite discrepancies between the league's tactics and recommended strategies, and examines applications of proper crisis communication ethics within the contexts of these theories.

Significance to Field

This case study of the NFL's crisis communications efforts contributes to the existing body of research in the fields of public relations and crisis communications by introducing the need for research in the area of cultural ingrainment as it may lead to the phenomenon of the invincible brand. This case study illustrates how a severe crisis sparked a focus on safety throughout the sporting world and created large attributions of responsibility for the accused organization, yet the organization under crisis managed to emerge from the controversy in a stronger financial and cultural position than it held prior to the crisis. This study shows that crisis communications research is incomplete where it pertains to certain cases of large, culturally ingrained brands, necessitating the potential for inclusion of a cultural ingrainment component as a mitigating factor for organizational harm in cases of high attributions of responsibility.

This case study also contributes to the existing body of research by providing a look at crisis communications in a recent, relevant context that informs modern, socially-important controversies such as domestic violence, player crime, performance-enhancing drugs, and others. The lessons available from this case, both positive and negative, inform the decisions faced by many sporting leagues and large organizations with attributes similar to the NFL. Both the failed

and successful crisis communication responses employed by the NFL, in light of the league's culturally-ingrained position, inform professional practice and future crisis communication decisions.

Introduction to Literature Review

This case study reviews previous literature for applicable theories and crisis communications models as well as studies of relevant cases and applications of these theories and models. It thoroughly explains the models contained within image restoration theory and situational crisis communication theory, with examples and findings of prior case studies related to these theories. The literature review then explores the ethical responsibilities of organizations as they relate to public relations tactics. The lack of prior academic research on the subject of invincible brands is noted.

Case Study Methodology

This study follows case study methodology, a qualitative approach that explores events through various sources of evidence in order to find meaning and results through triangulation. A more detailed explanation of case study methodology and the details of the methods employed in this particular study is described in the Methodology section of this paper.

Delimitations and Scope

This study examines a wide scope of NFL communications and actions. The NFL communicated explicitly through press releases, statements, and interviews. Implicit crisis

management and communications were contained within responses, reactions, or initiatives related to the concussion controversy. This research examines the whole of the organizational process of the NFL in relation to the concussion crisis.

This case study identifies, within the context of expected results and the potential need for a cultural ingrainment component in existing models, the successful and unsuccessful crisis communication responses of the NFL at key events during the concussion crisis. The scope of this study covers nine key responses occurring within the duration of the NFL's concussion crisis from 2002-15, each event individually chosen because it represented an important thematic shift toward a new strategy within the crisis communications responses by the NFL. The nine key events of the concussion controversy (and their accompanying media coverage) covered by this study follow:

1. The MTBI committee's publication of research in *Neurosurgery* journal following the initial discovery of CTE in Mike Webster
2. The publication of research about the dangers of sub-concussive hits
3. The 2009 Congressional hearing on the impact of head injuries on NFL players
4. Research funding leading to acknowledgment of effects
5. Rule changes to the game-play and policies of the NFL
6. Suicides of players and former players and the special investigative reports about the suppression of research by the NFL (*League of Denial* and its accompanying PBS *Frontline* special)
7. The lawsuit filed by retired NFL players and the ongoing process of settlement
8. Early player retirements

9. The launch of the NFL Evolution online health resource and focus on youth football in response to declining youth football participation

A historical background section is included in a later section to provide historical context for the data and conclusions of the research. However, this study is not intended to provide a full history of player safety responses. Rather, as player safety was a concern for organized football before the National Football League was even formed, this research examines nine individual parts of the controversy that presented significant threats to the NFL and prompted the organization into crisis response decisions. Although football has long been considered dangerous, public attribution of responsibility toward the NFL did not create organizational crisis until the early 2000s. Public reactions to these attributions of responsibility and the responses of the NFL to these attributions comprise the focus of this study.

Definitions Unique to this Study

In preparation for explanation of the relevant theoretical models pertaining to the case, definitions of important terms and concepts follow:

Concussion

Concussions are brain injuries that occasionally occur during normal gameplay in the sport of football. The Mayo Clinic offers a definition of concussion that explains potential effects, causes, and the reason why they can remain undiagnosed, leading to complicated situations and decisions for NFL players and teams:

A concussion is a traumatic brain injury that alters the way your brain functions.

Effects are usually temporary but can include headaches and problems with

concentration, memory, balance and coordination. Although concussions usually are caused by a blow to the head, they can also occur when the head and upper body are violently shaken. These injuries can cause a loss of consciousness, but most concussions do not. Because of this, some people have concussions and don't realize it (“Concussion,” 2015, para. 1).

Crisis

Coombs (2011) defined a crisis as “a significant threat to operations that can have negative consequences if not handled properly” (para. 2). Coombs (2011) continued: “In crisis management, the threat is the potential damage a crisis can inflict on an organization, its stakeholders, and an industry” (para. 2).

A similar definition of crisis is “a major occurrence with a potentially negative outcome affecting an organization, company, or industry, as well as its publics, products, services, or good-name” and “a major unpredictable event that has potentially negative results. The event and its aftermath may significantly damage an organization and its employees, products, services, financial condition, and reputation” (Coombs, 1999, p. 3).

In nearly every example, academic research on crisis communications defines crisis from the perspective and standpoint of the organization rather than from the view of the organization's stakeholders (Kent, 2010).

Crisis management

Coombs (2011) defined crisis management as “a process designed to prevent or lessen the damage a crisis can inflict on an organization and its stakeholders” (para. 4). Crisis management encompasses the plans, actions, statements, or potential inaction that make up an organization's

chosen response to a crisis.

Cultural ingrainment

Cultural ingrainment is a term created for this study to describe the level in which an organization is embedded into the popular beliefs, practices, and entertainment of the population at large. These organizations often have vast resources, long histories, and dedicated fans and supporters. The NFL and its teams are examples of organizations with a high level of cultural ingrainment.

Invincible brand

Invincible brand is another term created for this study which describes the result of an organization with a high level of cultural ingrainment and the ability to maintain their strong position despite crisis and missteps that may exacerbate effects of a crisis. An invincible brand is one in which poor organizational reputation and high attributions of responsibility do not result in negative financial or market share consequences because of the high level of cultural ingrainment of the organization.

Chapter 2: Literature Review

Several models provide guidelines for effective response by an organization facing a crisis or potential reputational threat. This section provides a review of previous literature on the subjects of image restoration, situational crisis communication theory, branding, cultural branding, and public relations ethics.

Generally, crisis communications responses benefit from the application of three important form lessons: 1) be quick, 2) be consistent, and 3) be open. Crisis communicators should notify stakeholders, primarily members of the media, about information as soon as possible when a crisis occurs so as to fill the information vacuum and minimize the potential for others to introduce speculation or misinformation. Messages should be consistent and free of contradictions. Although more than one person may speak for the organization, the content of the message should remain consistent. Inconsistency erodes credibility and believability. The organization should also be as open as the situation allows. When an organization is not adequately open, stakeholders may feel misled by partial or non-disclosure of important information (Coombs, 2006a).

An Explanation of Image Restoration Theory

Image restoration was introduced by Benoit (1995) and comprises a list of five general restoration strategies that an organization can use to explain its behavior and to restore its image in the situation where an organization is accused of bad or objectionable behavior and there is potential for damage to an organization's reputation. Image restoration combines concepts from earlier apologia and sociology (Coombs, 2006a). Threats to an image contain two inherent

components: blame (responsibility) and offensiveness. Image repair strategies are designed to address and minimize these two components (Benoit, 1997).

Under Benoit's Image Restoration Theory, an attack has two components: 1) the accused is held responsible for an action, and 2) the act is considered offensive. No unfavorable impression is formed unless the company is believed to be responsible for the act (Benoit, 1997). Responsibility is assigned to the company for acts performed, ordered, encouraged, or allowed to occur (any acts of omission fall into this). A salient audience must be thought to disapprove of the act (Coombs, 2006a). Often, perceptions are more important than reality. Public perception contributes to public attribution of responsibility. If the audience thinks the firm is at fault, the firm's image is at risk. Accordingly, it does not matter whether or not the act was actually offensive, rather, it matters whether the salient audience believes the act to be offensive. If the act was not actually offensive, this can be an important part of the defense. Multiple audiences, each with different needs and perceptions, must be addressed (Coombs, 2006a).

Once the crisis occurs, it is important for the organization to analyze the crisis or accusations to decipher the nature of the crisis and the relevant audience. The accusations or suspicions and the nature of the crisis must be determined. The perceived severity of the offense to the audience must be determined and any following response should be then be tailored toward these findings. The identification of the salient audience is very important. A key part of persuasion is tailoring one's message to the audience. Different audiences will be affected by the crisis in different ways and must be approached in different ways in order to repair the image (Coombs, 2006a).

Organizations do not always find it necessary to respond to every attack. If an attack is

not credible, not widely publicized, or not serious, it may not present a credible threat to the organization. In some cases, the organization may find it advantageous to refocus attention on other issues or may see that the accusations are simply not important to important audiences. An organization must decide whether the threat is important enough to them to justify allocation of resources to enforce strategies (Benoit, 1997; Coombs, 2006a).

When the attack and accusations are deemed to contain a serious threat to the reputation of the organization, image restoration outlines five broad categories of image repair strategies to respond to threats: 1) denial, 2) evasion of responsibility, 3) reducing offensiveness of the event, 4) corrective action, and 5) mortification (Benoit, 1995; Benoit, 1997; Coombs, 2006a).

Denial occurs when the organization rejects responsibility for the act in question. A simple denial strategy is a basic statement in which the organization states that it did not perform the act. At other times, the organization may instead choose to shift the blame by maintaining that the act was performed by another entity (Coombs, 2006a). The attempt to deny true accusations has the potential to backfire immensely; thus, it is often in the best interest of a company at fault to admit their fault and responsibility (Benoit, 1997).

Evasion of responsibility is a tactic employed when a company attempts to reduce public perception of their responsibility for the crisis. There are four approaches that fall into this image restoration strategy. The provocation approach maintains that another actor forced the organization into the crisis situation. This approach attempts to justify the action as a response to another, often malignant, action. Defeasability maintains that the organization lacked the information or the ability to prevent the crisis. The accident approach maintains that the organization made a mistake. Finally, the good intentions approach maintains that the

organization's motives were good and that the organization meant the action to be positive and that any negative consequences are an unfortunate result (Benoit, 1997; Coombs, 2006a).

The next strategic option is reducing the offensiveness of event. This tactic typically involves shifting the focus of stakeholders away from the event itself and presenting the crisis or the organization in a positive manner. There are several ways in which this can be accomplished. Bolstering strategies stress good traits of the company or their response to the event. Minimization strategies frame the act to be less serious or less negative than the audience perceives. Differentiation occurs when the organization explains that the crisis is not as bad as other similar crises or events. Transcendence occurs when the organization communicates that the crisis event was related to the achievement of a larger, transcending goal and that there are more important considerations that may justify the action. An organization may also choose to attack their accuser, an action which reduces the credibility of the accuser and shifts perceptions of blame onto those who may be accusing the organization of wrongdoing. Finally, the organization may choose a tactic of compensation, in which the victim is reimbursed and restitution is made for the the action (Benoit, 1997, Coombs, 2006a).

The final two image restoration strategies are closely related. An organization may choose to take corrective action, wherein a plan is made to solve the problem or to prevent future occurrences of it. Finally, a mortification strategy may be chosen, in which an apology is made for the action and responsibility for the event is taken. A confession is made and the organization asks for forgiveness (Coombs, 2006a).

Along with the list of potential image restoration strategies, Benoit (1997) suggested that each organization should prepare a crisis contingency plan before the crisis ever occurs in order

to reduce response time and to prevent missteps or mistakes during an organization's response to a crisis. The goal of this action is to prevent further damage to the image of the organization during reactions to the crisis. Preparing this contingency plan involves anticipation of potential crises and the formation of a broad plan to combat possible image damage that could occur. Many strategies exist for image restoration and these strategies can be employed in a variety of different configurations, utilizing various available resources. Some strategies may be also taken to minimize the risks of litigation on top of damage to perceptions (Benoit, 1997). Most research within the context of image restoration theory analyzes examples, both positive and negative, of effective image repair.

An Explanation of Situational Crisis Communication Theory

Situational crisis communication theory (SCCT) relies on empirical research to provide an evidence-based theoretical framework for understanding how to maximize the reputational protection afforded by post-crisis communication (Coombs, 2007a; Rousseau, 2006). SCCT research provides a set of guidelines to help crisis managers to use crisis response strategies matched to crisis situations to protect an organization's reputation from the effects of a crisis.

Situational crisis communication theory is based on the need to reduce and combat the effects of the results of attribution theory, which states that in a crisis or negative event, stakeholders search for an entity in which to attribute blame (Coombs, 2007b). Each crisis type generates certain attributions of crisis responsibility – the level which a stakeholder believes the organization is responsible for the crisis event (Coombs, 2006a). The situational considerations of SCCT are shown graphically in the following figure:

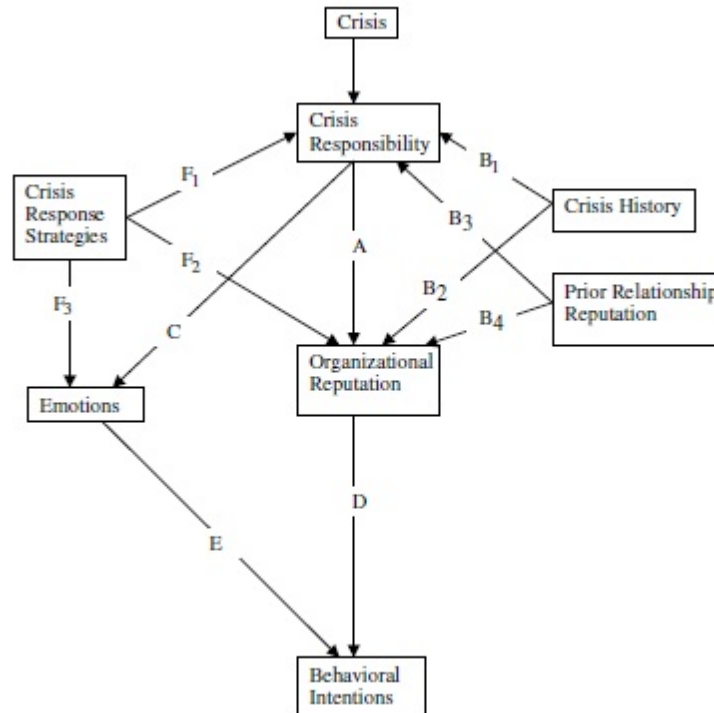


Figure 1. Crisis situation model of Situational Crisis Communication Theory (Coombs, 2007a).

Attributions of crisis responsibility by stakeholders result in affective reactions in stakeholders. Increased attributions of crisis responsibility by stakeholders generate in stakeholders stronger feelings of anger toward the organization and even may result in stakeholders taking pleasure in the pain of the organization facing crisis. These increased attributions also result in a far-reduced feeling of sympathy for the organization (Coombs & Holladay, 2005; Coombs, 2007a). These negative emotions result in negative word-of-mouth toward the organization or in stakeholders severing their interactions with the organization (Coombs & Holladay, 2004; Coombs, 2007a).

An important aspect in the model is that negative reputation effects and negative affect in stakeholders impact behavioral intentions among stakeholders. As the organization's reputation becomes more negative, stakeholders are less likely to report behavioral intentions that support the organization, such as the use of products or services. Research shows that post-crisis reputation is related to behavioral intentions such as purchase intention and support for an organization (Coombs & Holladay, 2001; Siomkos & Kurzbard, 1994; Coombs, 2007a). As the feelings of negative affect among stakeholders increase, stakeholders are less likely to report behavioral intentions that are supportive of the organization and more likely to spread negative word-of-mouth communication to others about the organization. Behavioral intentions are impacted by the connection to crisis responsibility shared both by reputation as well as by affective emotions (Coombs, 2007a).

The first step in evaluating a crisis situation is to identify the basic crisis type involved. Organizations must accurately classify themselves into one of the following three clusters: victim, accidental, or intentional. These evaluations help to determine the level of responsibility that stakeholders attribute to the organization during the initial stages of the crisis. Research shows that initial crisis responsibility is negatively related to organizational reputation (Coombs & Holladay, 1996; Coombs & Holladay, 2001; Coombs, 2007a). These crisis types are classified into one of three clusters based on attributions of crisis responsibility:

1. The victim cluster has very weak attributions of crisis responsibility and the organization is viewed as a fellow victim of the event. Examples of crisis include natural disaster, rumor, workplace violence, and product tampering or malevolence (Coombs 2007a; Coombs & Halladay, 2002).

2. The accidental cluster has minimal attributions of crisis responsibility and the event is considered unintentional or uncontrollable by the organization. Examples of crisis include challenges, technical-error accidents, and technical-error product harm (Coombs 2007a; Coombs & Halladay, 2002).
3. The intentional cluster has very strong attributions of crisis responsibility and the event is considered purposeful (Coombs 2007a; Coombs & Halladay, 2002). Examples of crisis include neglect and any purposeful action that results in harm to stakeholders.

The second step in evaluation of a crisis situation is the evaluation of modifiers or intensifying factors, variables that can alter attributions generated by the crisis type. The two types of modifiers are performance history and crisis severity (Coombs, 2006a).

Crisis history is the presence of a similar past crisis for the organization. A history of crises within an organization suggests that an organization has an ongoing problem that needs to be addressed. Crisis history is similar to prior relational reputation or how well or poorly the organization is perceived to have treated stakeholders in past contexts. Prior relational reputation gives stakeholders an idea of the consideration typically given by the organization to its stakeholders in all times, including times of crisis. (Coombs, 2007a). Together, crisis history and prior relational reputation have both a direct and an indirect effect on the reputational threat posed by the current crisis. A negative crisis history or a negative prior relational reputation will intensify attributions of crisis responsibility, an indirect effect on the reputational effect. This also constitutes a direct effect on the reputational threat that is wholly separate from crisis responsibility (Coombs, 2007a; Coombs 2004a; Coombs, 2004b). If an organization has a negative crisis history or has had prior unfavorable relationships with stakeholders, stakeholders

are more likely to view the organization as having a greater crisis responsibility, which will result in damage to the organization (Coombs, 2007a). Stakeholders' knowledge about past crises should be an important consideration for crisis managers. SCCT suggests that in order to adequately protect an organization's reputation, crisis managers must adjust their communications to account for possible past crises of which relevant publics are aware (Coombs, 2004b).

Once a crisis manager has determined the level of attributed crisis responsibility that stakeholders attribute to the organization, modifiers, and the potential for reputational damage that the organization could incur, the crisis manager must then match the crisis situation with an appropriate crisis response strategy to mitigate the circumstances. Crises range far in their attributes and threats and thus, there is no perfect list of appropriate response strategies. However, Situational Crisis Communication Theory includes a list of basic response strategies divided into primary and secondary response strategies. They require adaptation to the individual circumstances of each crisis but are a basic framework for potential organizational reactions.

The primary SCCT crisis response strategies fall into the following three groups: 1) denial, 2) diminish, and 3) rebuild (Coombs, 2006b; Coombs, 2007a).

The denial crisis response group is made up of several strategies that attempt to limit reputational damage and attribution of crisis responsibility by shifting blame for the crisis away from the company and attempting to persuade stakeholders that the organization bears no blame or responsibility. Most denial strategies fit into three sub-classifications. When an organization uses an *attack the accuser* tactic, the crisis manager confronts the person or group claiming something is wrong with the organization and attempts to shift the blame onto the accuser. In a

denial tactic, the crisis manager denies the very existence of a crisis, asserting that no negative situation exists. Finally, the *scapegoat* tactic is evident when the crisis manager blames a person or group outside of the organization for the crisis, shifting responsibility attribution away from the organization and onto another entity (Coombs, 2007a).

The diminishment crisis response strategies are employed when the organization has been attributed responsibility for a crisis but wishes to lessen or diminish the attributions of harmful intent. This crisis response group is broken up into three sub-groups: 1) excuse, 2) justification, and 3) ingratiation. When an *excuse* strategy is employed, the crisis manager minimizes organizational responsibility by denying intent to do harm and/or claiming inability to control the events that triggered the crisis. Another diminishment tactic is that of *justification*, where a crisis manager minimizes the perceived damage caused by the crisis, asserting that the organization has done less harm than perceived (Coombs, 2007a). Finally, an organization may choose to use *ingratiation*, where the organization reminds stakeholders of past good works by the organization (Coombs, 2006a).

The final crisis response strategy group is rebuilding. This strategy typically involves a *full apology* where the organization takes full responsibility for the crisis and requests forgiveness from its stakeholders. The organization then takes corrective action (Coombs, 2006a). A crisis manager may offer *compensation* in the form of money or other gifts to victims in an attempt to rectify the situation and show that the organization values any potential victims of their actions or circumstances (Coombs, 2007a).

A key assumption of the SCCT holds that organizational communication affects people's perceptions in a crisis. Perceptions can be changed by the words and actions of organizations.

This is a key position shared with image restoration theory (Benoit, 1995; Coombs, 2007a). The three objectives of crisis response strategies are as follows: 1) to shape stakeholders' attributions of the crisis, 2) to change perceptions of the organization in crisis, and 3) to reduce the negative affect and emotions in response to the crisis (Coombs, 1995; Coombs, 2007a). Crisis managers typically pursue any combination of these goals in crafting their intended responses. Crisis managers craft communications intended to frame their current crises as a current crisis type. Coombs (2007a) posits that the frames used in media reports are the frames that most stakeholders experience and adopt, making it important for crisis managers to present their version of the events to the news media. In the present Internet age, it is common for several frames to be posted to media sites as crisis managers, bloggers, critics, and victims all have forums where their voices and opinions are broadcast (Coombs, 2007a).

The framing effect occurs when a communicator selects certain factors to emphasize. Message receivers focus their attention on these factors when forming opinions and making judgments. The crisis type or frame determines the level of stakeholder attributions of responsibility for the crisis to the organization. (Coombs, 2007a).

Additional Crisis Communications Research

Several studies have tested image restoration theory and situational crisis communications under a variety of contexts and crisis situations. Protection of organizational and personal reputation is an expected action from any entity facing potential reputational harm. Benoit and Brinson (1994) wrote that “face, image, or reputation is an extremely important commodity” (p. 76), and that when reputation is threatened, entities are motivated “to offer

explanations, defenses, justifications, rationalizations, apologies, or excuses for our behavior” (p. 76). Most modern crisis communications research has focused on the post-crisis, recovery period (Avery, Lariscy, Kim, & Hocke, 2010).

Benoit and Brinson (1994) wrote about the dangers and risks a company incurs when they deny their culpability in an action when they are at fault. “If the truth comes out, the accused compounds the offense (not only performing an offensive act, but then lying about it)” (p. 86). They then cited the case of President Richard Nixon's denial of knowledge about the Watergate break-in and cover-up that eventually forced Nixon's resignation from the presidency and the case of President Ronald Reagan's denial of knowledge of the Iran arms sale that contributed to a sharp decline in approval polls that did not rectify itself until after he admitted prior knowledge. They also suggested that strategies of denial and shifting the blame are generally not considered appropriate by those injured by the organization in crisis and thus are often not as effective as other potential image restoration strategies (Benoit & Brinson, 1994). Negative relationship history has been observed to lead to greater measures of attribution and subsequent increases in punitive opinions and behavior toward the organization (Jeong, 2009).

Organizations must create both public and private response strategies to respond to crisis situations. They must also respond to situations where the crisis comes as a surprise to involved stakeholders (Benoit & Brinson, 1994). Much of the literature of crisis management by sports organizations has focused on the preparation of guidelines or models for organizations to enact in times of crisis (Bacon & Anderson, 2003; O'Beirne & Ries, 1999). Other guidelines focus on legal aspects of a crisis situation and their organizational implications (Altman, 2005).

In a study of stakeholder reactions to crisis communication efforts, McDonald et al.

(2010) found that confession is the most effective crisis communication tactic in reducing negative stakeholder reactions. The same study showed that denial tactics were the least preferred method and often resulted in additional attributions of responsibility and negative affect in stakeholders. Benoit & Brinson (1994) suggested that an important key to image restoration is to report plans to correct and to prevent the recurrence of a problem. They suggested that it is more reassuring to stakeholders to know that steps have been taken to eliminate or avoid future problems than it is to know who is to blame. They illustrated this importance with three examples: President Reagan announced changes in personnel and procedure to create the impression that he was acting to prevent a recurrence of future problems like the Iran arms sale, Tylenol introduced tamper-resistant packaging and phased out capsules after their poisoning crisis, and AT&T sent out messaging emphasizing that they had fixed service outages that received heavy media coverage and that they were capable of providing reliable service.

Coombs and Holladay (2009) found that strategies of apology or sympathy were less likely to provoke a negative public reaction to crisis than strategies of information. In contrast, Schultz et al. (2011) found that crisis communication via social media applications such as Twitter provoked less negative crisis reaction than blogs or newspaper articles and that the strategy of information resulted in less negative reactions than apology or sympathy, leading them to the conclusion that the medium used for crisis communication may be more important than the message conveyed in minimizing negative crisis reaction (Shultz, Utz, & Goritz, 2011; Liu, Austin, & Jin, 2011). Coombs and Holladay (2009) found that crisis communications through print media produced better reputation scores than crisis communications through a

video medium. Research on the crisis communications surrounding the Fukushima Daiichi nuclear disaster showed that medium effects were stronger than the effects of crisis type (intentional vs. victim) and that crisis communications through social media resulted in a more positive perception among publics than communication through traditional media (Utz, Schultz, & Glocka, 2012).

Preventable crises have the most negative effects on organizational reputation. The more severe the crisis is judged to be, the more negative perceptions and likelihood of reputational damage for an organization in the eyes of its publics. When crisis communication is necessary, the rebuild strategy leads to more positive reputation restoration than strategies of denial or diminishment (Claeys, Cauberghe, & Vyncke, 2010).

When defensive responses are used, publics are more likely to accept them when they learn the information from the organization in crisis, showing that publics value perceptions of openness and honesty (Liu, Austin, & Jin, 2011). Case research has shown that intentional crisis types often exhibit more anger affective emotions than victim crisis conditions, thus resulting in a more significant threat to reputation, the spread of secondary information about the crisis, and negative secondary crisis reactions such as boycotts (Utz, Schultz, & Glocka, 2012).

Recognizing that a crisis, by definition, cannot be planned, crisis communications researchers have long recommended anticipation of potential crises and plans to control and communicate effectively in the case that a crisis occurs (Dilenschneider & Hyde, 1985). Cloudman and Hallahan (2006) found that crisis preparedness, as measured by engagement in certain crisis preparedness activities, was positively correlated with organizational size, level of autonomy, and delegation of authority within the organization. This research also found that

three-quarters of surveyed U.S. public relations practitioners reported that their employer organizations had a written crisis communications plan. However, simply having a crisis plan in place is a poor indicator of an organization's crisis preparedness. Research shows that the determining factor is often the presence of positive organizational or corporate cultural factors (Marra, 1998). Marra also found that it was highly beneficial for the senior public relations practitioner to be viewed as a strategic manager by the other senior decision makers of the organization.

Over the last decade, with the advancement of Internet-based new media platforms, it has become very important for organizations to integrate new communications technologies into their crisis response strategies. Web-based crisis responses often incorporate traditional media tactics (Taylor & Perry, 2005).

Crisis communications have been studied often within the context of space exploration disasters, likely because of their high-profile and the fact that there are both positive and negative aspects of their responses that can be analyzed. During NASA's first major crisis, a fire that killed the three-man crew of *Apollo 1* during testing, NASA made errors in their crisis communications reaction that resulted in public mistrust and reputational damage for the agency. In this case, NASA waited for two hours before reporting the deaths, gave inaccurate and misleading information both to Congress and to the news media, and then used a review board of its own employees to investigate the fire. Accordingly, this resulted in significant public mistrust of both NASA as an organization and of the Apollo program (Kauffman, 1999).

In contrast, Kauffman's (2001) analysis of the 1970 *Apollo 13* fire lauds NASA for their quick response, telling the truth to the media, and providing a constant flow of information about

the crisis. The agency held a press conference within three hours of the disaster, provided accurate information whether it was positive or negative, and then appointed an independent investigative board, demonstrating to the public and to their stakeholders that they were not attempting to hide information.

Martin and Boynton (2005) compared the crisis communications and resulting media coverage of the aftermath of two NASA space shuttle disasters, the *Challenger* explosion in 1986 and the *Columbia* disaster in 2003, finding that NASA was praised for its successful handling of the 2003 crisis while its efforts were considered a failure in 1986. The researchers found that in the second case, NASA did a much better job of providing a constant flow of information as there were significantly less news stories mentioning NASA officials being unavailable for comments or answers to questions as they had during the *Challenger* crisis (Kauffman, 2005). NASA officials were also perceived to have issued a much more prompt response, were perceived as more credible, communicated information more proactively, chose an appropriate spokesperson, and showed more concern for the victims during the 2003 crisis (Martin & Boynton, 2005), although researchers found that there were many similar organizational flaws that persisted from the previous disaster and may have contributed to the later case (Hall, 2003). Although a history of past failures can exacerbate the effects of a crisis, NASA was able to use more effective crisis communications principles to avoid similar attributions of responsibility and subsequent reputational damage.

Organizational crisis communication often affects media portrayal and framing of the organization in crisis (Martin & Boynton, 2005; van der Meer & Verhoeven, 2012). These media frames can have effects on perceptions of viewers and other stakeholders. Organizational culture

and the formation of strong pre-crisis relationships with stakeholders, the formation of crisis management teams, and the establishment of clear media policies, are important keys to effective crisis management. In an analysis of the Connecticut hospital that handled one of the 2001 anthrax infections, Wise (2003) found that Griffin Hospital was well prepared in the event of a biological hazard and they communicated to their stakeholders well. Griffin Hospital had already established a bioterrorism readiness plan in the previous year before the incident and had even performed a mock drill one month prior. The decisionmakers within the organization had a strong working relationship and, despite the desires of the FBI to stay quiet about the case, were as forthcoming with information as they legally could be. They also took measures to provide their employees with the appropriate safety and situational information. Ultimately, their preparation and established organizational factors enabled them to successfully handle the crisis.

Coombs and Holladay (2008) criticized previous research on apology in crisis situations which concluded that apology responses were almost always the best response in crisis circumstances. They argued that this research made invalid comparisons between extremely diverse, often inapplicable communications strategies and argued that apology and mortification responses were over-emphasized. Apology strategies are often the most costly in terms of reparations and the potential for legal action against the organization. Their research found that during low-severity crises, respondents had similar reactions to sympathy, compensation, and apology response strategies because they each focused on victims' needs. Although public relations ethics hold that if the management of an organization know they are at fault, an apology and acceptance of responsibility are required, other strategies such as compensation or sympathy may be equally as viable when true organizational responsibility is unknown or ambiguous

(Coombs & Holladay, 2008).

Burns and Bruner (2000) argued that image restoration theory was constrained by its current language and mental representations, inviting misinterpretation. The use of the word *image* was worrisome to them because it implied a unitary or homogenous single image for the organization rather than a more dynamic view as individuals may hold images of an organization because of social or person factors rather than solely because of the organization's messaging (Moffitt, 1994). Burns and Bruner also took issue with the use of the word *restoration* as it implies a situation in which the image of the organization could somehow return to its original state instead of a situation in which the reputation was rebuilt or recreated.

Branding

Brands are the symbols and names owned by a company that communicate corporate identity to customers. Brands are an intangible corporate asset and exact value can be difficult to quantify. However, successful brand building typically results in significant asset growth and stock returns. The key tasks of brand-building are to create visibility, build associations and create differentiation, and to develop deep customer relationships (Aaker & Joachimsthaler, 2000). Ries & Ries (1998) held that “the power of a brand lies in its ability to influence purchasing behavior” (p. 5-6).

Increased interactivity with customers resulting from proliferation of Internet communication platforms added a new dynamic to the relationship between brand builders and their stakeholders. Duncan and Moriarty (1997) wrote: “How companies manage their two-way interactivity is becoming more important than products themselves. This means brand value will

be determined by how well companies not only create, but retain and grow their brand relationships” (p. xi).

Brands affect how stakeholders think, feel, and act and are a key determining factor in the success of marketing actions. Cleeren et al. (2013) examined 60 brand crises and found that organizations and brands in crisis were able to minimize reputational harm through increased expenditures in cases where it was not required that the organization acknowledge blame. Previous brand-building benefited the organizations in crisis. The concept of invincible branding as a result of cultural ingrainment is an extrapolation of these principles; strong brand-building increases the efficacy of marketing and public relations actions and may result in brands that are capable of surviving and thriving despite crisis. Strong branding may provide additional leeway in crisis action for public relations practitioners.

Branding research and practical application uses four key paradigms: 1) viral branding, 2) emotional branding, 3) mind-share branding, and 4) cultural branding (Holt, 2004). The fourth paradigm, cultural branding, provides the most relevant framework for study of the creation and building of brands within the context of this research.

Cultural Branding

Holt (2004) defined cultural branding as "the set of axioms and strategic principles that guide the building of brands into cultural icons" (p.17). Identity brands or iconic brands are those which have become embedded in the culture of a society. Most of the world's most successful cultural brands were not built through formal cultural brand-building strategies. Iconicity occurs when the person, organization, or thing is widely regarded as the most compelling symbol

of a set of ideas or values that a society deems important (Holt, 2004). Icons have extraordinary value because they carry a heavy symbolic load for their most enthusiastic consumers.

Introducing the cultural branding paradigm, Holt (2004) suggested that the goal of cultural branding is to use marketing communications to align a brand with the right identity myth in a credible way. Holt also suggested that a brand's strength is dependent on how well it encapsulates an identity myth and how strongly stakeholders identify with that identity myth.

The cultural branding paradigm differentiates between symbolic and substantive products. A symbolic product exists to enhance the sense of self-regard while a substantive products exists to perform utilitarian tasks and improve personal welfare. Most products combine some level of both symbolic and substantive products (Hogg & Mitchell, 1996). Products from identity brands are valued as a means of self-expression. Holt (2004) defined brands as "a psychological phenomenon which stems from the perceptions of individual consumers" (p. 5) and stated that for iconic brands, "customers value some products as much for what they symbolize as for what they do" (p. 3), using identity brands Coke, Budweiser, Nike, and Jack Daniel's as examples of brands whose customers chiefly value the stories and meanings behind the brand over the brand's substantive value.

Brand meaning is a result of collective interpretations by multiple stakeholders over numerous historical moments (Hatch & Rubin, 2006). At times, the actions of brand managers can come into conflict with the values perceived by the stakeholders of a brand (Holt, 2002).

The products to which cultural branding often applies are often referred to as lifestyle, image, badge, or ego-expressive products and competitors "cannot easily replicate the brand's myth embedded in these products" (Holt, 2004, p. 5). Mass media communications, with

television advertising being the most common medium, has contributed to the building of most iconic brands (Holt, 2004).

Crisis Communications Ethics

For public relations practitioners, ethics include values such as honesty, openness, loyalty, fair-mindedness, respect, integrity, and forthright communication (Moyer, 2011). In *The Right and the Good* (1930), Scottish philosopher William David Ross suggested a series of ethical duties that should be honored and generally accepted as binding on all people. Bivins (1992) later wrote that public relations entities should use these ethical duties as the basis for behavior. Ross' ethical duties are as follows:

1. Duties of fidelity – If you promise (whether explicitly or implicitly) to perform a certain act, you are obligated to perform that act. Fidelity includes remaining faithful to contracts and keeping promises.
2. Duties of gratitude – If someone performs a service or favor for you, you are obligated to the person who performed the favor. This applies in all relationships.
3. Duties of justice – If a person deserves a distribution or reward and you can bring that distribution about, then you are obliged to distribute what is merited. Often, this means giving greater consideration to the claims of those who deserve rather than to those who demand.
4. Duties of beneficence – If you can make the state of another's existence better, then you are obliged to do so. This may oblige you to act when non-action is preferred or recommended by others.
5. Duties of self-improvement – If you can make yourself and the state of your existence

better, then you are obliged to do so.

6. Duties of non-injury – Possibly the most important of the six ethical duties, this means that if you are in a position to avoid hurting someone, you are obliged to do so.

It is probable that these obligations will conflict and Ross recommends that when faced with such conflict, the organization should choose the more important obligation, not merely the easiest or most self-beneficial (Ross, 1930; Bivins, 1992). Responsibility to society is perceived as being more important than the public relations practitioner's responsibility to an employer or client. Thus, the role of public relations practitioner should be to act as somewhat of a corporate conscience even when it means that they must subordinate financial gains in order to appease the demands of social responsibility (Pratt, 1994).

PRSA's own Public Relations Code of Ethics states that 'looking the other way' and other forms of silent tolerance of wrongdoing or unethical behavior constitute a breach of ethics. The Code of Ethics states:

Among all of the staff functions in an organization, it is the communicator and communications department that seem to be in just about everyone's backyard, everyone's meetings or plans and everyone's strategic discussion, including those where ethical dilemmas arise. All too frequently, when questionable behaviors occur, the alarm fails to be sounded at an early stage for reasons ranging from fear to self-consciousness, to wanting to keep the boss happy, to 'it's just not my concern.' This behavior is looking the other way and it can be unethical. ... In many professions, 'Codes of Silence' have developed. These are situations where unethical behavior may be ignored for reasons of custom, internal pressure, the

threat of external punishment, or fear of being shunned from professional camaraderie. The result is that unethical behaviors, decisions, actions, and consequences are intentionally ignored. In some public relations firms and departments, certain practitioners are allowed to belong to professional organizations that have codes of conduct, some including penalties. These same firms and departments have other practitioners who intentionally avoid belonging to these professional associations. Work and assignments that may cross the line, in terms of conduct, can be conducted under the rubrics of 'turning a blind eye,' 'neither seeing, hearing, nor speaking evil,' or 'willful blindness' ("Ethical standards advisories," 2015, p. 2).

Ethics is such an important topic of discourse within the field of public relations because effective public relations involves navigation between the dual interests of both clients and those who comprise general society, particularly publics with an interest in the organization and its current situations. The challenge lies in the fact that public relations practitioners are employed by their organizations or clients and often encounter conflicts of interest (Fawkes, 2012). The PRSA Code of Ethics also treats the topic of professional conflicts of interest, stating that sometimes public relations practitioners find themselves in situations that have the potential to compromise the impartiality, credibility, or trustworthiness of the practitioner because of conflict with the practitioner's self-interest, professional interests, public interest, or their client's interests. The Code of Ethics recognizes that the world is competitive but states that industry professionals must avoid situations of conflicting interests or situations that may show the appearance of a conflict of interest ("Ethical standards advisories," 2015).

Several studies have analyzed the perceptions of public relations practitioners of both their own ethical standards as well as the standards of the industry at large. When surveyed, public relations practitioners tend to rate their own beliefs as more ethical than the beliefs they perceive to be held by their peers. Surveys have shown that the general population tends to perceive chief executives as a much more credible source for an organization than the public relations representative in the same organization (Pratt, 1991). Public relations practitioners see the ethical standards of their profession as less stringent than the ethical standards of other professions generally (Pratt, 1994).

Bivins (1992) applied systems theory to the creation of a model tool for aiding public relations practitioners in an prioritization of stakeholder claims and social obligations. He wrote that professional codes of ethics, such as the Code of Professional Standards of the Public Relations Society of America (PRSA), have value in creating a climate of strong ethics by helping an organization to articulate their values. However, the codes alone do not help organizations to navigate difficult decisions or dilemmas (Bivins, 1992). Abbott (1983) wrote “Ethics codes are the most concrete cultural form in which professions acknowledge their societal obligations” (p. 856).

Most professional associations in the field of public relations have a code of ethics. These codes typically espouse a set of ethical principles to follow and/or forbid a list of certain activities (Moyer, 2011).

The PRSA Member Statement of Professional Values (2000) focuses on six key areas of ethics:

1. Advocacy – We serve the public interest by acting as responsible advocates for those we

represent. We provide a voice in the marketplace of ideas, facts, and viewpoints to aid informed public debate.

2. Honesty – We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.
3. Expertise – We acquire and responsibly use specialized knowledge and experience. We advance the profession through continued professional development, research, and education. We build mutual understanding, credibility, and relationships among a wide array of institutions and audiences.
4. Independence – We provide objective counsel to those we represent. We are accountable for our actions.
5. Loyalty – We are faithful to those we represent, while honoring our obligation to serve the public interest.
6. Fairness – We deal fairly with clients, employers, competitors, peers, vendors, the media, and the general public. We respect all opinions and support the right of free expression (PRSA Member Statement of Professional Values, 2000).

The Public Relations Institute of Australia (PRIA) states the importance of ethical standards in the field of public relations, as well as the challenge of maintaining standards despite the presence of no official sanctions for violations:

Strong ethical standards play a critical role in establishing trust and confidence in any professional discipline and public relations is no exception. Like many professions, there are no laws that require public relations practitioners to be registered, licensed or accredited. Consequently there are no statutory penalties for

misconduct or professional negligence as a public relations practitioner (Public Relations Institute of Australia Code of Ethics, 2009, para. 1-2).

Many of these codes are criticized because they lack enforcement, monitoring, or punishment for infringement (Moyer, 2011). Many public relations professionals state that these codes are contradictory or are too vague to be able to give specific guidance in difficult situations (Bowen et al., 2006). Others state that they often read the code upon their initial inclusion in a particular professional association and then never read the code again, which can lead to questions regarding the effectiveness of the code (Moyer, 2011).

Invincible Brands

Little previous academic research has been conducted to explore invincible branding from a perspective of crisis communication. The research in this work will analyze the actions of the NFL and their responses to the concussion crisis as a preliminary study of the phenomenon of the invincible brand. As many of the NFL's responses were mismatched with prescribed responses under accepted models, the financial success of the NFL suggests the potential presence a level of invincible branding.

Direction of Research

Within the context of previous research on crisis communications and public relations ethics, this study is designed to answer the primary research question: 'Do the failed crisis communication responses demonstrated by the NFL during the concussion crisis, in light of their organizational success, point toward the need for inclusion of a new component of cultural

ingrainment within accepted crisis communications models?' In order to answer this question, this study will answer the following research questions:

RQ1: What tactics and crisis response strategies listed or described as possible responses from image restoration theory and situational crisis communication theory were demonstrated by NFL team and/or league public relations or executive management figures during the concussion case?

RQ2: Within the contextual framework of image restoration theory and situational crisis communication theory, were these crisis response strategies successful in mitigating the harmful effects of potential reputational damage and did the NFL's reactions appear to reflect ethical, transparent qualities typically valued from an organizational public relations response?

RQ3: Has a high level of cultural ingrainment contributed toward turning the NFL into an invincible brand capable of thriving despite crisis communication failures and reputational harm?

This study investigates the potential effects from reputational damage that the NFL may have suffered as a result of their actions related to the concussion controversy, taking into account any measurable drops in social status, popularity, viewership, and financial figures. Although many believe the NFL to be responsible for negative attitudes and actions toward player safety, their brand continues to perform very well and continues to expand its holdings. Ultimately, this study examines the many public relations and ethical mistakes made by the NFL and investigates the potential for 'invincible' brands. It is worth noting that the cultural importance of professional football (and professional sports in

general) may afford the NFL an abnormally large amount of leeway before any reputational damage begins to harm the brand.

Chapter 3: Methodology

Proposed Research Method

This study takes a single embedded case study approach to analyzing the tactics and decisions of the National Football League in their handling of the concussion controversy. This case study research takes a multi-method approach to analyzing the public relations tactics employed by the National Football League toward the concussion and head trauma crisis. According to Yin (2009), case study is the preferential method for use in examination of contemporary events and in cases where researchers cannot manipulate the relevant behaviors.

Strengths and Weaknesses

Lincoln and Guba (1985) put forth four key criteria for evaluation of the trustworthiness, or reliability, of qualitative research: 1) credibility, 2) transferability, 3) dependability, and 4) confirmability. The first criteria, credibility, describes the accuracy of the conclusions and findings of the research. Triangulation of several sources, combined with prolonged engagement and persistent observation of many events within the larger case, are techniques that are used in this case study to establish a credible, accurate conclusion from the data.

The second criteria, transferability, describes the applicability of the research findings in other contexts. As the research goal of this case study attempts to establish whether cultural ingrainment could lead to the existence of invincible brands in other fields and industries, the establishment of transferability is very important. In order to establish transferability, great care is taken in this research to explore underlying circumstances and actions that could act as confounding variables or provide alternative explanations for observed data.

The third criteria, dependability, is achieved when the findings of research are consistent through replication of research. In order to establish dependable conclusions, this research examines the actions of the NFL and the results of those actions through nine separate developments in the concussion crisis.

The final criteria, confirmability, describes the absence of changes to the findings of a study that are shaped by researcher bias. Findings with a high degree of confirmability will be replicated by research performed by another unbiased researcher as these findings will not be shaped by attributes of researcher motives. Triangulation of multiple sources of evidence in this study contribute toward a confirmable result. Reflexivity, the systematic attention toward the process of knowledge construction, also contributes toward a higher degree of confirmability of the findings of this research.

In order to establish trustworthiness in case study research, the concepts of construct validity, internal validity, and external validity must be satisfied. Construct validity requires the identification of the correct operational measures of the concepts being studied (Yin, 2009). Internal validity means that the study must provide valid answers to the research questions (Yin, 2009; Lincoln & Guba 1985). External validity means that the results of the study are transferable to the general population. Qualitative research demands a high degree of each of the criteria of credibility, transferability, dependability, and confirmability in order to satisfy these concepts of research validity and ensure trustworthy findings.

Case study research relies on the use of conclusions gained from multiple sources of information in order to triangulate findings and reach conclusions (Lincoln & Guba, 1985). One of the advantages of case study research methodology is the ability to use a variety of sources to

contribute to the validity of the research (Yin, 2009).

Accounting for Bias

Some bias may be inherent in this study as the primary researcher is a football fan with prior opinions about the NFL and its executive administrative group. Some bias may also be present in the study as an effect of prior media framing in reporting of the concussion responsibility and of other recent crises (e.g. Deflategate, Ray Rice spousal abuse, etc.).

This qualitative study is, to a small degree, an introspective look at why football fans have largely maintained their fanship through this controversy. Although detractors of the NFL (and a large portion of public opinion) have painted the NFL as an organization unwilling to prevent harm to players in order to maintain profits, NFL revenues and fanship are as strong as ever. This study is also an attempt to study this effect within the context of the NFL's crisis communications. Any potential researcher bias will likely be reflective of the effects of the attributions of responsibility that the general public has assigned to the NFL and its leadership.

Sources of Data and Evidence

Yin (2009) listed six sources of evidence for obtaining data within case study research: documentation, archival records, interviews, direct observation, participant observation, and physical artifacts. This research chiefly uses documentation, archival records, and interview data to triangulate accurate findings. The following paragraphs detail the multiple sources of information that will be utilized to provide accurate conclusions. The primary method of study in this research is the analysis of press releases from the NFL, its executives, the NFL Players

Association, players, and medical experts and figures in the concussion research field. The research questions driving this case study examine the public relations efforts of the NFL. Thus, a significant source of information is collected from both the explicit and implied messages drawn from official statements and releases. This documentation and archived information comes from several media outlets, including releases from the NFL's official website and from news outlets and organizations that disseminate this information.

Interview information and insight into the perceptions of stakeholders and the public is drawn from the news coverage of these releases and the events of the controversy. These pieces of news coverage include quotes, recounting of events, interpretation and analysis, and opinion pieces, each of these providing secondary sources of interview information. This sheds light on the atmosphere and background of the studied events by showing the media and public perceptions of the NFL's actions. These show the reactions of the public and illustrate the way that the NFL reacted to outside events.

At the beginning of the 2012 NFL season, the NFL launched an enhanced resource website, www.NFLEvolution.com, to provide information about the various ways the league addresses player health and safety issues. The site was designed for interactivity and information about the partnerships, programs, and initiatives supported by the NFL to protect the health of players (“NFLEvolution.com launches with a focus,” 2012). It also contains resources designed for young athletes and youth sports leagues. This archived information provides a valuable source for this study. The NFL has since replaced this website and its content with a new resource, the NFL Health Playbook.

Analyzing the Data for Meaning

This study gathers information from the various sources into a collection and analyzes this database using the data analysis computer software NVivo, coding for emergent themes and nodes to be analyzed to determine meaning. Findings, insights, and their implications are then discussed within the context of appropriate application to previously-established crisis communications models and theories and the accepted standards of ethics within the field of public relations.

Chapter 4: Historical Background

Preliminary to analysis of the data in this study, an overview of the historical background of the major incidents of the concussion crisis will help to contextualize the sources of evidence within the events of the case. The following chapter contains the historical background of the case as well as a description of the present state of this ongoing controversy.

The NFL concussion controversy slowly built and reached mainstream consciousness in the early 2000s, becoming a significant reputational threat early in the present decade, but the roots of the controversy stretch back in NFL history and the history of several of its notable players. In 1994, the NFL formed the Mild Traumatic Brain Injury Committee to study the effects of concussive and sub-concussive head impacts on players with the goal of improving the safety of the game. Dr. Elliot Pellman, a rheumatologist, was appointed by Commissioner Paul Tagliabue to head the committee, drawing criticism because the committee was not chaired by a trained neurologist or neuropsychologist (Fainaru & Fainaru-Wada, 2013).

Chronic traumatic encephalopathy (CTE) was first diagnosed by forensic pathologist Dr. Bennet Omalu in Pittsburgh, Pennsylvania in 2002 following the suicide of Mike Webster, the Hall of Fame center nicknamed 'Iron Mike,' who had played a long career with the Pittsburgh Steelers. Webster had exhibited symptoms of amnesia, depression, and dementia after his playing career and had divorced his wife and was living out of his pickup truck at the time of his death. Omalu discovered CTE while examining a sliver of Webster's brain under a microscope and discovered evidence of brain damage previously seen in those with Alzheimer's disease and in retired boxers (Fainaru & Fainaru-Wada, 2013).

On May 2, 2012, retired linebacker Junior Seau, a fan-favorite player for the San Diego

Chargers and New England Patriots, committed suicide. The suicide was reminiscent of several previous suicides and some of his symptoms mirrored those of former NFL players with CTE. Dr. Omalu initially participated in the coroner's examination but Seau's son revoked previous oral consent for Omalu to study his father's brain after the NFL contacted him with a disturbing warning about Omalu's motives and professional ethics. Seau's brain was later tested and diagnosed with CTE.

On December 1, 2012, 25-year-old active Kansas City Chiefs linebacker Jovan Belcher killed Kasandra Perkins, his girlfriend and the mother of his child, and then drove to the parking lot of the Chiefs training facility the next morning, briefly spoke with Chiefs general manager Scott Pioli, and then shot himself in front of Pioli and Chiefs coach Romeo Crennel. The shootings prompted national discussions about gun control and domestic abuse. A year after the incident, his body was exhumed and his brain examined, leading to a diagnosis of CTE which prompted a wrongful death suit filed by Belcher's mother against the Chiefs for disregarding evidence of impairments and requiring Belcher to play through injuries that further exposed him to neurological harm.

The preceding examples constitute only a few of the more notable examples of CTE diagnoses among a large pool of former NFL players, ice hockey players, professional wrestlers, and a handful of players from several other sports. While a diagnosis of CTE still requires the examination of brain tissue that can only be administered to the brain of a deceased person, several other players are believed to suffer from the effects of CTE because of their symptoms. Dr. Omalu observed, "The first five cases of CTE had attempted or committed suicide" (Smith, 2010), para. 14).

The NHL, North America's highest-level ice hockey league, also faces significant concerns about player safety related to concussions. Within a period of a few months in 2011, Derek Boogard, Rick Rypien, and Wade Belak, three 'enforcers,' died in situations that suggested the presence of CTE and lasting brain injuries from their time on ice. The NHL, which still allows fighting, faces questions of player safety but has not faced the same criticism as the NFL, likely because of the high profile and revenues enjoyed by the NFL which have possibly raised expectations of responsibility.

The failures of the NFL, from a theoretical ethical crisis management standpoint rooted in understanding of image restoration theory and situational crisis communication theory, lie in accusations that the NFL actively worked to prevent research on CTE from coming to light. From the beginning of Omalu's research on CTE, the NFL fought to discredit him and his work. Omalu's initial findings were published in *Neurology* journal after it was reviewed 18 times (the typical number is 2 or 3). In a six-page letter, signed by Dr. Pellman and the other members of the committee, the MTBI attacked the credibility of Omalu's research, accusing him of a “complete misunderstanding” of CTE and suggesting alternative theories for the brain damage of Mike Webster, including alcohol, steroids, and drug abuse.

Omalu eventually stated, on the *PBS Frontline* documentary, “I wish I never met Mike Webster. CTE has dragged me into politics of science to politics of the NFL. You can't go against the NFL. They will squash you. I really sincerely wished it didn't cross my path of life” (PBS Frontline, 2013).

In addition to attempting to discredit the research of Dr. Omalu and his colleagues, members of the NFL's Mild Traumatic Brain Injury Committee authored several studies

published in the *Neurology* journal that concluded there was no evidence that repeated mild traumatic brain injury sustained during the course of NFL play actually resulted in harmful long-lasting effects such as those exhibited by sufferers of CTE. Reporter Alan Schwarz of the *New York Times* released information leaked to him by someone inside the NFL organization showing that the NFL held research that showed a much higher prevalence in neurological damage among former players than among the average population (PBS Frontline, 2013).

Omalu himself described the importance of this controversy in his recounting of a conversation with a NFL-employed doctor. Omalu said the doctor asked him “Bennet, do you know the implications of what you are doing? ... If ten percent of mothers in this country would begin to perceive football as a dangerous sport, that is the end of football” (PBS Frontline, 2013). Later research by Dr. Ann McKee, a Boston University neuropathologist, found CTE in 21-year-old former high school football player Owen Thomas, suggesting that youth football players with under-developed brain anatomy may be at risk for harmful neurological effects from playing (Leavy, 2012; PBS Frontline, 2013).

According to published organizational ethics codes and standards, extended to organizational public relations, business administrators and public relations practitioners have a responsibility not to make statements that hide problems that may result in harm to others (Ross, 1930; Bivins, 1992; Moyer, 2011). If the above allegations are true, and the NFL had knowledge of the harmful long-term effects of mild traumatic brain injury and attempted to cover up or oppose research demonstrating and testing these effects, the public relations tactics exhibited by the NFL are very much in violation of these ethical standards.

From a crisis communications standpoint, both image restoration and situational crisis

communication models advise against the attempt to mislead the public by hiding damaging information because when that information comes to light, there is a much higher risk of reputational damage that is magnified when stakeholders perceive that the organization is attempting to mislead them. Scientific research eventually exposed the harmful effects of concussions and now many of the NFL's active safety campaigns appear to be a reaction to reputational harm rather than a pro-active effort to keep players safe and maintain a good organizational reputation.

Notable reporting has occurred on the topic of NFL concussions and the potential misconduct of the NFL throughout the case. Two ESPN reporters, Steve Fainaru and Mark Fainaru-Wada, published several reports for ESPN throughout the early years of the decade and then combined their research into a 2013 book titled *League of Denial: The NFL, Concussions and the Battle for Truth* and a 2013 PBS *Frontline* documentary "League of Denial: The NFL's Concussion Crisis." ESPN did not partner with PBS in the production of the *Frontline* documentary, allegedly because of pressure from the NFL and the potential for such reporting to contribute to further concussion lawsuits (McDonald, 2014).

In July 2014, a class action lawsuit accusing the NFL of negligence for its handling of concussions was filed by more than 4,500 former players and received preliminary approval from the U.S. District Judge handling the case. The original settlement (rejected by the judge) capped the damages at \$675 million but a new approved deal does not provide a cap on damages, instead setting a payment schedule for eligible players. Many are pointing out the the new uncapped settlement may actually provide less money for individual players because of its payment schedule ("Federal judge approves NFL concussion settlement," 2014).

An actuary for the plaintiffs' legal team has predicted that 5,900 of the 21,000 retirees covered by the settlement will have serious enough neurodegenerative ailments to receive compensation but that only 3,600 of them will actually receive cash awards and that the average former player will be 77 years old at the time the settlement's diagnostic tests qualify them for payment. According to the payment schedule, the age of the retiree affects the amount paid out and at that advanced age, these former players will likely receive large reductions to their stated eligible awards. These retirees, beset with neurodegenerative problems, may not be very likely to even make it to this age. The ruling has many detractors, who view it as a tactic by the NFL to avoid both the admission of willful guilt and to avoid part of the financial costs of the case. Ken McClain, a Kansas City-based attorney representing two dozen former professional football players said:

It's a bogus deal. A fraudulent deal on its face, completely illusory, designed to pay very few people except the lawyers and the players in the most extreme category. All of these men saddled with neurological problems throughout their lifetimes are not the NFL's concern. The NFL's concern is containing risk, just as if they were General Motors and these players are faulty ignitions” (Hruby, 2014, para. 7).

At least three movies based on events in the concussion controversy are currently in production stages. Will Smith, portraying Dr. Bennet Omalu, will star in a film tentatively planned to release in 2016 based on the 2009 GQ Magazine article “Game Brain” by Jeanne Marie Laskas describing the NFL's efforts to prevent Omalu from continuing and publishing his research instead of embracing its findings (Vancheri, 2014). A movie adaptation of Fainaru and

Fainaru-Wada's *League of Denial* book and an independent film “Game Time Decision” starring Isaiah Washington as a retired NFL player suffering from effects of CTE are also currently in production (Obenson, 2013; McDonald, 2014).

Although player health cases are currently involved in court litigation and the prominent actions in this study have occurred in the past, the case is very much a current and evolving process, affecting the in-game decisions of present teams and players. On Sunday January 4, 2015, the Pittsburgh Steelers allowed two key players, quarterback Ben Roethlisberger and tight end Heath Miller, to return to a late-game playoff situation after they experienced violent hits to the head on consecutive plays and each laid motionless on the field after the respective plays. In less than five minutes, an insufficient time to have completed the proper concussion protocols according to a former doctor who worked with NFL players, both players had returned to the field in an attempt to win the playoff game for their team (Kilgore, 2015; “NFL's 2013 protocol for players with concussions,” 2013; 2014 “NFL return to play protocol,” 2014). As recently as February 1, 2015, during Super Bowl XLIX, New England Patriots wide receiver Julian Edelman suffered a helmet-to-helmet hit from Seattle Seahawks defensive back Kam Chancellor on a catch across the middle. Edelman jumped up from the hit but then stumbled within a few yards, stayed on one knee for several seconds, and appeared dazed. Edelman stayed in the game, eventually catching the game-winning touchdown pass. Although it was reported that Edelman had passed concussion tests administered by team medical personnel and an independent neurologist, Edelman referred to the city of Seattle as “St. Louis” during post-game interviews and national speculation abounded that Edelman could have been concussed but allowed to return to play because of the pivotal nature of the championship game and his importance to his

team (Crouch, 2015; Boren, 2015).

A difficult aspect of the concussion controversy is the player culture that often prompts players to try to play through concussions. The players are presented with a dilemma when they sustain a head injury: if they are injured, their careers are often shortened or they may find themselves in an extended recovery program while another player takes their place on the roster so there is an inherent reward for hiding or minimizing incidences of concussions. Peyton Manning, star quarterback of the Denver Broncos, made headlines with a 2011 statement in which he was quoted as saying that he and other players had deliberately underperformed on baseline cognitive tests in order to make it easier to get cleared by team medical personnel for a return to play (Leahy, 2011).

Throughout the duration of the NFL concussion case, the NFL has faced questions and criticism from medical experts, popular sports media pundits, former players and their representatives, and government figures for their handling of the case. As a result of this criticism, the NFL used several strategies named in crisis communications and image restoration models in order to preserve their reputation and status and to protect their financial interests.

Chapter 5: Results

The following section is organized in chronological order and describes data obtained from available sources of evidence (collected for data analysis in the database analysis software NVivo) regarding nine specific key events in the concussion crisis case: the MTBI committee's publication of research in *Neurosurgery* journal, the publication of research about the dangers of sub-concussive hits, the 2009 Congressional hearing on the impact of head injuries on NFL players, research funding leading to acknowledgment of effects, rule changes to the game-play and policies of the NFL, the suicides of players and former players and the special investigative reports about the suppression of research by the NFL (*League of Denial* and its accompanying PBS *Frontline* special, the lawsuit filed by retired NFL players and the process of settlement, and early player retirements. An analysis of these themes and their meaning, aided by the themes and nodes identified by the NVivo analysis, is included in a later discussion section placed after this collection of data.

The descriptions of these events include recountings of the response statements, press releases, and actions of the NFL. These will later be analyzed to detect emergent themes of various crisis communications strategies. The reactions of stakeholders and the public to the responses by the NFL are also described, providing data and context for the analysis of the NFL's level of success in limiting harmful attributions of responsibility and its compliance with accepted ethics standards. This data is analyzed to provide context for analysis of the NFL's cultural advantages and success.

Analysis of the Articles Published by the NFL's MTBI Committee in *Neurosurgery***Following the Discovery of CTE in Mike Webster by Dr. Omalu**

An important early example of an NFL strategy of denial was the publishing of a series of articles in *Neurosurgery* journal that minimized the danger of concussions, did not recognize a link between multiple concussions and an increased risk of further injury, and did not view football as a risk factor for future brain damage and long-term effects.

In October 2003, *Neurosurgery* journal published a guest editorial by Eliot J. Pellman, the Chairman of the NFL's Mild Traumatic Brain Injury Committee. In this, Pellman introduced the future research that would be published from the MTBI in *Neurosurgery* over the coming months. He recounted the injuries of New York Jets wide receiver Al Toon, Jets defensive lineman Dennis Byrd, and Pittsburgh Steelers running back Merrill Hoge, players who had retired from the NFL with concussion and spine-related injuries during the 1990s and whose injuries had led to the formation of the MTBI committee to gather and conduct scientific medical research with the goal of making the game safer. Pellman closed his editorial with the statement, “The intention is now, as it was originally, to contribute scientific articles on the NFL's research on the biomechanics of concussion, the epidemiology of the injury, its symptoms and treatment, neuropsychological evaluations, and other aspects of MTBI. ...the NFL's approach to funding scientific research on the problem is a model for the approach needed by other sport leagues when medical issues of player health and safety emerge” (Pellman, 2003, p. 798).

In this background, Pellman put forward an operational definition for *mild traumatic brain injury*, and this definition was repeated with slight updates to its wording and phrasing in the articles for the remainder of the studies. Pellman (2003) wrote:

A reportable MTBI was defined as a traumatically induced alteration in brain function that is manifest by 1) alteration of awareness or consciousness, including but not limited to loss of consciousness, “ding,” sensation of being dazed or stunned, sensation of “wooziness” or “fogginess,” seizure, or amnesic period; and 2) signs and symptoms commonly associated with postconcussion syndrome, including persistent headaches, vertigo, light-headedness, loss of balance, unsteadiness, syncope, near-syncope, cognitive dysfunction, memory disturbance, hearing loss, tinnitus, blurred vision, diplopia, visual loss, personality change, drowsiness, lethargy, fatigue, and inability to perform usual daily activities (p. 797).

First article: Reconstruction of game impacts and injuries.

The same October 2003 volume of *Neurosurgery* also featured a study on the reconstruction of game impacts and injuries, the first part in the series of articles. This study tested the helmets adopted by the NFL for their compliance with the National Operating Committee on Standards for Athletic Equipment (NOCSAE) standards, first established in 1973, and made a supportive statement about the efficacy of NFL helmets: “By 1980, significant reductions in injuries were observed with the voluntary adoption of NOCSAE standards by helmet manufacturers. In youth football, a 51% reduction in fatal head injuries, a 35% reduction in concussions, and a 65% reduction in cranial fractures were observed. Between 1981 and 1985, there were further reductions in fatal head injuries.” (Pellman ,Viano, Tucker, Casson, & Waeckerle, 2003, p. 800).

The article noticeably did not refer to the brain injuries of players as CTE or any derivative. Instead, the article implied that undue attention was being paid to more extreme harmful incidents of head injury and denied that second-impact syndrome had been linked to professional football, even going so far as to question the existence of second-impact syndrome, illustrating examples of denial strategies toward harmful effects of concussion and ingratiatingly painting the NFL as an organization that had taken pro-active corrective action:

While continued improvements in the NOCSAE performance of helmets were being made through the late 1980s and 1990s, attention focused on the incidences of concussions in organized sports. Professional football had experienced the retirement of key skill players after repeated concussions, and the need for further improvements in the safety performance of helmets was becoming apparent. Concussions were observed to be associated with a range of symptoms and variations in recovery. Some individuals experienced postconcussion syndrome, and others experienced even more serious consequences after repeated concussions. An uncommon and controversial complication is the second-impact syndrome, involving often-fatal cerebral edema after a second or repeated concussion before the resolution of an initial injury. This proposed entity has been linked to boxing, ice hockey, and high school and college football but not professional football. Some authors have questioned the verifiability of this syndrome (p. 800).

The article followed a longstanding theme in NFL communications of appealing to independent review, often advertising NFL-affiliated or related entities as 'independent.' Under

the heading of “Verification of MTBIs,” the article states:

The concussion cases reconstructed in the laboratory were independently verified as MTBIs by two members of the MTBI Committee (NFL team physicians) who reviewed the clinical information. The clinical information reviewed originated from three sources, i.e, team physician forms, athletic trainer forms, and direct contact of the member of the MTBI Committee with the medical staff for the injured player (independent verification) (p. 804).

On the final page, the discussion section of the article called for new experimental models, new helmet designs and tests, and for vulnerable players with a history of repeated concussion to seek out helmets with greater protection. The MTBI researchers called for the game rules to be more strictly enforced for targeted head impacts of unsuspecting players to reduce the number of on-field injuries. It also encouraged publicized fines to draw increased attention on NFL adherence to rules, a directive that may have eventually been realized with Goodell's controversial and highly publicized player safety fines in the 2010 NFL season.

Second article: Location and direction of helmet impacts.

Two months later, in December 2003, the MTBI committee published the second article of their research. This study used video analysis to delineate the locations and directions of helmet impacts causing most concussions in professional football. Based on the results, the MTBI recommended improvements in protective equipment expected to ultimately lead to increased safety for all football players. While the study was heavily based on statistical

explanations, the acknowledgments of the research stated, “Funding for this research was provided by the National Football League and NFL Charities. The Charities is funded by the NFL Players' Association and League. Their support and encouragement to conduct research on concussion are greatly appreciated” (Pellman, Viano, Tucker, & Casson, 2003, p. 1340). This statement can be seen as an ingratiation tactic by the NFL to create the perception that they were committed to player safety and were taking a pro-active, pro-safety stance and contributing money to scientific research.

Third article: Epidemiological features of game injuries and review of the literature.

In January 2004, the third installment of the series was published in *Neurosurgery* journal. This study tracked the circumstances, causes, and outcomes of concussions in the NFL over a six-year period between 1996-2001. The results of the study showed that a majority of concussions (67.7%) involved impact by another player's helmet. It then reported that a total of 92% of concussed players returned to practice in less than seven days, but that value decreased to 69% with unconsciousness. The report of the 92% returning to practice that early was likely meant to show that the concussions sustained by players were relatively harmless. Now, in retrospect, this statistic could be interpreted as showing that the league had light standards in allowing players to return to play.

The article reported that during the 1996-2001 NFL seasons, there were 787 reported cases of MTBI in 1913 games including all preseason, regular-season, and playoff game-related concussions (.41 concussions per game). One statement in the closing discussion of the article recognized a key deficiency and potential contradiction in the study:

These data do not differentiate between initial and recurrent concussions. Repeated concussions are of concern because of the potential risks of chronic deficits and prolonged postconcussion syndrome. NFL players have occasionally been forced to retire because of prolonged postconcussion syndrome. However, most players return to play very soon after concussion and long-term sequelae after MTBI are quite rare in the NFL (Pellman, Powell, Viano, Casson, Tucker, Feuer, Lovell, Waeckerle, & Robertson, 2004, p. 82).

This third article showed strong themes of denial tactics and attempted to paint concussion as being a less-serious injury. By showing that NFL players could make quick recoveries and that there was a short duration of time necessary before a return to play, the MTBI held that most of the concussions sustained by NFL players were mild. However, by not differentiating between initial and recurrent concussions, the MTBI produced research that did not take into account the potential for additional harm from recurrent concussions and there was no mention of long-term brain damage from concussions.

Fourth article: Repeat injuries.

In October 2004, the fourth article in the series was published in *Neurosurgery* journal. This article described a study of all reported NFL concussions from 1996-2001 and tracked repeat injuries among NFL players from data captured for 887 concussions in practices and games involving 650 players. 160 players experienced repeat injury and 51 of these had three or more concussions within the study time period. Somatic complaints, cranial nerve effects, cognition problems, memory problems, and unconsciousness were also tracked in relation to the

head injuries.

The study found that the median time between injuries was 374.5 days and that only 6 of the concussions occurred within two weeks of the initial injury. The three positions where repeat concussions were most prevalent were among defensive secondary players, special teams players, and wide receivers. The signs and symptoms of concussion were similar in single and repeat concussions except that there was a higher prevalence of somatic complaints in players on their repeat concussions.

In describing the symptoms of the 160 players who experienced repeat injury, the study said, “More than 90% of players were managed by rest, and 57% of those with second injuries returned to play within a day. Players with three or more concussions had signs, symptoms, and treatment similar to those with only a single injury” (Pellman, Viano, Casson, Tucker, Waeckerle, Powell, & Feuer, 2004, p. 860). The conclusion of the study stated, “Single and repeat concussions are managed conservatively with rest, and most players return quickly to play.” (p. 872).

This article implied a similar message of denial as the prior studies. Although many in the scientific community were and continue to be wary of second-impact effects and the extreme effects of repeat concussions, the results of this study reflected the opinion that second and even third concussions in rapid succession produced symptoms similar to those with a single injury. This minimized the reported damage. Again, as with the prior studies, there was no mention of long-term effects.

Fifth article: Injuries involving 7 or more days out.

In November 2004, the next installment was published in *Neurosurgery*. This study used the same 887 concussion cases from the previous study and then identified that 72 of them involved 7+ days out from play. The highest frequency by position occurred in quarterbacks, the special teams return unit, and the defensive secondary. The study also concluded that although 8.1% of the total 887 concussions involved more than seven days out, only 1.6% involved a prolonged post-concussion syndrome. The conclusion says, “They recovered from symptoms and had a consistent return to play in the NFL” (Pellman, Viano, Casson, Arfken, & Powell, 2004, p. 1100).

The study defined post-concussion syndrome as headaches, dizziness, and photophobia experienced for several months to a year after the injury. Also included are psychological and somatic complaints such as personality change, anxiety, irritability, and depression that persist after three months and up to three years. The MTBI members wrote, “Persistent cognitive impairments (impaired attention, slow reaction times, and slowed processing speeds) have been described in a significant percentage of patients 3 months after MTBI” (p. 1109).

In the results section, the MTBI committee stated:

Athletes can be considered to be in the recovery phase after MTBI with postconcussive symptoms but do not truly have a postconcussion syndrome. These players return to practice within a few days and play in the next week's game. Only 8.1% of the NFL players with concussions in this study had persistent symptoms and/or signs for 3 to 5 days or longer after injury and were out 7+ days (they missed at least one game). This small group can truly be seen as experiencing a

postconcussion syndrome. The great majority of these players (80.5%) become asymptomatic in 7 to 11 days and return to play before the second game after injury (14 d after injury). Thus, almost all the NFL players who experience postconcussion syndrome recover in less than 2 weeks. Only a very small number (19.5% of the 7+ days out group) have symptoms persisting for longer than 2 weeks and thus miss more than two games (p. 1109).

As with the previous article, this fifth article contributed to implied denial of a concussion problem by the NFL. It described return to play guidelines in use in the NFL that contradicted medically-accepted concussion treatment protocols and then provided results which suggested that this was a safe practice.

Kevin M. Guskiewicz, the director of the University of North Carolina Sports Medicine Research Laboratory, in the peer commentary published with the article, stated that the study had significant flaws in study design and in interpretation of results. The study categorized the concussed players according to days lost rather than symptom duration or symptom severity. The players were not cleared to return to play until they were “asymptomatic,” however, the study also stated that “NFL team physicians clear a player for return to play only after he becomes asymptomatic (with the exception of a mild headache) and has a normal neurological examination” (p. 1102).

Guskiewicz' further stated his concerns: “Sending the message that it is acceptable to return players while still symptomatic with a headache – regardless of whether or not the clinician thinks the headache is related to the concussion – is the wrong message to send. The authors' findings do not necessarily support their conclusions that 'they [concussed NFL players]

recovered from symptoms and had a consistent return to play in the NFL” (p. 1119). Guskiewicz also took issue with MTBI committee's neglect of previous concussion histories in their analysis and the lack of consideration of chronic effects and long-term symptoms. From this point forward, most of the MTBI committee's publications featured peer commentary from critical researchers, including notable concussion researchers Julian Bailes and Robert Cantu, who voiced concerns with the MTBI committee's research and findings.

Sixth article: Neuropsychological testing.

The sixth part of the series was published in December 2004. The same sample set of concussed players was studied through an analysis of a standardized battery of neurological baseline tests and then through post-injury neuropsychological testing in the days after the concussion. The study found that players who sustain an MTBI “did not display significant neuropsychological dysfunction relative to baseline scores within a few days of injury” (Pellman, Lovell, Viano, Casson, & Tucker, 2004, p. 1290) and that “NFL players did not demonstrate evidence of neurocognitive decline after multiple (three or more) MTBIs or in those players out 7+ days” (p.1290). They concluded with a minimization of the perception of harm done by concussion injuries, saying, “The data show that MTBI in this population is characterized by a rapid return of neuropsychological function in the days after the injury” (p.1290).

As in previous articles, the MTBI committee used the tactic of publishing scientific research that implied a denial of significant harm being done to the players by showing that players quickly returned to normal cognitive function and that multiple concussions did not cause a decline in cognitive function or a decline in recovery.

Seventh article: Players returning to the same game.

The seventh article was published in *Neurosurgery* in January 2005. This article studied two subsets of the population of 887 previously-studied players, the 135 players who returned to play immediately after sustaining a concussion and the 304 who rested briefly and returned to the same game after sustaining a concussion. The study found that there was no statistical association between return to play in the same game and a subsequent concussion or a serious concussion involving 7+ days out. This conclusion supported existing NFL and team protocols for returning players to games in which they had suffered MTBI, stating, “The current decision-making of NFL team physicians seems appropriate for return to the game after a concussion, when the player has become asymptomatic and does not have memory or cognitive problems” (Pellman, Viano, Casson, Arfken, & Feuer, 2005, p. 79)

From the present perspective, with the present evidence in support of the existence of CTE, the danger of returning to play and sustaining additional injury is likely much more of a long-term concern. However, as this seventh article measured short-term effects from quick return to play and returned results that made such action appear to be harmless, the MTBI was able to publish research supporting the current decision-making of the NFL.

The article showed the actions taken for concussions in the NFL for single and repeat injuries. 49.5% of players returned immediately or rested and returned to the same game with the median time interval between concussion and immediate return to the game being five minutes. For those who rested and then returned to the game, the median time between injury and return was seventeen minutes.

The MTBI committee wrote, “The data thus suggest that, in the NFL environment, it may

be safe for athletes who sustain MTBI to return to play on the same day if they become asymptomatic, have normal neurological examinations, and are cleared to return to play by their team physician” (p. 84). At the end of the article, they suggested that players who become asymptomatic at any time after the injury while the game is in progress can continue to be safely returned to play. The article argued that a '15 minutes rule' is too conservative for the NFL. They stated that many accepted guidelines advised against returning a player to the same game if they sustain a loss of consciousness as part of their injury but said that data suggested that there was no evidence of increased risk of repeat MTBI or prolonged postconcussion syndrome for this action.

Again, this article served to vindicate the current decision-making of NFL teams and personnel and to provide peer-reviewed, academic research that contradicted data published by detractors of the NFL or those whose research could be used to argue that the NFL was behaving irresponsibly.

The article pointed out that data suggests that it is inadvisable for high school players to return to the same game with concussive symptoms and that another study suggests the same for college players but that the data from the NFL showed a different conclusion in that environment.

Published peer commentary by Dr. Julian Bailes recognized that the reported data showed no correlation between a quick return to play and a propensity for a second concussion during the same season or any additional effects but the comment cautioned that the study does not measure any potential long-term effects (the types of effects that are being described by the former players who are now suing the NFL). Bailes said: “In addition, no detailed neuropsychological

testing or assessment of status after playing for years is reported. This is a provocative study that has been undertaken with great attention to detail. Its findings should be assessed and considered by all who take care of athletes in contact sports” (p. 90).

In an another comment, Dr. Robert Cantu also cautioned readers to read the two pages of limitations included in the study and that the findings of the study should not necessarily be extrapolated to athletes on the high school and college level, as the article suggested may be possible. He also noted that multiple studies have indicated that the incidence of concussion cited by the athlete questioned after the season is over is typically four to seven times higher than the rate reported by team medical personnel, showing that many athletes do play through minor concussions. He also quoted current consensus statements regarding management of concussion (from the “Summary Agreement Statement of the 2nd International Conference on Concussion in Sport, Prague 2004”), which says that “when a player shows ANY symptoms or signs of a concussion, the player should not be allowed to return to play in the current game or practice” (p. 92), while noting that in the real world, this was often not practiced.

Eighth article: Biomechanics of the striking player.

In February 2005, the eighth article from the MTBI was published. This article used simulated laboratory tests to study the collision mechanics that resulted in injuries to the struck player and the biomechanics of striking players who were not concussed or injured in the tackle. It came to the conclusion that NFL tacklers line up their heads, necks, and torsos to deliver the maximum force to the other player and that a head-up stance at impact reduces the torso inertial load in a collision, thereby reducing the risk of concussion in the struck player.

The results of this study offered support for teaching proper head-up tackling techniques. This study and the 2012 launch of the Heads Up Tackling program, a program that encourages proper helmet fitting and tackling techniques for youth football, constitute a crisis response strategy of corrective action.

Ninth article: Brain responses by finite element analysis.

The ninth article, published in November 2005, deals more with bio-mechanics and modeling of brains during research about injuries. The conclusion stated that the largest brain deformations occurred after the primary head acceleration of the injury and that midbrain strain correlated with memory and cognitive problems and removal from play after the concussion. As in the eighth article, this ninth article featured extensive statistical explanations and did not include the same crisis defenses present in the other articles.

Tenth article: Comparison with boxing head impacts.

The tenth article in the series was published in December 2005. The study compared the impact biomechanics of punches from Olympic boxers with laboratory-reconstructed NFL concussions. The researchers concluded that Olympic boxers deliver punches with high impact velocity but lower HIC (head injury criterion) because of a lower effective punch mass and because these boxing punches cause proportionately more rotational acceleration than in football. The article stated: “Boxers are also prone to develop, over the long term, a characteristic pattern of chronic brain injury (chronic encephalopathy of boxers, pugilistic dementia, “punch-drunk”) that has never been reported in professional American football players” (Viano, Casson, Pellman,

Bir, Zhang, Sherman, & Boitano, 2005, p. 1155).

The article repeatedly denied that the punch-drunken fighter chronic brain disease is similar to any long-term effects of playing football. The basic premise was that the force from boxing punches is more rotational while the impacts of football hits are primarily translational. The article said that brain injury resulting in death is mostly due to acute subdural hematomas, a condition more common in boxing than in professional football. The article said that “the difference can be explained by the differing effects on the bridging veins and other fragile brain structures resulting from the biomechanical forces” (p. 1162).

The article stated that the head injuries sustained in boxing cause death at a far higher rate than in professional football. It recounted the 300+ boxing deaths recorded in England before 1937, the 335 documented boxing fatalities between 1945 and 1980, and that there have been several more boxing deaths since 1980. Football, comparatively has seen one head injury-related death in a professional Canadian football player and zero brain injury-related deaths in American professional football players since 1945. Then study then admitted that there were 433 fatalities due to head injury in football between 1945 and 1984 that occurred to high school or college players, “where neck musculature and abilities are not as well developed as in the professional athlete” (p. 1163).

The MTBI committee again used their publication in *Neurosurgery* to deny that the recently-observed brain injuries in deceased NFL players were the same as the 'punch-drunken' syndrome that had long been observed in boxers. The committee used this study of the biomechanics of head injury in the two sports to say that the rotational nature of boxing head impacts created the increased likelihood of acute injury and death from brain injury and that this

means that the long-term effects must be unrelated – that punch-drunk syndrome or chronic encephalopathy is a boxing malady only and not reported in football. One example from the article of the spurious logic employed in an attempt to prove that chronic encephalopathy cannot affect football players follows:

The nature of the forces impacting the boxer's brain may ultimately make him susceptible to long term chronic brain damage. The professional football player's head, on the other had, is occasionally subject to much higher translational accelerations which are more likely to result in cerebral concussion and more likely to result in the player being removed from play or at least limited in his game activities for at least a short period of time. Professional football players do not sustain frequent repetitive blows to the brain on a regular basis. In addition, the relative preponderance of translational forces in professional football players may make them less susceptible to chronic injury than does the relative preponderance of rotational accelerations in boxing (p. 1164).

Eleventh article: Helmet testing to assess impact performance.

Published in January 2006, this article describes the pendulum impact testing method for helmet safety and then gave test data to show that the new helmets being used by the NFL complied with NOCSAE standards and would decrease the incidence of concussion in players who used them. Again, the research supported the NFL and publicized their progress in making the game safe, an attempt to show that the NFL was taking corrective action and an attempt to ingratiate them with the public.

Twelfth article: Recovery of NFL and high school athletes assessed by computerized neuropsychological testing.

The final installment in the “Concussion in Professional Football” article series was published in *Neurosurgery* in February 2006. This article documented research in which NFL athletes and high school athletes were observed using computer-based neuropsychological testing to see how long it took them to recover from mild traumatic brain injuries. The study found that NFL athletes demonstrated a rapid neuropsychological recovery, averaging a return to baseline performance in one week with a majority showing normal performance two days after their injury. High school athletes demonstrated a slower recovery than NFL athletes with more prolonged neuropsychological effects of concussion.

Because most previous research on the effects of concussions was conducted on players at the high school or collegiate level, the NFL was able to show differing results with a study performed on players at the professional level without necessarily contradicting previous research. This study constituted another denial that the NFL had a concussion problem and a denial of the harmful effects of concussions on NFL players.

Several peer-review comments in the publication asked why there was an observed difference between the high school athletes and professional athletes. Dr. Julian Bailes asked if there was a physiological difference or are those more prone to concussive injury weeded out by the time they have progressed through the levels of play, a form of football 'natural selection.'

Scientific Research Contradictory to the MTBI Articles

Concurrently with and immediately following the “Concussions in Professional Football” series published by the MTBI committee, dissenting research was published in other medical journals by several of the researchers who had also written dissenting commentary published with the articles in *Neurosurgery* journal.

Study of North Carolina high school athletes.

In 2004, a group of researchers studied the incidence of second-impact syndrome in high school athletes in North Carolina (Schulz et al., 2004). Second-impact syndrome is a condition that may occur when an athlete who has sustained even mild concussion sustains a second concussion before symptoms associated with the first have resolved. This study stated that high school athletes are the largest group of athletes at risk of concussion. The study found that the risk of concussion was elevated more than twofold among athletes with a history of concussions relative to athletes without a history of concussions. History of concussions was observed to be a potential risk factor for subsequent concussions (Schulz et al., 2004).

Schulz et al. offered two potential explanations: 1) “it is possible that the ability of the brain to respond to traumatic insults may be compromised in previously-concussed athletes, making them more susceptible to another concussion. This scenario is the chronic analog to second-impact syndrome, except that the second injury in second-impact syndrome is not a concussion but rather a serious traumatic brain injury that can result in death” (p. 942), or 2) “it may be that the risk of concussion is greater among those with a history of concussion for environmental and behavioral reasons” (p. 942). Some athletes may have a higher risk simply

because they engage in more athletic activity.

The researchers also concluded: “The association of history of concussion with the concussion rate was found to be much stronger for the collision sport (football) than for the noncollision sports” (p. 944).

Depression in retired NFL players.

In 2007, a group of researchers including notable names Kevin Guskiewicz, Julian Bailes, and Robert Cantu published research suggesting a possible link between recurrent concussions and an increased risk of depression in retired NFL players.

The researchers stated that their study was based on the idea that depression was often correlated to the more severe forms of TBI but that the effects were not consistent in studies of mild TBI. They investigated the relationship between sport-related concussion and the prevalence of lifetime clinical depression (Guskiewicz et al., 2007).

The study found that TBI can result in diffuse lesions in the brain and that these lesions result in biochemical changes, often resulting in neuronal loss and cell death – these are theorized to potentially cause structural changes seen with major depression. The study found that professional football players with a history of three or more concussions are at a significantly greater risk for having depressive episodes later in life compared with those players with no history of concussion. The researchers recommended further study into the mechanisms of pathophysiology to determine a causal relationship (Guskiewicz et al., 2007).

Even the terminology used by the NFL and the rest of the medical community communicates differences in the way that the two communities view concussions. The NFL calls

it a 'Mild Traumatic Brain Injury' while most other scientific researchers refer to it as 'Traumatic Brain Injury.'

The research of Guskiewicz et al. (2007) concluded: “Our findings suggest a possible link between recurrent sport-related concussion and increased risk of clinical depression. The findings emphasize the importance of understanding potential neurological consequences of recurrent concussion” (p. 903). They also went on to report: “TBI has also been identified as a potential risk factor for the occurrence (or early expression) of neurodegenerative dementing disorders, including mild cognitive impairment (MCI), Alzheimer disease, and Parkinson syndrom” (p. 904). Depressed mood is frequent in those with Alzheimer disease and will often precede the development of the disease (Guskiewicz et al., 2007).

Co-authors in *Neurosurgery* papers dispute some findings

Even some of the co-authors of the papers published by the MTBI Committee in *Neurosurgery* later disputed published conclusions of the NFL's research. On June 10, 2007, Alan Schwartz, writing for *The New York Times*, reported that two of the five authors of the seventh part of the series alleged that a passage suggesting “it might be safe” for high school players to return to games in which they sustain a concussion, was added without their knowledge. Dr. Henry Feuer of the Indiana University Medical Center and Dr. Cynthia Arfken of Wayne State University spoke to Schwarz in telephone interviews and disavowed several of the paper's recommendations (Schwarz, 2007).

Feuer said that, if given the chance, he “would change that sentence; I'd eliminate it.” He then stated: “It's been shown that they don't seem to recover as fast. Period” (Schwarz, 2007,

para. 6).

Arfken told Schwarz, “Our data is not about children, so there was no reason to make that extension to children.” She said that she had received a final proof before final submission to *Neurosurgery* but did not examine it carefully enough to catch the change and did not expect such an important change that late in the submission process. She said that the last draft she had been asked to proofread did not contain the line in question. She further criticized the idea: “This is about the N.F.L. All these players were active. It was only regarding their time when they were active players. That's the only thing you can say about it. It's very dangerous to extrapolate data” (Schwarz, 2007, para. 12-13).

Dr. Ira Casson and Dr. David Viano, the lead authors of the paper responded that Arfken should have been more careful in her examination of the final proof and raised concerns before publication of the paper. They claimed that the suggestion that high school players might be able to return were misinterpretations. Casson said:

The fact that someone may misinterpret what we wrote in that paper does not mean that what we wrote in that paper was inaccurate, incorrect or shouldn't have been done. This paper was aimed at scientists and physicians. If people who are not scientists or physicians are misunderstanding it, then that is not the responsibility of those of us who wrote it (Schwarz, 2007, para. 15).

Viano further clarified, “The sentence was meant to stimulate interest in studying this issue at the college and high school level, not to give guidelines” (Schwarz, 2007, para. 16).

NFL league spokesman Greg Aiello released a statement, saying, “We do not believe, and have never suggested, that the experience of N.F.L. players, or the return-to-play decisions of

team physicians should guide the management of concussions in high school or college players” (Schwarz, 2007, para. 17).

Despite statements from Casson, Viano, and Aiello that the conclusions were not meant to be applied toward treatment of high school players, the practical result reflected a different reality. The 2007 meeting of the American College of Sports Medicine reported that high school and college medical representative almost unanimously reported that assertions from the *Neurosurgery* article had influenced care that players received, through doctors reading it, Internet sites, or word of mouth (Schwarz, 2007).

Schwarz interviewed Dr. Gerard Malanga, the director of the New Jersey Sports Medicine Institute and a team physician for several high schools and colleges. Malanga spoke about the article, saying:

That was a major disservice, and it continues to be an ongoing one in conversations I have with parents and coaches and players. They will reference back to that article. It creates confusion when there's increasing clarity on the subject. They say what I tell them about it not being safe to go back in the same game is totally wrong, and they're backed by the N.F.L. So they go to a doctor who tells them what they want to hear. It's happened. Sure it's happened. And we remain the guys holding our breath that the kid doesn't get hurt again (Schwarz, 2007, para. 8-9).

Aiello also reacted to criticism that the MTBI committee research was biased by their association with the NFL and its funding. He stated: “It was all produced by the doctors and the people involved – the doctors, the scientists, the researchers. We didn't have anything to do with what they produced, other than paying for it” (Schwarz, 2007, para. 18). The Schwarz article also

pointed out a criticism of the NFL's efforts to portray the MTBI committee as independent and objective. A league news release characterized the MTBI committee as being made up of eight non-NFL members and six league-affiliated members. In reality, four of the 'independent' members actually had close ties to the league: Dr. Henry Feuer as a paid consultant for the Indianapolis Colt, working on the sidelines for home games since 1984; Dr. Joseph Maroon as a member of the Pittsburgh Steelers medical staff; Dr. Mark Lovell as the NFL's director of neuropsychology, and Dr. Ira Casson as a consultant for several NFL teams (Schwarz, 2007). The NFL's strategy to portray the MTBI committee as independent backfired as these facts came to light and actually resulted in support of further accusations that the NFL was simply funding its own biased research in an attempt to clear themselves from blame.

Information About the Dangers of Subconcussive Hits

The NFL faces concerned questions from medical professionals about the dangers of subconcussive hits. Many medical professionals believe that it may not take concussive hits to cause CTE for individuals, but rather they are sustaining brain damage through the repetitive motions and collisions common and inherent to the game. In an October, 19, 2009, column by Malcolm Gladwell *The New Yorker*, Dr. Robert Cantu was quoted as saying, "People with CTE aren't necessarily people with a high, recognized concussion history. But they are individuals who collided heads on every play – repetitively doing this, year after year, under levels that were tolerable for them to continue to play" (Gladwell, 2009, para. 38).

Gladwell also interviewed former NFL lineman Kyle Turley, who played for the New Orleans Saints, St. Louis Rams, and Kansas City Chiefs over a 10-year NFL career and is now a

prominent voice for player health, speaking to journalists about both concussions and painkiller misuse. Turley told Gladwell, “The position calls for the player to begin in a crouch and then collide with the opposing lineman when the ball is snapped. Helmet-to-helmet contact is inevitable” (Gladwell, 2009, para. 39). Turley later said it was impossible for an offensive lineman to do his job without “using his head.”

The key concern is that these so-called 'smaller' impacts may be something that cannot be protected by headgear designed to absorb massive impacts. Chris Nowinski, former professional wrestler-turned-athlete advocate and executive director of the Sports Legacy Institute, said that the better helmets become, the more invulnerable they make a player seem and the more inclined an athlete will be to play recklessly. Nowinski said, “People love technological solutions. When I give speeches, the first question is always: 'What about these new helmets I hear about?' What most people don't realize is that we are decades, if not forever, from having a helmet that would fix the problem. I mean, you have two men running into each other at full speed and you think a little bit of plastic and padding could absorb that 150 gs of force?” (Gladwell, 2009, para. 40)

When Ira Casson, co-chair of the NFL's MTBI committee was interviewed by Gladwell for the *New Yorker* piece, Casson said:

Let's assume that Dr. Omalu and the others are right. What should we be doing differently? We asked Dr. McKee this when she came down. And she was honest, and said, 'I don't know how to answer that.' No one has any suggestions – assuming that you aren't saying no more football, because, let's be honest, that's not going to happen.

We certainly know from boxers that the incidence of CTE is related to the length of

your career. So if you want to apply that to football – and I'm not saying it does apply – then you'd have to let people play six years and then stop. If it comes to that, maybe we'll have to think about that. On the other hand, nobody's willing to do this in boxing. Why would a boxer at the height of his career, six or seven years in, stop fighting, just when he's making million-dollar paydays? It's a violent game. I suppose if you want to you could play touch football or flag football. For me, as a Jewish kid from Long Island, I'd be just as happy if we did that. But I don't know if the fans would be happy with that. So what else do you do? (Gladwell, 2009, para 53-54).

In essence, Casson used tactics described in crisis communication models to lessen the responsibility of the NFL for these injuries. Casson used justification, described as a diminishment tactic by the SCCT, saying that football players themselves are responsible for choosing to play the sport over extended careers because of the high pay. Casson pointed out that players often do not want to walk away from careers in which they can make very large amounts of money and that they choose to risk health effects for an increased payday. His statement was also an attack on the accusers of the NFL, described as a method of reducing the offensiveness of a crisis event by image restoration theory. With players, former players, and player advocates attacking the NFL for allowing players to be harmed, Casson turned the blame onto the players themselves, stating that the players were responsible for assuming the risk of playing football and that they took on additional risks as they played extended careers because they chose to accept the large amounts of money that came with that decision.

Additional research on military veterans shows that many veterans are at similar risk to athletes for repetitive head injuries and repeated subconcussive impacts. Journalist Ben McGrath, writing for *The New Yorker*, quoted Colonel Geoffrey Ling, a Defense Department neurologist, as saying that concussions among veterans returning from the conflicts in Iraq and Afghanistan could be “the next Agent Orange” controversy for the U.S. government. For the same article, Colonel Ling spoke about football: “The combat helmet was designed particularly for mitigation of fragments. It does have some ballistic protection. You could shoot at the thing point blank with a 9-millimetre pistol, and you won't penetrate it. That's pretty doggone good. I'm surprised New York City policemen aren't wearing the doggone thing. But, like, I wouldn't play football with the thing. It ain't *that* good” (McGrath, 2011, para. 5).

Similar concerns about the future of football slipped into public discussion. On June 13, 2012, the same day that Pop Warner youth football banned head-to-head hits and put new restrictions in place limiting contact in practice to 40 minutes per day, Terry Bradshaw told Jay Leno on *The Tonight Show*: “In the next decade, we will not see football as it is” (Leavy, 2012, para 14).

Although McGrath voiced the concerns of many about the NFL's long-term future, his interview of NFL spokesman Greg Aiello minimized the threat and reminded readers that the NFL had dealt with serious threats to the game in the past. Greg Aiello told McGrath, “You should research Teddy Roosevelt's involvement in changing the game in 1905,” using the illustrative fact that football was almost banned in the early 1900s before the introduction of the forward pass in 1906 made the game less violent (McGrath, 2011, para. 9).

2009 Congressional Hearing

In September 2009, a study commissioned by the NFL and conducted by the University of Michigan's Institute for Social Research released results showing that former NFL players have been diagnosed with Alzheimer's disease and other memory-related conditions at higher rates than those reported by the national population. The study surveyed 1,063 former players, finding that 6.1 percent of players older than 50 reported receiving a dementia-related diagnosis, a result five times higher than the national average of 1.2 percent. The report also found that players aged 30-49 reported receiving a dementia-related diagnosis at a rate of 1.9 percent, with the national average being 0.1 percent (“Report: dementia risk higher,” 2009).

Dr. Julian Bailes, advocate for CTE research, former Pittsburgh Steelers team physician, and chairman of the department of neurosurgery at the West Virginia University School of Medicine, said, “This is a game-changer – the whole debate, the ball's now in the N.F.L.'s court. They always say, 'We're going to do our own studies.' And now they have” (Santo, 2009, para. 5).

However, the NFL responded to the results of this study encouraging caution before assuming these results confirmed the existence of CTE. The lead author of the study, David Weir, said that the study did not prove a link between playing football and later mental trouble, but that it merely showed that the topic is worth further study (Schwarz, 2009b).

NFL spokesman Greg Aiello also minimized the results of the study: “There are thousands of retired players who do not have memory problems. Memory disorders affect many people who never played football or other sports. We are trying to understand it as it relates to our retired players” (Schwarz, 2009e, para. 19).

In a league statement, the NFL said that the survey did not diagnose dementia in players,

but instead relied on either self-reporting or on family proxy reporting about the memory of retired players and noted the rarity of memory diseases among both the general population and retired NFL players. The NFL also noted that the study drew no links between concussions and memory disorders (Schwarz, 2009a).

Dr. Ira Casson, co-chairman of the NFL's MTBI committee, said that additional research was needed, saying, "What I take from this report is there's a need for further studies to see whether or not this finding is going to pan out, if it's really there or not. I can see that the respondents believe they have been diagnosed. But the next step is to determine whether that is so." At that same time, Dr. Casson was in the midst of a study examining 120 retired players, a study in which Casson was conducting all of the neurological examinations (Schwarz, 2009a).

The following month, in October 2009, the House Judiciary Committee held hearings on the impact of head injuries sustained by NFL players. House Judiciary Committee chairman, Representative John Conyers Jr., a Michigan Democrat, justified federal oversight of football's brain injury issue, stating that "the N.F.L. is a monopoly whose existence was legislatively sanctioned. ... I say this not simply because of the impact of these injuries on the 2,000 current players and more than 10,000 retirees associated with the N.F.L. and their families. I say it because of the effect on the millions of players at the college, high school and youth levels" (Schwarz, 2009c, para. 6-7). Some House Republicans opposed Congress taking a role in regulating football at any level, as spoken by Texas Republican Representative Lamar S. Smith: "We cannot legislate elimination of injuries from the games without eliminating the games themselves" (Schwarz, 2009c, para. 8).

Illinois Democratic Representative Mike Quigley said that the focus of Congress on NFL

policies was justified because, “the norms of the N.F.L., for better or worse, become the norms of high school football players.” The league had been given an antitrust exemption for broadcasting that helped it grow into a multibillion-dollar operation and in 2009 was arguing a case before the Supreme Court to expand its antitrust privileges (Schwarz, 2009c, para. 27).

A key concern for the Judiciary Committee was the NFL's study, begun in 2007, in which Dr. Casson was to perform all of the neurological assessments, a method which could potentially open the door for conflict of interest. New York Democratic Representative Anthony Weiner asked the NFL to stop the study in order to do it correctly: “This is a worker safety thing – no different than if someone was coming off the assembly line at a production plant and 20 years later, they all had arthritis in their right knee. We'd look at it the same way” (Schwarz, 2009c, para. 17).

Missing from the early hearings in Congress was Dr. Ira Casson, co-chairman of the NFL's MTBI committee, who was criticized for discrediting CTE research and for design flaws in an NFL study of brain injuries in retired players, including conflicts of interest, statistical, and sampling problems. The NFL study's design called for a comparison of 120 men ages 30 to 60 who played two seasons or more in the NFL and 60 men ages 30 to 60 who played only through college and no more than one season in the league. There was no comparison between NFL players and the general population (Schwarz, 2009b). During the hearing, Commissioner Roger Goodell was asked why Dr. Casson was not present to testify, to which Goodell responded that the congressional committee did not request him. After this statement was disputed by Judiciary committee chairman Representative Conyers, Goodell stated that he would need to get back to the congressional committee in order to clarify his answer. The prevention of Dr. Casson's public

testimony enabled the NFL to prevent the public release of damaging information that could inflame negative perceptions from the general public.

After the hearing, Goodell attempted to turn attention away from criticism, instead publicizing the efforts the NFL had made to improve player safety, stating, “I can think of no issue to which I've devoted more time and attention than the health and well-being of our players, and particularly retired players,” (Schwarz, 2009c, para. 4) followed by the statement, “We are changing the culture of our game for the better” (para. 5). These statements strongly reflect the theme of ingratiation and constitute an attempt to convince stakeholders that corrective action has been taken.

Speaking of the study, Goodell then said, “We want you to have confidence in the study. That's one of the reasons for 15 years we've been involved in this issue. We have published every piece of data in the N.F.L. We have published it publicly, we have given it to medical journals, it has been part of peer review. We don't control those doctors. They are medical professionals. They're scientists. They do this for a living” (Schwarz, 2009c, para. 18).

After the hearing, California Democratic Representative Linda T. Sanchez told the press, “Unfortunately, I didn't find him to be a very helpful witness. He was really vague on certain things and didn't know the answers to certain things. The committee had requested that Dr. Casson be there to be able to answer questions like that, and obviously he was a no-show” (Schwarz, 2009c, para. 24).

When Dr. Casson and Dr. David Viano, a fellow member of the NFL's MTBI committee appeared in an October 28, 2009 hearing before the House Judiciary Committee, Representative Sanchez ridiculed them, saying, “Hey, why don't we let tobacco companies determine whether

smoking is bad for your health or not?" (Schwarz, 2009d, para. 4).

Following the criticism from the House Judiciary Committee, the NFL suspended the embattled study in December 2009 as NFL spokesman Greg Aiello told *New York Times* reporter Alan Schwarz that the study of retired players "is on hold for now as we explore having the study supported through an academic medical institution" (Schwarz, 2009d, para. 5). Ultimately, the hearing resulted in criticism and negative press coverage for the NFL but no punishments or additional action.

Acknowledging Effects and Funding Research

Following the October 2009 Congressional hearing and the suspension of the NFL's head injury study. The league began to look elsewhere for research opportunities, but, in contrast to previous tactics of funding research that backed its interests, the NFL used research opportunities as a way to publicize financial support of research that often took a more neutral and un-biased stance. While previous research contributed to attributions of responsibility and was often interpreted as biased, new research opportunities gave NFL representatives the opportunity to point to this funding to demonstrate their commitment to player safety. The emergent themes from analysis of the statements by NFL representatives and analysis of the news coverage of these actions show a change in tactics that represent a shift from strategies of denial toward new strategies of implicit ingratiation and corrective action.

In response to research indicating that NFL football was causing long-term brain injury, the NFL changed tactics, beginning with discussion in 2009 of the potential for funding of CTE research. Just as the NFL had earlier contributed to the academic medical discussion with the

MTBI committee's *Neurosurgery* articles, the NFL now seemed to want to contribute their voice to the discussion emanating from within the CTE research community. Accompanying this change in tactics was a change in the way the NFL spoke about CTE. In a telephone interview with *New York Times* reporter Alan Schwartz, NFL spokesman Greg Aiello said, "It's quite obvious from the medical research that's been done that concussions can lead to long-term problems" (Schwartz, 2009e, para. 2).

Aiello then discussed the possibility of the NFL donating \$1 million or more to the Center for the Study of Traumatic Encephalopathy at Boston University. Previously, the research at Boston University, discovering that brain damage from deceased football players was similar to brain damage commonly associated with boxers, had been publicly discredited by the NFL. After Schwartz told Aiello that this statement was the first time any league official had publicly acknowledged any long-term effects of concussions, and that it contradicted past statements made by the league, its doctors and literature currently given to players, Aiello replied: "We all share the same interest. That's as much as I'm going to say" (Schwartz, 2009e, para. 3).

Dr. Robert Stern, co-director of the Boston University center and its Alzheimers Disease Clinical and Research Program, said in a phone interview with Schwartz, "Mr. Aiello's statement is long overdue – and it's a clear sign of how the culture of football has changed in recent months. There is no doubt that repetitive blows to the head result in long-term problems in the brain, including progressive dementia. With the N.F.L. taking these recent actions, we are finally at a point to move forward in our research and ultimately solve this important problem – for professional athletes and collegiate and youth players" (Schwartz, 2009e, para. 9-10).

Dr. Robert Cantu, the director of the Neurological Sports Injury Center at Boston

University, was cautious about the potential for funding from the NFL to create the existence or the appearance of conflicts of interest. He said, “No money was ever requested when I met with them, and I went into considerable detail on why we couldn't accept any money without consideration of conflicts of interest. We can't receive any money until you know what the strings are and the strings aren't. I'm not saying it couldn't happen, but it has not been broached” (Schwarz, 2009e, para. 12).

Prior to the 2009 NFL season, the NFL gave players a pamphlet on concussion which stated that “research is currently underway to determine if there are any long-term effects of concussion in N.F.L. athletes” (Schwarz, 2009e, para. 7). This represented a strategic break from previous tactics of denial and attacks on the organization's accusers.

The plan to donate \$1 million came to fruition, with several statements from the NFL that illustrated examples of the use of strategies of ingratiation and corrective action. At the time of the donation, Commissioner Goodell said, “We obviously are very interested in the center’s research on the long-term effects of head trauma in athletes. It is our hope that this research will lead to a better understanding of these effects and also to developing ways to help detect, prevent, and treat these injuries” (Barlow, 2010, para. 4).

NFL spokesman Brian McCarthy, when asked about the evolution of the NFL's stance on the Boston University program, replied that the league has “embraced research, embraced technology when it comes to the safety of our players. We always believe in getting better. We’re encouraging players to work with Dr. Cantu and all of the folks at Boston University” (Barlow, 2010, para. 8).

After the donation was announced, even Christopher Nowinski, at this time as the

codirector of the BU center and historic critic of the NFL, recognized the NFL for their contribution, saying that the donation “demonstrates that they sincerely want to address the issue and be part of the solution” (Barlow, 2010, para.9).

In 2012, the NFL formed the Sports and Health Research Program, partnering with the National Institutes of Health and the Foundation for the National Institutes of Health, with the stated goal of funding research on athletic injuries, primarily focusing on brain injuries. Toward this cause, the NFL in 2014 donated \$30 million, funds which formed the primary backing for a \$6 million grant to Boston University's Center for the Study of Traumatic Encephalopathy (Seligson, 2014). During a two year period from 2012-2014, the NFL donated over \$50 million toward scientific research, partnering with the National Institutes for Health, the U.S. military, and some private companies (Fainaru & Fainaru-Wada, 2014).

Rule Changes

In an effort to improve player safety in the league, the NFL made several recent rule changes. Alongside many of these rule changes, the NFL made statements emphasizing and publicizing its health and safety efforts, framing the changes in a way that represented the NFL as a pro-active organization.

In August 2010, prior to the start of the NFL season, the league released a report about new rules instituted for the upcoming season designed to cut down head and neck injuries in the game. There were several new player-safety rules: 1) players were prohibited from using their helmets to strike a player in a defenseless posture in the head or neck, 2) receivers were also given longer to establish a position where they could defend themselves before a hit to the head

became legal, 3) if a player lost his helmet, a new rule also mandated that the play be whistled dead immediately, 4) defensive players could no longer line up directly across from the snapper on field goal and extra-point attempts, and 5) more strict return-to-play guidelines for concussed players, including consultation with an independent neurologist, were mandated (“New NFL rules designed to limit,” 2010).

Anderson, in the NFL report, was also quoted talking about the effort made by the NFL to communicate the importance of protecting players from head injuries and concussions in referee rules meetings. Anderson said, “It is such a big point of emphasis, and it's not a point of emphasis just to make it one. There is some really serious concern about the damage that's done on impact and what happens to the brain” (“New NFL rules designed to limit,” 2010, para. 10).

NFL referee Walt Anderson spoke highly of the NFL, Roger Goodell, and the recent actions: “What the NFL has done is take a very proactive stance. Goodell is very serious about this. We're going to be very proactive in doing what we can to strike an appropriate balance. We do have a contact sport. At the same time, what can we do to protect the players' safety?” (“New NFL rules designed to limit,” 2010, para. 4). Anderson summarized his support for the NFL's actions in this statement: “I think it's being appropriately addressed. We're always looking to get the formula just right. The game changes over time, and we have to be prepared for the rules to change to keep pace, not only from a competitive standpoint, but also from a safety standpoint” (“New NFL rules designed to limit,” 2010, para. 12).

In January 2014, the NFL released data that showed that the number of concussions in the NFL dropped 13 percent from 2012 to 2013. This data was framed as being a result of the NFL's efforts to better protect players. In the same release, information collected from team doctors

revealed a 23 percent decrease in the number of concussions caused by helmet-to-helmet contact (“NFL: 13 percent fewer concussions,” 2014).

Jeff Miller, the NFL's senior VP of health and safety policy, said, “Our perspective is that rules changes, culture change, the enforcement of the rules and the elimination, over time, of dangerous techniques is leading to a decrease in concussions. Now all of that said, we're talking about a small sample size of only a couple of years. This is an ongoing and important culture-change event, and so we're going to continue to analyze it and I think that there's room for continued growth. So we're pleased with the data, unquestionably, as it relates to concussion, but there's still more to do (“NFL: 13 percent fewer concussions,” 2014, para. 4-5).

In response to the data released by the NFL, DeMaurice Smith, the executive director of the NFLPA, was more guarded in his interpretation of the data, saying, “Yes there has been an decrease. Frankly, I would like to see what those numbers look like over a three-year, four-year period, rather than a one-year period. We'll crawl through the numbers in the offseason and we'll take a look” (“NFL: 13 percent fewer concussions,” 2014, para. 10-11).

The Efforts of the NFL to Combat Special Reports About Their Role in Suppression of Concussion Research: ESPN's Non-Participation in the PBS *Frontline* Adaptation of *League of Denial*

With PBS *Frontline* preparing to air a special report on October 8, 2013, based on the investigative reporting of ESPN reporters Steve Fainaru and Mark Fainaru-Wada, ESPN pulled

out of the partnership on August 22, 2013, shortly after the release of a trailer advertising the special, denying that it had received any pressure from the NFL to do so (Wilson, 2013). The trailer advertised it as an investigation “examining whether – as thousands of former players allege – the NFL has covered up the risks of football on the brain” (Wilson, 2013, para. 7). The following day, a *New York Times* report, citing information from people with direct knowledge of the situation, emerged stating that the NFL had pressured ESPN to remove themselves from the special report. The meeting had reportedly occurred the previous week and was described by the *Times* article:

The meeting took place at Patroon, near the league's Midtown Manhattan headquarters, according to the two people, who requested anonymity because they were prohibited by their superiors from discussing the matter publicly. It was a table for four: Roger Goodell, commissioner of the N.F.L.; Steve Bornstein, president of the NFL Network; John Skipper, ESPN's president; and John Wildhack, ESPN's executive vice president for production.

The meeting was combative, the people said, with league officials conveying their irritation with the direction of the documentary, which is expected to describe a narrative that has been captured in various news reports over the past decade: the league turning a blind eye to evidence that players were sustaining brain trauma on the field that could lead to profound, long-term cognitive disability.

The N.F.L. denied that it had exerted any sway over the project and said ESPN convened the lunch meeting, not the league. ESPN said it ended the partnership with “Frontline” because of misunderstandings about who had editorial control

over the documentary, not because of its broadcast deal with the league (Miller & Belson, 2013, para. 4-6).

The *New York Times* report was a large topic of discussion for news outlets nationwide as they discussed the possibility that the NFL was further attempting to cover-up their misdeeds. In response to the *New York Times* report, Greg Aiello, spokesman for the NFL, stated, “At no time did we formally or informally ask them to divorce themselves from the project. We know the movie was happening and the book was happening, and we respond to them as best we can. We deny that we pressured them” (Wilson, 2013, para. 4).

ESPN spokesman Chris LaPlaca's statement that the reasoning behind ESPN's exit from production of the series was based on lack of editorial control was countered by a contradictory statement from *Frontline* executive producer Raney Aronson-Rath, who told the *New York Times* that ESPN executives understood for over a year that *Frontline* would have editorial control over what it televised and put on its websites and that ESPN would have control over content posted on their own (Florio, 2013). The PBS *Frontline* special on concussions in professional football was originally to be produced in partnership with ESPN, but in August of 2013, ESPN pulled out of the partnership, denying that it had received any pressure from the NFL to do so. The next day, a report emerged that the NFL did indeed pressure ESPN to pull out.

ESPN spokesman Chris LaPlaca said that ESPN's decision was not based on any concerns about their relationship with the NFL, but instead that they ended their association with *Frontline* because they did not have editorial control on what would appear on the show.

Frontline executive producer Raney Aronson-Rath appeared to contradict that statement by telling the *New York Times* that the ESPN executives understood for over a year that *Frontline*

would have editorial control over what it televised and put on its websites and that ESPN would have control over content posted on their own holdings and that nothing had changed in that agreement (Wilson, 2013). Aronson-Rath furthered stated that ESPN had never sought editorial control of the productions but that *Frontline* was already preparing to present the material to ESPN for 'editorial input' (Gaines, 2013). Several news articles reporting on the event noted that ESPN's contract with the NFL called for them to pay \$1 billion per year for the right to broadcast games and to have media access to players and personnel, driving the accusation that ESPN was simply bowing to the demands of the NFL in order to protect their investment (Gaines, 2013).

Despite ESPN's termination of their official partnership in the *Frontline* special, the primary investigative reporters, Steve Fainaru and Mark Fainaru-Wada, remained at the front of the project and kept their positions as investigative reporters for ESPN. An official statement from ESPN stated, "The decision to remove our branding was not a result of concerns about our separate business relationship with the NFL. As we have in the past including as recently as Sunday, we will continue to cover the concussion story aggressively through our own reporting" (Gaines, 2013, para. 12).

The events sparked media discussion about the ability of ESPN to report objectively about the NFL, particularly about important safety issues. The timing of these events caused further suspicion as ESPN had reported earlier in August 2013 that Elliot Pellman, a longtime NFL medical adviser and member of the MTBI committee, had accused ESPN of 'being on a witch hunt' in regards to their coverage of head injuries in the NFL (Miller & Belson, 2013).

ESPN received criticism for becoming essentially an accomplice for the NFL instead of remaining an objective reporting entity. An unnamed leading columnist and television

personality was quoted as commenting on the story, saying, “Generally, ESPN's business interests will always be at odds with its journalism. It is not a journalism company. It's an entertainment company. This is the age of journalism we live in, not just at ESPN but everywhere. Journalism is increasingly more corporate. When you get in bed with the devil, sooner or later you start growing your own horns” (Zirin, 2013, para. 6).

Robert Boland, a sports management professor at New York University, was quoted by *The New York Times*, for his analysis of the role ESPN played with the NFL both as a business partner and as a news outlet when he said, “The climate right now surrounding all sports, and to some degree journalism, is muddied because there is so much competition for content, so any dividing line between editorial and content is blurred (Miller & Belson, 2013, para.8).

An unnamed veteran at the ESPN network was quoted as having said, “People talk about the divide between the journalism side and the business side, but this has revealed just how bifurcated even the journalism side has become. Many here who are supposed to be on that side don't care because they're not really journalists. It's not their fault. They're producers. They're television personalities. They're entertainers. In a month, they'll stop caring [about the decision to pull out of “League of Denial”] if they even care now.” (Zirin, 2013, para. 9)

A later additional announcement spawned additional questions about ESPN's journalistic integrity when ESPN moved their news program *Outside the Lines*, which had done numerous reports about the NFL and concussions, to a lesser time slot in order to make way for additional NFL-related programming. An unnamed ESPN journalist was quoted as saying, “Our corporate strategy right now is to go all-in on football no matter the cost [to journalistic integrity]. We are going all-in on football at a time when you have damn near 5,000 people suing the sports that

made them famous [for head trauma]. You have empirical evidence that something is going on with this game that is really dangerous. We are now carrying water for a game that is on a deeply problematic trajectory. We are going all in on this sport and this sport is in peril” (Zirin, 2013, para. 11).

The ESPN employees closest to the story, investigative reporters and key contributors to the *Frontline* special, Steve Fainaru and Mark Fainaru-Wada, maintained that they had never been ordered to tone down or to change their stories but were also aware that ESPN had competing interests. Speaking about the report, Fainaru-Wada said, “What it says would be troubling for any journalist. At the same time, it remains clear that so far nothing has been changed. The work remains intact; the film will come out on Oct. 8. Whether it's called a collaboration or not, it has ESPN all over it” (Miller & Belson, 2013, para. 17). John Skipper, president of ESPN referred to the company's support of Fainaru and Fainaru-Wada and the future of the issue of head injuries in football, saying, “We will continue to report this story” (Miller & Belson, 2013, para. 18).

Throughout this chapter of the concussions crisis, the NFL maintained a strategy of pure denial. Because the sources of the *New York Times* report were forced to remain anonymous in order to preserve their employment and relationship with their organization, there was no factual evidence that the NFL had pressured ESPN away from the project. ESPN reporters interviewed for news features also remained anonymous in order to protect their jobs. Although a wide range of nationwide news sources reported on the event, the NFL's denial of culpability resulted in little more than increased attention for the special report. The negative press surrounding the split was noted by some who believed that it would amplify the attention given to the special report.

An unnamed former ESPN reporter, noted for previous reports on concussions over the years, was quoted as saying, “On the bright side, it brings more attention to the documentary and now it has the gloss of 'this is the documentary that the NFL and ESPN don't want you to see.' So that's something” (Zirin, 2013, para. 19).

If the reports regarding the NFL's unwillingness to cooperate with accusatory special reports are true, the behavior of the NFL shows an effort to avoid attributions of responsibility by preventing large-scale publication and dissemination of information that would paint the NFL as knowingly responsible for earlier suppression of research that could have allowed players to make informed decisions regarding their health. If true, these actions would constitute a move beyond the tactics recommended by image restoration and situational crisis communication models and into the risky territory of information suppression, an action that invites substantial responsibility attribution when discovered by public audiences and likely constitutes a breach of public relations ethics.

Compensation: Lawsuits and Settlements

In August 2011, the first concussion-related lawsuit against the NFL was filed by a group of seven former players, led by lead plaintiff Ray Easterling. The lawsuit alleged deliberate negligence by the NFL, detailed in the following excerpt from the official complaint:

This action arises from the pathological and debilitating effects of mild traumatic brain injuries (referenced herein as “MTBI”) caused by the concussive and sub-concussive impacts that have afflicted former professional football players in the NFL. For many decades, evidence has linked repetitive MTBI to long-term

neurological problems in many sports, including football. The NFL, as the organizer, marketer, and face of the most popular sport in the United States, in which MTBI is a regular occurrence and in which players are at risk for MTBI, was aware of the evidence and the risks associated with repetitive traumatic brain injuries virtually at the inception, but deliberately ignored and actively concealed the information from the Plaintiffs and all others who participated in organized football at all levels (“NFL litigation master compliant,” 2012, para. 2).

Easterling committed suicide on April 19, 2012 (“Police: Ray Easterling shot himself,” 2012), and the lawsuit was ultimately consolidated into a class-action lawsuit made up of 240 suits filed by 4,500 former NFL players (Mihoces, 2014). The former players accused the league of concealing the dangers of concussions and rushing injured players back onto the field, all the while glorifying and profiting from the violent hits. The most notable plaintiffs included Hall of Fame running back Tony Dorsett, Super Bowl-winning quarterback Jim McMahon, and the family of Pro Bowl linebacker Junior Seau, who also committed suicide in 2012. Dorsett was later diagnosed in 2014, in a research study of five former players at UCLA, as exhibiting signs of chronic traumatic encephalopathy (Weinbaum & Delsohn, 2014).

Sporting goods company Riddell, the manufacturer of the NFL's official helmet, was named as a co-defendant in the case. The plaintiffs alleged that the NFL had falsely discredited competitor helmet-maker companies (Helyar, 2013). The complaint also alleged that Riddell produced inadequate helmets and then when it began producing the Revolution model, it exaggerated the level of protection this model provided, claiming the players who wore the Revolution helmet were 31 percent less likely to suffer a concussion during play. This figure was

criticized by many prominent head injury experts (Shankman, 2013).

On July 8, 2013, after a motion from the NFL legal team to dismiss the lawsuit, U.S. District Judge Anita Brody, the federal judge presiding over the case, ordered both parties to engage in mediation to determine if consensual resolution was possible. Judge Brody then appointed retired U.S. District Judge Layn Phillips as the lead mediator (Barrett, 2013).

On August 29, 2013, the NFL and the former players reached a tentative \$765 million settlement and agreed to use the money to compensate victims of concussion-related brain injuries, pay for medical exams, and to underwrite research. Under the settlement, any of the approximately 18,000 former NFL players would be eligible. The settlement would cap individual awards at \$5 million for men with Alzheimer's disease, \$4 million for those diagnosed after their deaths with CTE, and \$3 million for players with dementia. The damages for players were capped at \$675 million.

In settling the case, the NFL continued to deny any wrongdoing and insisted that player safety had always been a top priority. However, when the case was settled, the NFL released communications showing that Commissioner Roger Goodell told the lawyers for the NFL to “do the right thing for the game and the men who played it” (“NFL, ex-players agree to \$765M settlement,” 2013, para. 4). This statement maintained the NFL's strategy of denial toward the case and also allowed Goodell to frame both himself and the NFL as an organization that cared about treatment and benefits for retired players.

The proposed settlement was announced by Judge Brody pending approval at a later date. Initial analysis of the proposed settlement expected that it meant that the NFL would not have to disclose its internal files telling what it knew and when it knew about the long-term effects of

concussions and their potential for brain injury. It would also prevent forced disclosure of the inner workings of the NFL's Mild Traumatic Brain Injury Committee ("NFL, ex-players agree to \$765M settlement," 2013).

Prior to the settlement, speculation abounded that the league could end up settling for \$5 billion (Barrett, 2013) or even \$10 billion (Wong, 2012). Not only were the damages capped at a significantly lower figure, but the settlement also allowed the league to settle without admitting any guilt. The NFL's press release announcing the settlement said:

The settlement does not represent, and cannot be considered, an admission by the NFL of liability, or an admission that plaintiff's injuries were caused by football. Nor is it an acknowledgment by the plaintiffs of any deficiency in their case. Instead, it represents a decision by both sides to compromise their claims and defenses, and to devote their resources to benefit retired players and their families, rather than litigate these cases ("NFL, retired players resolve," 2013, p. 2).

The fact that the NFL was not forced to admit negligence was seen as a huge legal victory for the league. It was also expected that the settlement would deter future lawsuits and may be a precedent for additional lawsuits filed against the league by plaintiffs not included in the first lawsuit. Mediator Layn Phillips said:

For a variety of reasons, the underlying theory of this lawsuit about what took place in the past would be difficult to replicate in the future. Everyone now has a much deeper and more substantial understanding about concussions, and how to prevent and manage them, than they did 20 or even 10 years, and the information conveyed to players reflects that greater understanding. In addition, the labor law

defenses asserted by the NFL would represent a very substantial barrier to asserting these kinds of claims going forward. The combination of advances in medical research, improved equipment, rules changes, greater understanding of concussion management, and enhanced benefits should, and hopefully will, prevent similar lawsuits in the future (“NFL, retired players resolve,” 2013, p. 6).

It is likely that the plaintiffs' legal representatives agreed to the deal because the deal called for half of the money to be paid out within the first three years, while a trial for the case was expected to start as late as 2018 and then would not guarantee a finding of culpability. Many of the former players faced uncompensated medical bills and the possibility of a trial and lengthy appeals process incentivized a settlement (Barnwell, 2013).

However, on January 14, 2014, Judge Brody rejected preliminary approval of the proposed \$765 million settlement from the previous summer. In the ruling, Judge Brody stated that the league and the plaintiffs' lawyers had not produced sufficient evidence to convince here that the \$765 million would be sufficient to cover the potential costs for the 18,000 retired NFL players over the 65-year of the agreement. Judge Brody wrote in the ruling, “I am primarily concerned that not all retired N.F.L. football players who ultimately receive a qualifying diagnosis or their related claimants will be paid” (Belson, 2014a, para. 3; Brinson, 2014, para. 5).

NFL spokesman Greg Aiello countered Brody's ruling with the following statement: “We respect Judge Brody's request for additional information as a step towards preliminary approval. We will work with the plaintiffs' attorneys to supply that information to the court and special master. We are confident that the settlement is fair and adequate, and look forward to

demonstrating that to the court” (“Judge fears \$765 million not enough,” 2014), para. 6). Even the attorneys for the former players and their families defended the proposed settlement and the idea that the \$765 million would be sufficient for retired players' medical care. Christopher Seeger, an attorney on the plaintiffs' legal team, said:

We are confident that the settlement will be approved after the court conducts its due diligence on the fairness and adequacy of the proposed agreement. Analysis from economists, actuaries and medical experts will confirm that the programs established by the settlement will be sufficiently funded to meet their obligations for all eligible retired players. We look forward to working with the court and special master to address their concerns, as they rightfully ensure all class members are protected.

We believe this is an extraordinary settlement for retired NFL players and their families, and have received overwhelming support as they have learned about its benefits. We look forward to finalizing this agreement so they can soon begin taking advantage of its benefits (“Judge fears \$765 million not enough,” 2014, para. 7-8).

The lawyers for the NFL and the plaintiffs revised the proposed settlement, announcing an agreement on June 25, 2014. Under the revised proposal, the NFL's obligations under the monetary award fund would not be capped at any specified amount, meaning that compensation funds would be available to any retired player who develops a qualifying neurocognitive condition (“Revised settlement in concussion suit reached,” 2014).

The press release from the NFL that announced the revised settlement quoted plaintiffs'

counsel Christopher Seeger and Sol Weiss as saying:

This agreement will give retired players and their families immediate help if they suffer from a qualifying neurocognitive illness, and provide peace of mind to those who fear they may develop a condition in the future. This settlement guarantees that these benefits will be there if needed, and does so without years of litigation that may have left many retired players without any recourse” (“Revised settlement in concussion suit reached,” 2014, para. 3).

NFL Senior Vice President Anastasia Danias was also quoted in the statement as saying:

Today's agreement reaffirms the NFL's commitment to provide help to those retired players and their families who are in need, and to do so without the delay, expense and emotional cost associated with protracted litigation. We are eager to move forward with the process of court approval and implementation of the settlement (“Revised settlement in concussion suit reached,” 2014, para. 4).

Judge Brody gave preliminary approval to the revised settlement proposal on July 7, 2014. In this announcement, additional details were revealed. In the revised settlement, all former NFL players as of the approval date were made eligible for the benefits of the settlement, not just the retired players listed as plaintiffs in the suit. Judge Brody estimated in court documents that there were 20,000 retired NFL players. Players were also to be notified of the terms of the settlement, including their legal right to opt out and continue with their lawsuits. By not opting out, the plaintiffs would forfeit their right to pursue similar lawsuits against the NFL. The plaintiffs' attorneys were also to be awarded \$112.5 million, paid by the NFL (Mihoces, 2014).

The proposed deal called for diagnoses to be made by a member of a network of physicians approved by both the NFL and plaintiffs. Maximum awards under the plan allow for \$3.5 million for Parkinson's disease, \$3.5 million for Alzheimer's, \$4 million for a diagnosis *after death* of chronic traumatic encephalopathy (CTE), and \$5 million for amyotrophic lateral sclerosis (ALS or Lou Gehrig's Disease). However, these maximum amounts decreased sharply according to age of diagnosis. While a player diagnosed with ALS while he was under 45 years of age would be eligible for the \$5 million maximum, a player diagnosed beyond the age of 80 years old could receive a maximum of \$300,000, with several steps in between these amounts corresponding to intervening age ranges (Mihoces, 2014).

Under the original settlement plan, the NFL was allowed 10 annual appeals of awards claims from players but the revised settlement allowed the NFL to contest an unlimited number of requests (Belson, 2014b), although the settlement said that if the NFL makes 'vexations, frivolous or bad faith appeals' the players' attorneys can petition the court for relief (Mihoces, 2014). Some players worried this stipulation might decrease the total number of players who might ultimately receive any awards from the league.

Even before Judge Brody's ruling, some former players were already filing objections to the terms of the revised settlement. A group of seven former players filed the first court objection stating, "The Revised Settlement is a great deal – for the NFL and Class Counsel. It is a lousy deal for the retired players, whose rights have been bargained away without adequate or independent representation." (Mihoces, 2014, para. 21). The objection contended that there were defects that excluded certain classes of players, that the notification document for players was "false and misleading," and that the proposed claims process was "onerous and confusing"

(Mihoces, 2014, para. 22). They also objected to the noticeable lack of coverage in the settlement for players who might currently have CTE (Belson, 2014b).

Kansas City attorney Ken McClain who represents two dozen former professional football players, many of whom suffer from symptoms of brain injury, agreed that many former players will not receive benefits that they may expect. In an interview, McClain said:

It's a bogus deal. A fraudulent deal on its face, completely illusory, designed to pay very few people except the lawyers and the players in the most extreme [illness] category. All of these men saddled with neurological problems throughout their lifetimes are not the NFL's concern. The NFL's concern is containing risk, just as if they were [General Motors] and these players are faulty ignitions (Hruby, 2014, para. 7).

In order to qualify for benefits under the revised settlement, the former player must show cognitive decline on a battery of neuropsychological tests measuring symptoms such as memory lapses and executive dysfunction. However, many CTE patients suffer from mood and behavior disorders such as emotional explosiveness, impulsive behavior, poor judgment, outbursts of violence, depression, and hopelessness. These are the symptoms reported by famous CTE cases like Junior Seau, Dave Duerson, and Jovan Belcher before their suicides. Under the settlement, the benefits screening does not screen for these mood and behavioral symptoms, meaning players who exhibit early signs of CTE do not qualify for benefits until they live and suffer long enough to develop cognitive problems, at which point these awards will be subject to reductions based on age (Hruby, 2014).

Wisconsin-based brain injury attorney and advocate Gordon Johnson estimated that the

NFL could end up paying out as little as \$250 million. Johnson said, “It looks like going into negotiations, the NFL authorized its attorneys to pay a billion dollars, or at least three quarters of a billion. And then it became a contest among the lawyers for the league to see how they could define the terms of the settlement so that they didn't have to pay up” (Hruby, 2014, para. 17).

Dr. Ann McKee, neuropathologist and CTE researcher, met with league doctors and a group of independent researchers in New York City and stated:

Personality and behavior changes are usually prominent and are seen in about two-thirds [of CTE patients]. Aggressive or violent behaviors are most common, followed by confusion. There's dysphoria, meaning depression or mania. Most of them are depressed but some of them have sort of a bipolar look. They have alternating euphoria and depression. Many of them are irritable. A lot of them have poor insight or judgment, agitation, and some of the things that are less frequently see are apathy and hypersexuality (Hruby, 2014, para. 32).

Another criticism of the settlement plan is that it neglects to cover those who may be identified and diagnosed with CTE when scientific advances allow for its discovery in living players. In September 2014, researchers at New York City's Mount Sinai Hospital announced that an experimental brain imaging technique was able to identify CTE in the brain of still-living former New York Jets lineman Dave Herman. When a test approved by the Food and Drug Administration becomes available, the settlement will not recognize the new tests. The deal only allows the NFL and the plaintiffs lawyers to meet once per decade to discuss possible changes to the tests used to determine brain damage and each side holds a veto (Hruby, 2014). The NFL could simply continue to deny the existence of CTE and veto any new test that purported to

diagnose the disease.

February 2, 2015, Judge Brody again asked for revisions in the settlement before she would give her final approval to the deal. Judge Brody asked for several specific changes: players were to receive credit for years played in the World League of American Football, NFL Europe League, and the NFL Europa League; families of players with CTE could file claims if the diagnosis was made up to the date of the final approval of the settlement instead of July 6, when the settlement received preliminary approval; the \$75 million cap for a baseline assessment program would be removed; and the \$1000 fee for appealing a medical claim would be waived (Belson, 2015b).

The NFL statement regarding Judge Brody's requests again focused on the generosity of the NFL toward the former players. NFL spokesman Brian McCarthy said, "We intend promptly to discuss with class counsel the points addressed in the order and continue to have a high degree of confidence that this settlement, which has been accepted by more than 99 percent of retirees, will receive final approval and provide important and generous benefits to retirees and their families" (Maese, 2015, para. 3).

As of the current writing of this paper, the Court has not yet ruled on final approval of the settlement ("NFL concussion settlement," 2015). As it presently stands, the actions of NFL representatives and officials regarding the settlement of the player lawsuit reflect tactics of denial of responsibility, compensation, and attempts at ingratiation while diminishing the perceived responsibility for any harm to players from head injury.

Early Player Retirements

The most recent concussion-related concern for the NFL is the retirement of promising young linebacker Chris Borland, who played his rookie season in 2014 with the San Francisco 49ers. Borland's 2014 season presented a glimpse of star potential as he registered 107 tackles one sack, and two interceptions in 14 games, eight of which he started. He was the NFC defensive player of the week during Week 11 of the season, a game against the New York Giants in which he had 13 tackles and both of his two interceptions. At the close of the season, he even received one vote for NFL defensive rookie of the year. However, Borland, who was diagnosed with concussions while playing soccer in eighth grade and playing football in high school, felt the future health risks outweighed the present financial and sporting success and announced his retirement from football (Fainaru-Wada & Fainaru, 2015). Borland was due to make \$540,000 in 2015, part of a 4-year, \$3 million contract. He will also return three-quarters of his \$617,436 signing bonus (Fainaru & Fainaru-Wada, 2015).

Borland said that he thought he sustained a concussion on a tackle in training camp before the 2014 season but played through it as he was trying to make the team. Shortly before the season, he wrote a letter to his parents telling them that he felt his career in the NFL would be brief because of his concerns about long-term health effects, specifically emanating from head injuries (Fainaru-Wada & Fainaru, 2015).

At his retirement press conference, Borland expressed the questions he asked during his preseason head injury, "I just thought to myself, 'What am I doing? Is this how I'm going to live my adult life, banging my head, especially with what I've learned and know about the dangers?'" He was also unfazed by his successful rookie season, telling ESPN reporters Mark Fainaru-Wada

and Steve Fainaru, “I’ve thought about what I could accomplish in football, but for me, personally, when you read about Mike Webster and Dave Duerson and Ray Easterling, you read all these stories, and to be the type of player I want to be in football, I think I’d have to take on some risks that, as a person, I don’t want to take on” (Fainaru-Wada & Fainaru, 2015, para. 12). Borland ultimately summarized his decision, saying, “I mean, if it could potentially kill you – I know that’s a drastic way to put it, but it is a possibility – that really puts it in perspective to me. To me, it just wasn’t what I wanted to do” (Fainaru & Fainaru-Wada, 2015, para. 8).

At his retirement announcement, Borland said, “I feel largely the same, as sharp as I’ve ever been. For me, it’s wanting to be proactive. I’m concerned that if you wait ‘til you have symptoms, it’s too late. ... There are a lot of unknowns. I can’t claim that X will happen. I just want to live a long, healthy life, and I don’t want to have any neurological diseases or die younger than I would otherwise” (Fainaru-Wada & Fainaru, 2015, para. 5).

In response to Borland’s retirement, Jeff Miller, NFL Senior Vice President of Health and Safety Policy, released a statement defending the NFL’s progress toward reducing head injuries:

We respect Chris Borland’s decision and wish him all the best. Playing any sport is a personal decision.

By any measure, football has never been safer and we continue to make progress with rule changes, safer tackling techniques at all levels of football, and better equipment, protocols and medical care for players. Concussions in NFL games were down 25 percent last year, continuing a three-year downward trend. We continue to make significant investments in independent research to advance the science and understanding of these issues. We are seeing a growing culture of

safety. Everyone involved in the game knows that there is more work to do and player safety will continue to be our top priority (Reeves, 2015, para. 4-5).

The denial tactics and attempts at ingratiation continued when NFL commissioner Roger Goodell spoke of understanding Borland's concerns but also pointed out safety advances in a statement made during the following week:

You have to respect his decision. It's his judgment. As you point out, players retire all of the time. They make those determinations. They balance a lot of issues that are sometimes personal to them. This isn't something that came up yesterday for us. We've been working on the safety of our game throughout our history – with an incredible focus on it in my personal time as commissioner. ... Again, players are making the decisions whether to play or not play every day. They'll be making it for a variety of reasons – injury, career ... If they have all the facts and are making a personal judgment, you have to respect that. People are going to make those decisions based on, we hope, facts and whatever their personal judgment is (Axson, 2015, para. 5, 7, 9).

The day following the NFL's statement, ESPN investigative reporters Steve Fainaru and Mark Fainaru-Wada released an insider report for *Outside The Lines* with additional interview statements from Borland. In this interview, Borland spoke about reading the Fainaru brothers' book *League of Denial: The NFL, Concussions and the Battle for Truth*, the bestseller about the NFL's suppression of scientific evidence connecting football and brain damage. Borland said that he shared the book with his parents but did not tell teammates or team staff he was reading it: "I kept it secret. You can't be in the locker room reading 'League of Denial.'" (Fainaru &

Fainaru-Wada, 2015, para. 27).

Borland told the Fainaru brothers that he had consulted with former St. Louis Cardinals linebacker and sports activist David Meggyesy who had written negatively about the NFL in a 1970 memoir. Meggyesy supported Borland's decision, saying, "I just told him that depending on how you do it, you could do a lot of good by getting people, especially parents of young kids, to get them to think about, 'Should I let my kid play football?'" (Fainaru & Fainaru-Wada, 2015, para. 11).

Borland's attitude toward the NFL as an accurate source of information about the potential for long-term injury from head impacts may be the most telling of all. He said that the league "isn't incentivized to provide it [information]. I don't think they did a bad job, but they certainly weren't at the forefront of informing guys about the things that could happen" (Fainaru & Fainaru-Wada, 2015, para. 33). He later added, "It is a business, so I don't think a soda company doesn't tell you a drink will make you fat, they tell you it tastes good. I don't think they're completely irresponsible. They do address the issue. I think it could be done more candidly" (Fainaru & Fainaru-Wada, 2015, para. 34).

Addressing the difference between choices available to players coming from middle-class backgrounds and players coming from financially-challenged backgrounds, Borland recognized that his choice may have been easier and that others may not have the same privilege:

I've got the luxury of choice just with the way I've been raised and the good fortune of growing up in a middle-class family and having my college degree. I've got a bachelor's degree in history, so employers aren't exactly drooling over my

credentials, but no, I think there's guys who don't have that choice, but that's not a reason to shirk the issue or avoid addressing things (Fainaru & Fainaru-Wada, 2015, para. 42).

Former Ohio State star running back Maurice Clarett posted on Twitter his explanation of the alternate situation faced by many who come from disadvantaged backgrounds:

Lots of guys don't have a backup plan. They get shuffled thru the college ranks and only see football as an option to succeed. They often tolerate the trauma for the paycheck. ... No one is right or wrong. It all comes down to quality of life for each individual (Fainaru & Fainaru-Wada, 2015, para. 43).

Dr. Julian Bailes, also interviewed for the Fainaru brothers' *Outside The Lines* special report, spoke about the possibility that Borland's course could become a 'new norm' in career length decisions. Bailes said, "It can make players that are average and players who are great reconsider the importance of their brain health as they get older. I think that's the significance" (Fainaru & Fainaru-Wada, 2015, para. 38).

In the ensuing weeks after Borland's decision, two notable collegiate football players announced the end of their football playing careers. On March 25, 2015, Michigan starting center Jack Miller, the team's best lineman, explained his decision from a March 12 announcement that he would not return for his senior season, saying that he made the decision in large part because of concerns over head injuries. Miller said, "I know I've had a few [concussions] and it's nice walking away before things could've gotten worse. And yes, multiple schools have reached out. But I'm ready to walk away from it. My health and happiness is more important than a game." Miller later added. "I know it's pretty unorthodox for a 21-year-old to

see past his own nose. This game requires such a passion to excel, and my flame is burned out. However, I'd be lying if I said that the concussion thing doesn't scare me a little" (Ley, 2015, para. 2-4; Murphy, 2015; Schad, 2015).

Two days later, on March 27, 2015, Vanderbilt quarterback Patton Robinette also ended his football career. Robinette, who missed six weeks during the 2014 season due to a concussion, cited health concerns and the desire to enter medical school. Robinette said the following in a statement released by Vanderbilt University: "This has been a very difficult decision to make. This team means the world to me and I love playing football more than anything. It's been tough coming to a decision that is right for my family and I, and protects my health and future" (Aschoff, 2015, para. 5).

These high-profile player retirements, both on the professional and collegiate levels, received heavy news coverage and analysis, but, aside from the initial statements by the NFL and Commissioner Goodell in the days following Borland's announcement, the events received very little attention as measured by news releases or statements from the NFL. After largely denying that the NFL had a safety problem in their initial reaction to the case (while remaining respectful of Borland's decision), league representatives treated the situation as if their best course of action was to ignore the latest development in the crisis, a tactic often employed in situations where an organization in crisis worries that additional reaction will validate criticism or give credence to claims that a problem exists.

Youth Football Participation and the NFL Evolution Website

Between 2010-2012, during the crisis of reporting about the concussion crisis, the

nation's largest youth football program, Pop Warner, experienced a 9.5 percent drop in participation. In 2010, Pop Warner participation was a record 248,899, but enrollment fell to 225,287 by 2012, a sign that concussion concerns at the youth football level were adversely affecting participation rates. In 2012, Pop Warner football announced a partnership with the NFL to endorse a new program called Heads Up Football, designed to teach proper tackling techniques to minimize head contact (Fainaru & Fainaru-Wada, 2013). Dr. Robert Cantu was quoted as saying that he was an advocate for banning tackle football for children younger than 14 because “the young brain is much more susceptible to the shock associated with concussion” (Fainaru & Fainaru-Wada, 2013, para. 23). He also said, “What I've stated from the beginning is that I desperately want kids to play sports; I want sports participation to go up. I just want the most dangerous sports for head trauma to be played in a way that's safe” (Fainaru & Fainaru-Wada, 2013, para. 24).

An important component of the NFL's crisis communication response was the challenge of assuaging the fears of parents and youth league volunteers in relation to the health of young football players, the generation who will eventually develop into the future players of the NFL. The NFL has long invested in strengthening league structure, policies, and coaching in affiliated youth football leagues. The NFL's response to questions about threats to youth players has been marked by a great attention toward utilizing crisis communication strategies in order to prevent causing the large increase in crisis severity and attribution of responsibility that would no doubt result from a public perception of negligence toward youth football players. Common themes in the information released by the NFL regarding youth football have included admissions that youth football players need additional protections, denial that the sport is endangering youth, and

attempts at ingratiation for the focus, both informational and financial, that is being given toward youth sports.

One key component of the NFL's reaction to youth player-safety concerns was its development of the NFL Evolution section of its website, a page dedicated toward news, announcements, and information about technology, training, and policies designed to improve the safety of the game at all levels (“NFLEvolution.com launches with a focus,” 2012). A snapshot of the articles taken during the course of the research on January 8, 2015, showed several examples from linked articles illustrate crisis communication strategies used by the NFL to paint the organization as pro-actively promoting safety, particularly in relation to young players.

In the snapshot, the theme of technology was represented in an article that described the use of GPS training devices (the Catapult) by the Vanderbilt University football team following the lead of NFL teams such as the Philadelphia Eagles and the Buffalo Bills. These devices measures 400 variables, including several that analyzed impacts during hits and collisions, in an effort to identify potential dangerous situations (“Army Reserve's EPLO group aided,” 2015). Another article described the experimental use of helmet sensors in identifying concussions (“NFL ends trial of helmet sensors,” 2015).

The theme of proper training was displayed within this snapshot in a news article describing a Bakersfield, California youth football league that implemented a requirement that all of its coaches had to be certified as meeting the requirements of the NFL's Heads Up Football program, a program which focuses on proper teaching of technique in order to limit injuries among youth football players. The article emphasized the validity and effectiveness of the Heads

Up Football program and demonstrated how it should be implemented into youth football leagues (“Bakersfield seeks youth coaches,” 2015). Two articles on the subject of USA Football (a governing body of youth football leagues) described the institution of rules regarding appropriate contact in practice situations (“USA Football announces first rules,” 2015) and a news article on the Miami Dolphins organization helping to create skills videos showing proper techniques for players involved in USA Football programs (“Dolphins help kids build skills,” 2015). The site also displayed an additional section, entitled “Safety for your kids,” which contained a guide for parents in ensuring that they enrolled their children in programs that used approved training methods.

Finally, the theme of policies was reflected within the snapshot in a news article describing the collegiate football conference the Big 12 and their new concussion guidelines requiring clearance from medical staff before a player could return to play, in an effort to prevent coaches from encouraging a potentially-harmful early return to play (“Big 12's new concussion guidelines,” 2015). One of the articles about USA Football also illustrated the theme of policy as it described new practice policies and rules in an effort to create safer practices for youth football players (“USA Football announces first rules,” 2015).

The most prominently-displayed graphics further reflected the themes of technology, training, and policies as they encouraged readers to access information about Moms Football Safety Clinics, finding a Heads Up Football league in the reader's area, and to access chronological information about how safety equipment and policies have evolved throughout the history of the NFL.

In 2013, the National Academy of Sciences released a 306-page, NFL-funded report

stating in its findings that the average high school player is nearly twice as likely to suffer a brain injury as a college player. It also says that 250,000 concussions were reported to emergency rooms in 2009 for people under age 19. The report also concludes that there is no evidence that even the latest helmet technology prevents brain injury, challenging predominant present thinking. These findings, discovered through NFL-funded research, represented an attempt to protect youth football players from the potential adverse effects of concussion. The funding was provided by the Centers for Disease Control Foundation through a \$75,000 contribution from the NFL through the NFL Foundation (Farrey, 2013).

Within the report, the NFL also used clear attempts at ingratiation. The same National Academy of Sciences report also tells that NFL Commissioner Roger Goodell hosted a 'Moms Clinic' at the Chicago Bears training facility where he told mothers of youth league and high school players, “We want you to have the best information. We think our responsibility is to football but beyond that, too. Its about youth sports safety” (Farrey, 2013, para. 10).

However, the NFL also used denial strategies in concert with attempts at ingratiation. While moderating a panel discussion, Commissioner Goodell's wife, former Fox News anchor Jane Skinner, said, “Kids are more likely to get injured riding their bike on the way to practice than at practice” (Farrey, 2013, para. 11). The same panel also concluded that there was no available evidence to document a link between concussions and suicidal thoughts and behavior. The panel stated: “Whether repetitive head impacts and multiple concussions sustained in youth lead to long-term neurodegenerative disease, such as chronic traumatic encephalopathy, remains unclear” (Farrey, 2013, para. 15).

The NFL Evolution website evolved during the summer of 2015 as it was renamed the

'NFL Health Playbook' site, retaining its former purpose of providing news, information, and announcement in regards to the safety of football at all levels. The three main menu headings on the page ("NFL Policies," "Medical Resources," and "Coaches & Parents") continue to reflect the themes of technology, training, and policy ("NFL Health Playbook," 2015).

The NFL's actions relating to youth football, the NFL Evolution website, and the successor NFL Health Playbook site demonstrate a strong attempt to minimize dangerous attributions of responsibility in relation to youth football players, a victim class often seen as much more vulnerable than well-paid class of professional football players.

Chapter 6: Discussion

The three key research questions stated earlier in this study guide the interpretation of the results of this study, ultimately determining that the NFL chose to use strategies that did not match its crisis situation and did not adequately fill its ethical responsibilities. This section examines the current state of the NFL, showing that the NFL's success suggests a missing explanatory component in present crisis communications models.

Tactics and Response Strategies Employed By The NFL

The first research question asks which tactics and crisis response strategies were demonstrated by the NFL and their representatives during this case. Several themes emerged during analysis of the source material of this case, many reflecting chronological shifts in tactics at various points during the controversy. The following figure organizes the observed crisis communications tactics employed by the NFL at each stage in the concussion crisis. A more detailed explanation of the observed tactics then follows.

Events	SCCT tactics present in the crisis communications of the NFL
<i>Neurosurgery</i> articles	denial, attack the accuser, ingratiation, corrective action
Publication of research	denial, justification, attack the accuser,
2009 Congressional hearing	denial, ingratiation
Research funding	ingratiation, corrective action
Rule and policy changes	ingratiation, corrective action
Suppression of research	denial, attack the accuser
Retired player lawsuit	ingratiation, compensation
Early player retirements	diminishment, ingratiation, corrective action
Launch of NFL Evolution	denial, ingratiation, corrective action

Figure 2. SCCT tactics present in the crisis communications of the NFL. This figure lists various SCCT tactic themes employed by the NFL as observed through analysis of the key events of the concussion crisis.

Denial

Early in course of the crisis, the primary emergent theme was denial. Denial was manifested in the publication of research in the *Neurosurgery* articles and in challenges to contemporary research critical to the NFL as the league contended that head injuries sustained during the course of normal play did not lead to debilitating injuries such as CTE. The *Neurosurgery* articles minimized perceptions of the danger of concussions, did not recognize a link of multiple concussions with an increased risk of further injury, and did not view football as a potential risk factor for future brain damage and long-term effects. Attacking accusers, a denial tactic described by Situational Crisis Communications Theory (image restoration groups it with reducing offensiveness of the action), was another theme emerged strongly in the research.

Examples of this tactic include the discrediting of CTE discoverer Bennet Omalu, paternalistic behavior toward Dr. Ann McKee, and the discrediting of Boston University research, both publicly and toward the family of Junior Seau.

Several of the *Neurosurgery* articles exhibited themes of denial in relation to commonly accepted concussion protocols in the medical community and cast doubt on the individuals and organizations critical of the NFL, actions which drew criticism amongst noted sports medicine researchers. While it is difficult to know the thought-processes of NFL representatives, any deliberate attempts to put the NFL's interests over player-safety certainly constitute a serious breach of ethics. Several examples of follow-up research contradicted the claims of the NFL, casting doubt on the biased nature and potentially questionable ethics of the NFL in funding and carrying out their research.

Diminishment

Themes relating to diminishment tactics, excuse and justification, are largely absent from the data observed by this study, aside from brief comments about well-compensated players. The NFL's response to Chris Borland's early retirement contained comments pointing out that players know that football is a dangerous game and are well-paid for their participation in it. Critics, however, countered these tactics by pointing out that the NFL was not criticized for featuring a dangerous game but instead for covering and actively working to prevent the release of information about additional risks such as long-term head injury. Additional use of excuse and justification tactics would likely have led to additional criticism.

Ingratiation

The theme of ingratiation was ubiquitous in the responses of the NFL throughout the duration of the crisis. Early responses, such as the *Neurosurgery* articles, combined ingratiation with strong tactics of denial with later responses adopting stronger focus on ingratiation tactics, occasionally adding instances of corrective action, as described by image restoration theory. The *Neurosurgery* articles claimed that the NFL research into concussions would help them to better understand and help players. Pellman's claim that "the NFL's approach to funding scientific research on the problem is a model for the approach needed by other sports leagues when medical issues of player health and safety emerge" (Pellman, 2003, p. 798) showed a tactic of turning criticism toward positive views of the league's actions. The *Neurosurgery* articles offered opportunities for the NFL to publicize its funding for research on player injuries as they attempted to create the perception of commitment to player safety. Descriptions and analysis of helmet testing in the eleventh *Neurosurgery* article also constituted ingratiation tactics as the NFL publicized their interest and progress in creating helmets that comply with updated standards.

Ingratiation tactics were strongly present in the NFL's statements and reactions surrounding the settlement of the class-action lawsuit by the former players and their families. NFL communications constantly insisted that player safety has always been a top priority for the league. After the decision to settle the lawsuit, Goodell framed the decision as the NFL taking care of former players as he publicized his instruction to NFL lawyers to "do the right thing for the game and the men who played it" ("NFL, ex-players agree to \$765M settlement," 2013, para. 4). Ensuing NFL public relations focused strongly on all of the benefits the NFL the players

received from the NFL as a result of the settlement.

Ingratiation was also present in the NFL's response to Chris Borland's retirement. A brief statement wished Borland well in his decision and then the remaining press release focused on claims of increased progress in player safety and publicized rule changes, equipment changes, and medical protocols. The NFL's large donations toward scientific research were also highly publicized.

The NFL Evolution website and the NFL's new programs for youth football leagues and players illustrate examples of reactions displaying themes of both ingratiation and corrective action. Statement by NFL representatives, press releases, and other public relations communications regarding youth football programs are focused largely on the contribution of the NFL toward these programs. The NFL Evolution website (and its successor, the NFL Health Playbook) constituted the very epitome of an ingratiation campaign as it represented a compilation of articles on the NFL's efforts to create a safe environment for players at all levels.

Corrective action

The NFL took several actions that contain themes of corrective action including statements and publications surrounding new helmets and equipment, rule changes, policy and protocol changes, and additional youth football programs. Each of these actions were accompanied by communications that contained ingratiating rhetoric and demonstrated a spoken commitment by the NFL toward correcting whatever problems were present in the game, although the NFL still denied culpability in most of these problems. These communications attempted to turn conversation from assignment of blame toward present and future solutions for

health issues.

Compensation

Finally, the settlement of the lawsuit brought against the NFL by former players forced the NFL into compensation, a rebuilding strategy described by situational crisis communications theory. However, the settlement allowed the NFL to continue denying responsibility for concussion injuries and avoid the rebuilding strategy of issuing a full apology (or an apology of any kind), merely paying the money and instituting programs of corrective action without assuming liability. Mortification tactics of apology, as described by image restoration theory, were absent from the observed data.

The following model depicts the observed themes of NFL tactics used throughout the duration of concussion crisis case.

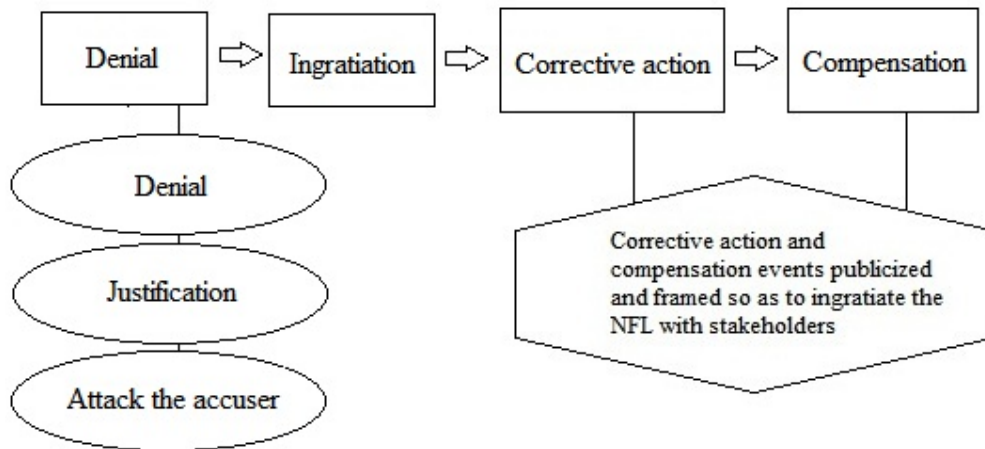


Figure 3. NFL crisis communication tactics model. This model depicts the actual tactics used by the NFL in response to reputational threats during the concussion

crisis. Initial responses strongly reflected themes of denial as the NFL attempted to reduce attributions of blame. Later responses reflected increasing themes of ingratiation in order to reduce perceptions of offensiveness. Mortification tactics were never used, despite widespread attributions of blame and perceptions of offensiveness and intentional action. Instead, tactics of corrective action and compensation were used, often framed to ingratiate the NFL with stakeholders.

Perceptions of Transparency

Analysis of NFL crisis communications also revealed showed a theme of attempting to create an image of transparency by appealing to 'independent' authorities who are independent in name but who often have ties to the NFL that suggest they may have an interest in maintaining the position of the NFL. The physicians who made up the MTBI publishing their research in a scientific journal, the use of independent arbitrators in the later Ray Rice and Adrian Peterson cases, and the use of an independent investigator with long ties back to the NFL in the Ray Rice case are examples of the way the NFL has attempted to position its actions as increasing transparency when in reality, it is actually just using these commissions to support its position. While some sportswriters see this trend and write about it, these actions never seem to ignite much controversy and largely serve the purpose of limiting criticism.

Level of Success and Compliance With Public Relations Ethics Standards

The second research question attempted to determine the level of success achieved by the various crisis response strategies employed by the NFL and its representatives and the level of

compliance with established ethical standards and norms. Measured by its position in the sports market and financial position, as will be described later in this discussion of results, the crisis response strategies employed by the NFL were successful. However, measured by the predominantly negative attitude toward the NFL from the sports media and American public, the NFL failed to halt attributions of responsibility in this crisis.

As for the NFL's level of compliance with ethical standards, it is difficult to definitively answer this question because it deals with unmeasurable and unknown motives and intent on the part of NFL executives. Many of the accusations of unethical actions, as opposed to honest mistakes, rely on the word of those who have leaked information to media sources and only those in decisionmaking roles truly know their ethical standing. In the opinion of the author, it is likely that the NFL displayed several examples of unethical use of crisis communications tactics to hide or avoid blame at the expense of key stakeholders in their organization, their players.

Cultural Ingrainment and the NFL as an Invincible Brand

The third research question attempted to determine if the NFL's high level of cultural ingrainment has contributed in turning the NFL into an invincible capable of thriving despite crisis communication failures and reputational harm. In order to determine the effectiveness of and interpret meaning from the previously-described data, the following sections will analyze the cultural advantages enjoyed by the National Football League and its current financial state and share of the sports entertainment market.

Cultural advantages for the NFL

For many fans, there is a “perception that professional football is the Big Tobacco of sports, a profit-obsessed corporate entity with a callous lack of concern for the human beings who take the big hits” (Dawidoff, 2013, para. 2). However, the thriving state of the NFL contradicts the strong attributions of responsibility piled upon the NFL by many stakeholders and by a large section of American popular opinion.

Jay Mariotti, for the *San Francisco Examiner*, wrote on March 30, 2015, about the deep cultural roots of professional football and the fact that football fans seem drawn more than ever before toward viewership of the sport, despite the numerous scandals around the sport. Mariotti ultimately stated that despite Borland's retirement, football would not end unless football fans quit watching the sport:

Please understand the disconnect: A football fan will not stop watching football just because Chris Borland, bless his 24-year-old soul, prioritized a long, healthy life over fame, money and a potential vegetable existence. If people have continued to view games in record numbers after Aaron Hernandez was jailed on murder charges, Ray Rice was suspended for cold-cocking his future wife, Junior Seau committed suicide and Michael Vick ravaged dogs, then they'll continue to overlook concussions, brain disease, neurological breakdowns and the brutality of a sport that further creeps us out with every new ream of disturbing news (Mariotti, 2015, para. 1).

Mariotti later continued:

By midcentury, perhaps, maybe football dies. Maybe it will carry on without

tackling and equipment, like flag football. Maybe 'Madden 53' will be played without 'Bams!' and 'Pows!' Maybe all the concussion lawsuits will wipe out the NFL. Maybe Borland and others in his footsteps will have a seminal effect. But for now, too many Americans are immersed in too many Sundays, Mondays, Thursdays, and Saturdays to slow down the corporate hubris-and-greed train (Mariotti, 2015, para. 8-9).

Some have even argued that the NFL's large stature has been integral in creating additional awareness about social causes and cultural problems identified during the recent crises. Nicholas Dawidoff summarized this argument in the wake of the 2014 Ray Rice domestic violence scandal and Adrian Peterson child abuse accusation:

What's happening right now makes the entire country wince and cringe. These are lurid stories and it's horrible. ... Without question, the NFL is first and foremost a business. You see right now that many people are concerned that the NFL is operating with a certain corporate callousness, or sometimes corporate discomfort. The way that a large institution behaves definitely influences the way that people who work for it behave. The only real good that's coming out of this is it's become a public conversation. It's because there is an NFL – because people like it so much and because people are behaving in this way – that we're talking about the various things that the NFL is staggering its way through, like domestic violence, animal rights, child abuse, bullying, concussions or gay rights (Frankman, Weinberger, & Raphael, 2014, para. 6, 8-9).

Current state of the NFL.

If television ratings are used as the chief criteria, one could argue that the NFL has never been healthier. Despite weathering the Ray Rice, Adrian Peterson, and Greg Hardy domestic violence scandals in the fall of 2014, viewers continue to tune in to NFL games at record rates, drawing large amounts of advertising and sponsorship revenues for the league and its teams.

Under television rights extension agreements running through the 2022 season with FOX, NBC, CBS, ESPN, DirectTV, Westwood One radio, the NFL makes nearly \$7 billion annually in media rights money (or nearly \$200 million per each of the league's 32 teams), before a single ticket, concession, or jersey is sold (Badenhausen, 2011). In 2014, NFL games were attended by 17.36 million spectators ("National Football League total attendance," 2015) at a average per game non-premium single ticket price of \$84.43. The average premium ticket for a 2014 NFL game was \$252.06 and concession prices also continue to rise (Greenberg, 2014). Fantasy football, a derivative market supported by NFL statistics and gameplay, continues to grow in popularity and generates additional revenues (Goff, 2013).

Largely because of the lucrative media rights revenues, NFL teams are the most valuable professional sports franchises in North America, according to *Forbes*, with the average NFL team worth \$1.43 billion, reported in the annual *Forbes* franchise valuations released in August 2014. The Dallas Cowboys top the list as the league's most valuable team, valued at \$3.2 billion, and are also the most valuable professional sports team across all sports in North America ("NFL team values: The business of football," 2015). In comparison, the world's 20 most valuable soccer teams had an average value of \$1.05 billion, Major League Baseball teams had an average value of \$811 million, and NBA teams had an average value of \$634 million. The most valuable individual franchises in the world are the Spanish soccer team Real Madrid (\$3.4 billion),

Spanish soccer team Barcelona (\$3.2 billion), and the Dallas Cowboys (Ozanian, 2015).

For the 2014 season, the NFL added additional coverage with its CBS/NFL Network Thursday Night package of games on Thursday nights. Games on Sunday, Monday, and Thursday across the CBS, FOX, NBC, ESPN, and the NFL Network received very high viewer ratings (Deitsch, 2015). The NFL Wild Card playoff games also produced record TV ratings as 21.7 million viewers watched The Carolina Panthers defeat the Arizona Cardinals on ESPN, 28 million watched the Baltimore Ravens beat the Pittsburgh Steelers on NBC, 28.3 million watched the Indianapolis Colts defeat the Cincinnati Bengals on CBS, and 42.3 million watched the Dallas Cowboys beat the Detroit Lions on FOX (Schmidt, 2015; "The NFL TV ratings page," 2015).

The latest year's conference championship games resulted in big ratings for the CBS and FOX networks who held the broadcast rights for the games. According to Nielsen Ratings, 49.8 million viewers watched on FOX as the Seattle Seahawks came from behind to win the NFC championship in overtime over the Green Bay Packers 28-22. At the climax of the game, Nielsen says, the audience peak hit 59.6 million viewers. This game was the most-watched program on American television since Super Bowl XLVIII the previous year. Later that evening, on CBS, the New England Patriots defeated the Indianapolis Colts 45-7 in the AFC championship game, a program watched by 42.1 million viewers (Pallotta, 2015a; "The NFL TV ratings page," 2015).

Super Bowl XLIX, on February 1, 2015, was the most watched broadcast in U.S. television history, as 114.4 million viewers watched the New England Patriots' last-second 28-24 victory over the Seattle Seahawks. This broke the record of the previous year's Super Bowl, 112.2 million viewers. At its thrilling finish, the game peaked at 120.8 million viewers. Over

28.4 million tweets related to the game and halftime show were sent during the live telecast, making it the most tweeted Super Bowl in history as well (Pallotta, 2015b).

The largest viewership rates lead to extremely large advertising payouts from the broadcasts as advertisers pay for the opportunities to air promotional material in front of such large audiences. Thirty-second advertisements aired during commercial breaks of Super Bowl XLIX sold for \$4.5 million per advertisement (Pallotta, 2015b). Mark Lazarus, chairman of NBC Sports, who aired the Super Bowl, spoke about the successful financial aspect of the production: “Super Bowl XLIX delivered for all of our partners, proving once again that the Super Bowl is the most dominant and consistent property on television” (Pallotta, 2015b).

Amanda Lotz, an associate professor in the Department of Communication Studies at the University of Michigan, explained the tendency for sports viewership ratings to weather crisis to Richard Deitsch of Sports Illustrated:

We might think of people as NFL fans, but they are really fans of a team, not the League. There may be real discontent with the actions of the league or the actions of a player, but it is a difficult move to deny fanship of a team as a result. We are Chiefs or Steelers fans, not NFL fans. The dynamics between team and individual sports is also a consideration. Though we may have fondness for particular players, that's not what draws us in the case of the NFL either.

It isn't domestic violence that is being broadcast on Sundays. Even though women and men may feel strongly that the acts were criminal and that the league was wrong to cover them up, it is difficult for that to override what might be a lifetime of fan behavior and one often linked closely to identity of place and family. As for

women in particular, I wonder how many of those are individual women viewers.

If other members of the household are watching and that is a family ritual, that too makes behavior difficult (Deitsch, 2014, para. 12-13).

In 2014, the NFL totaled a sum of \$11.2 billion in “all revenues” and projects revenue of more than \$12 billion for 2015. In 2010, Commissioner Roger Goodell challenged the owners at a league meeting to achieve a long-term increase in league revenue to \$25 billion by 2027. At a pre-Super Bowl press conference in 2015, Goodell spoke about this revenue goal: “I don't know whether we'll get there, but we're working towards that goal. It's something that we think is practical” (Kaplan, 2015, para. 19).

However, sports economist Andrew Zimbalist spoke with USA Today Sports, cautioning that the increasing fanship and viewership revenues may not be immune to rules changes to the game that may result from the concussion crisis:

To the extent the NFL tries to pass new rules to reduce the force of hitting or the kind of hits you can make, I think it hurts the game, and there are signs that parents no longer want their children playing this game. I don't mean to predict doom for the NFL. I don't think there is doom, but the notion that they're going to get to \$25 billion seems to be excessively optimistic. I would not bet on that figure (Schrotenboer, 2015, para. 44).

Commissioner Goodell also acknowledged personal adversity through the concussion crisis and the domestic violence issues of 2014 in his annual state-of-the-league address before the Super Bowl on January 30, 2015, saying, “It's been a tough year; it has been a tough year for me personally. We obviously, as an organization, have gone through adversity, but, more

importantly, it has been adversity for me. That is something where we take that seriously. We've all done a lot of soul-searching, starting with yours truly” (Belson, 2015a, para. 2). When asked whether he would take a pay cut, Goodell declined comment. The latest released figures for Commissioner Goodell's compensation came in 2013 when Goodell was paid a yearly figure of \$44 million. Goodell also stated that he had no intention of resigning his position (Belson, 2015a).

As of 2015, the NFL has hurdles to climb, but continues to sit squarely atop the professional sports world with revenues and franchise values steadily increasing.

Chapter 7: Conclusion

The data analysis in this study identified examples of NFL public relations statements, campaigns, and actions that fit into established theoretical models of recommended crisis communications. This data was analyzed systematically, using principles of triangulation, prolonged engagement, persistent observation, and reflexivity in order to preserve the credibility, transferability, dependability, and confirmability of the findings and synthesize trustworthy conclusions as described by Lincoln & Guba (1985). In order to sensibly present the information, the information was organized both chronologically and according to subject.

From an early point in the controversy, the NFL used strategies of denial in an attempt to minimize attributions of blame and to minimize public perceptions that there was a significant long-term problem with concussions. As the case progressed, these previous tactics of denial made it very difficult for the NFL to institute transparent policies without a full admission of guilt. Instead, the NFL moved toward policies that often utilized tactics of ingratiation and corrective action, with representatives attempting to portray the NFL as a leader in player safety. Examples such as the large amounts of donated money and numerous programs directed toward youth football further illustrate ingratiation tactics.

The NFL also allegedly strayed into territory not recommended by established crisis communications models and accepted public relations ethics by attempting to hide research, discrediting critics, and suppressing information by exploiting relationships. As accusations of these tactics came to light, the use of these tactics negatively affected attributions of responsibility toward the NFL among many important stakeholders and among the public at large.

Recommended Strategies From Image Restoration Theory

As described earlier, image repair strategies are designed to minimize blame, responsibility, and offensiveness. Image restoration theory describes initial strategies – denial and evasion of responsibility – recommended to deny or shift blame in situations where perceptions of responsibility from key stakeholders can be altered. These strategies are used to minimize blame and responsibility assigned to the organization by salient audiences. Strategies designed to reduce offensiveness are recommended in situations in which blame or responsibility is attributed to the organization by its stakeholders. When the salient audience disapproves of the organization's actions, recommended tactics shift from an attempt to minimize blame toward an attempt to minimize offensiveness (Coombs, 2006a). Again, perceptions are more important than reality. The approval or disapproval of the salient audience is derived from public perceptions of blame and public attributions of responsibility and offensiveness (Coombs, 2006a). The following figure organizes strategies recommended by image restoration theory according to their image repair goal.

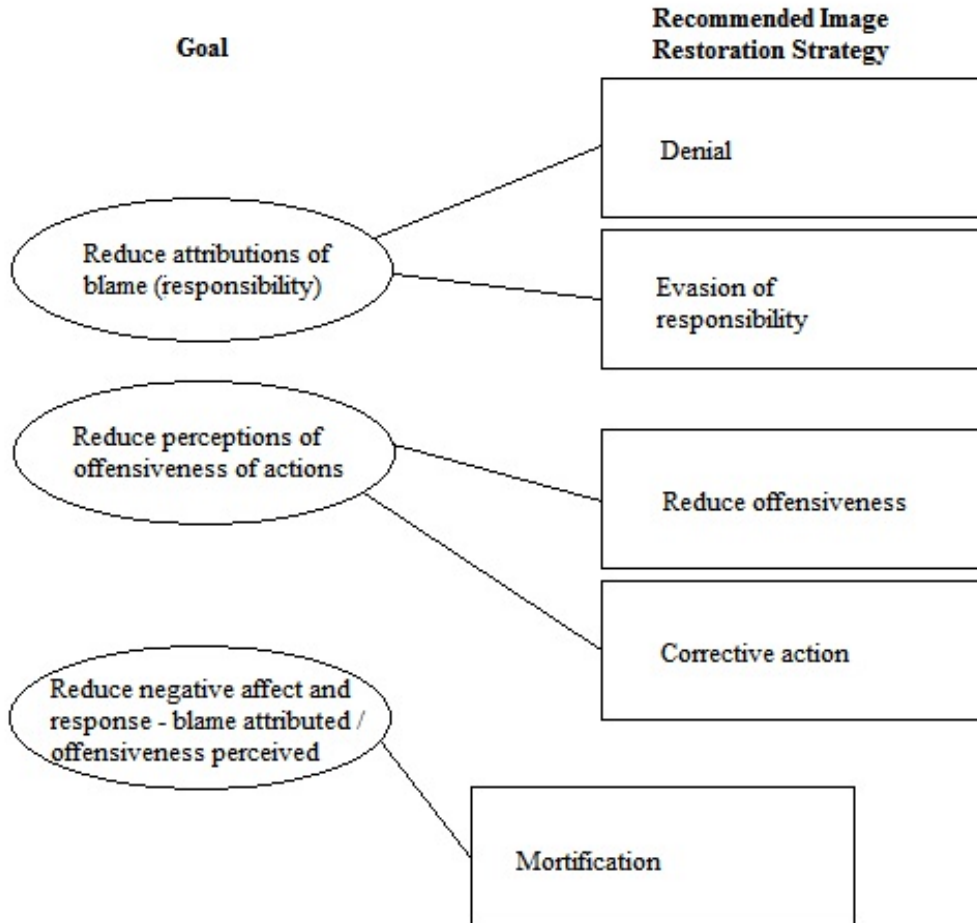


Figure 4. Recommended image restoration strategies. This figure displays image restoration strategies in relation to their image repair goals.

Reducing offensiveness, corrective action, and mortification are strategies used to minimize the offensiveness of acts that have already been attributed as responsibility to the organization. Bolstering strategies stress good traits of a company and their response to the event. These strategies are the equivalent of ingratiation tactics described in the SCCT. Where

the salient audience assigns the blame to the organization and assigns a high degree of offensiveness to the event, resulting in reputational damage to the organization, a strategy of mortification is recommended. Mortification typically involves an apology and full acknowledgement of responsibility followed by a request for forgiveness. In later stages of the concussion crisis, the NFL used bolstering strategies, attacked their accusers, and was forced into compensation (this was somewhat forced by the lawsuit settlement and the decision was framed as an opportunity for them to compensate the players).

The NFL, although in a position where the salient audience assigned blame to them and viewed their offenses as egregious and unethical, chose to continue to use tactics of denial, strategies designed to reduce offensiveness, and instances of corrective action (publicized in such a way as to suggest more of a bolstering tactic than true compensation) rather than pursue mortification strategies. Although a situation with this degree of blame and offensiveness matched mortification tactics, the NFL pursued different tactics yet still achieved organization and monetary success.

Recommended Strategies From Situational Crisis Communication Theory

Situational crisis communications theory is essentially a formula for determination of the way in which a crisis can be expected to affect the behavioral intentions of stakeholders and a method of suggesting the appropriate strategic course of action to be used to minimize negative effects. SCCT response strategies fit into three groups: 1) denial, 2) diminish, and 3) rebuild. Denial strategies are recommended for situations in which an organization might be able to minimize attributions of blame toward itself through shifting of blame or outright denial. In

situations where key stakeholders attribute blame to the organization, diminishment, or an attempt to lessen or diminish attributions of harmful intent are recommended. When an organization is the subject of attributions of responsibility for actions which are perceived to include harmful intent, the recommended response strategy is rebuilding. Rebuilding involves taking full responsibility for the crisis and requesting forgiveness for the action, a full apology that may be accompanied by compensation and efforts toward corrective action.

In the concussion case, the NFL found itself in a situation where the salient audience of stakeholders assigned responsibility with harmful intent to the NFL, increasing as reports regarding suppression of information intensified. As Coombs (2007a) suggested, negative frames reported by news agencies were adopted by stakeholders and damaged the reputation of the NFL. Despite the attributions of harmful intent, the NFL maintained denial and diminish strategies throughout the case – again, forced compensation by the lawsuit settlement was framed and publicized in such a way as to illustrate the use of ingratiation rather than true compensation. Despite engaging in denial and diminish strategies in a situation where SCCT suggests a rebuilding strategy, the NFL continued to achieve success.

Cultural Ingrainment Explains the Resulting Circumstances

The cultural ingrainment component explains the success of the NFL without undermining the key remaining assumptions of image restoration theory and the situational crisis communication model. In both contexts, cultural ingrainment acts as a mitigating factor to the harm faced by an organization in crisis. Cultural ingrainment lessens the component of threat to an organization described by image restoration and affects the component of behavioral

intentions in the SCCT model. In either case, the NFL's resulting success is no longer an anomaly when analyzed within the context of models which include the component of cultural ingrainment. The concept of invincible branding, or the idea that a brand possesses a degree of immunity to the negative effects of a crisis when it enjoys a high level of cultural ingrainment, is a corollary to the addition of the cultural ingrainment component.

Ultimately, the results of these misguided tactics and actions deviated from model-predicted results as the NFL only strengthened its market share, prompting the need to discover what component might be missing from established crisis communications models that might explain this deviation. This research presents the component of cultural ingrainment as a factor that explains these results. The following figure illustrates the place held by cultural ingrainment in the revised SCCT model:

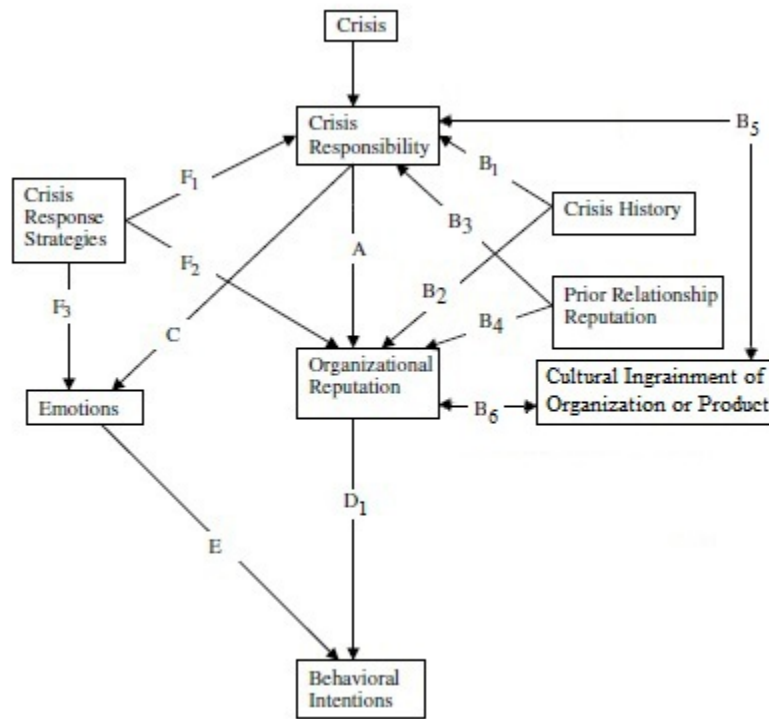


Figure 5. Revised SCCT crisis situation model. This model includes cultural ingrainment as a modifier or intensifying factor alongside crisis history and prior relationship reputation.

In the revised SCCT model depicted above, the cultural ingrainment component mitigates harmful effects of crisis history and prior relationship reputation in determining organizational reputation and ultimate behavioral intentions. This model explains how the behavioral intentions of NFL stakeholders remain supportive of the brand despite nearly-ubiquitous attributions of blame and perceptions of offensive action.

The NFL's entrenched market share and strong financial position despite use of mismatched tactics and strategies as recommended by image restoration and situational crisis

communication models, particularly denial and attempts at ingratiation for the situation in which stakeholders tended toward strong attributions of responsibility to the organization, lead to the concluding recommendation in this analysis of research that the commonly accepted crisis communications models add an additional component of cultural ingrainment. As displayed in the case of the NFL in the concussion controversy, a culturally-ingrained organization may have a heightened ability to weather increased attributions of responsibility. Although the predominant tone of most news analysis regarding the case contributes to the attribution of additional responsibility to the NFL for careless attitudes toward player safety, the NFL's place in American cultural has allowed it to maintain its share in the sports market and its strong financial position.

The author recommends that crisis communications models include an additional component of cultural ingrainment. This component fits into the model as a mitigating factor to the perceived severity of an event, thus allowing additional leeway in choosing strategies that further lessen attributions of responsibility and the perceived severity of the event. Strategies that might typically only be used in situations where responsibility attribution was low and the risk of increased severity might be low might be used in more severe situations by culturally ingrained organizations with less risk of organizational damage resulting from alienation of their publics resulting from a mismatched reaction.

The possible existence of 'invincible brands' is a key extrapolation of the consequences of the existence of a cultural ingrainment component as a factor in determining the attribution of responsibility by a public. If the NFL is sufficiently ingrained into American culture to survive and thrive despite using crisis communication tactics typically used in low responsibility attribution situations, the case deserves consideration into the possibility that the NFL may have

the qualities of an invincible brand, a brand or organization that can risk situations of high perceived severity and high attributions of responsibility because its publics will continue to support the brand or organization. This research shows that although the NFL may have taken actions that represent mismatched responses to their situational responsibility attribution, the NFL has maintained and increased their strong market and financial status. The findings of this case serve to undermine expected results in relation to image restoration and situational crisis communications models unless they are amended to include another component that mitigates the effects of increased perceived severity or attribution of responsibility, a component such as cultural ingrainment.

Application of Research Findings

The findings of this study may inform an examination of additional crisis communication cases. Cases in which large amounts of responsibility are attributed to an organization, resulting in wide criticism and concern among significant publics but little or no effect on the financial or market-share success, may be explained by examining the potential presence of cultural ingrainment as a mitigating factor in lessening the effect of increased attributions of responsibility.

Major professional sports leagues and organizations operate under similar cultural circumstances and may display attributes of invincible brands. As with fans of the NFL, followers of various sporting leagues and teams throughout the world often recognize negative actions or policies but remain strong fans. As a result of fans' strong cultural attachments to sporting organizations, the threshold for attributions of responsibility to create negative effects in

interest and financial decisions for sporting organizations is often much greater. Outside of the sporting world, organizations such as political organizations may enjoy similar positions, particularly within the ranks of their most loyal followers, as the presence of negative information may even cause a 'double-down' effect as followers strengthen their position of defense. Organizations such as NASA, while heavily criticized at times during moments of crisis, continued to enjoy support during past crises, though this support was conditional upon changed behavior, because of their cultural importance and their historic presence as the holder of the vast market share of their industry (a position also enjoyed by the NFL, unchallenged as the top football league in the world).

Further expansion of research on the addition of a cultural ingrainment component to crisis communications models and the investigation of the effect of this component on the existence of invincible brands is important to the field of crisis communications because an organization with a greater cultural ingrainment measure might make different tactical decisions knowing that the consequences of increased attributions of responsibility would not cause the same harm to an organization that it might to an organization with a lesser measure of cultural ingrainment. The scope of potential candidate organizations is large and includes large corporations, such as Nike and Disney, and political parties and figures who often receive increased support from loyal followers during scandal. Public relations practitioners, strategists, and executives in these types of organizations will benefit from the recommendation to be aware that an organization's cultural ingrainment component might strongly affect strategic and tactical decisions.

Ethics Considerations

From an organizational ethics perspective, culturally-ingrained organizations who recognize that they might have additional leeway in their strategic options should give pause to analyze the ethical implications of their decisions and strategies. Businesses with a greater cultural ingrainment measure should ensure that their decisions are ethical and that they do not exploit their position at the expense of sound organizational ethics. If certain allegations are true, the case study of the NFL has demonstrated an example of an organization with high levels of cultural ingrainment which used unethical tactics of information suppression and discrediting of research and yet maintained their strong position even when these damaging accusations came to light and increase attributions of responsibility from stakeholders. Culturally-ingrained organizations have a greater responsibility to ensure that their actions remain ethical even when unethical options become increasingly attractive as their position increases.

Benoit (1997), introducing image restoration theory, stated that crisis managers should plan and prepare for crisis before the crisis ever begins, a recommendation that applies to corporate ethics. Organizations with a corporate identity and culture built around ethical values gravitate naturally toward ethical public relations strategies. Johnson & Johnson's reaction to the 1982 Tylenol poisonings is a textbook case in both corporate ethics and effective crisis public relations. Subsequent researchers have lauded Johnson & Johnson for their ethical corporate culture, transparency, and willingness to risk financial setbacks in order to protect their customers. The NFL's choice of strategies in the concussion case indicate a lesser degree of valuation of ethics within its corporate culture. Because it is culturally-ingrained, the NFL has managed to maintain financial success but it has been unable to eliminate attributions of blame

for offensive events. Proper practice dictates that culturally-ingrained organizations should take pro-active steps, prior to crisis, to ensure strong valuation of ethics within their corporate culture and crisis plans.

Research Direction of this Study

In order to reliably explain findings, this paper should include a brief reflexive explanation of research direction during the research process. Initially, research was planned to investigate the question of failure by the NFL to properly follow accepted crisis communications models, operating on the fundamental assumption that, because of the preponderance of negative perceptions of the NFL in their handling of the concussion case and the predominant view that the NFL had acted in ways that do not align with the best interests of its players, the NFL had failed in its crisis communications and public relations efforts. As research into the specific instances where the NFL seemed to exhibit crisis communications tactics commenced, the results of its actions consistently showed an ability to maintain and often increase their financial and market position while having remarkably little effect on the negative attributions of responsibility by its publics. Observation of this trend led to the discarding of the assumption that the NFL had failed in its crisis communications efforts in favor of a new research direction investigating the veracity of an additional component to accepted models that might afford larger, popular organizations additional leeway in their public relations decisions, ultimately presenting the possibility of the inclusion of a cultural ingrainment component to presently-accepted models.

Limitations

The limitations to this research largely spring from informational availability and the inherent qualities of the qualitative case study research method. Because the NFL's public relations efforts and their accompanying motives are not transparent, clear statements about the motives and plans of the NFL in the actions of the described events are not available and must be interpreted through an informed process of analysis. Many of the descriptions of the the NFL's crisis communications tactics come as a result of these interpretations.

Inherent in qualitative research is the presence of potential bias based on the researcher's personal interests and prejudices. The researcher for this paper and the author of this case study is a lifelong fan of professional football and the research was not conducted by a disinterested observer of the events. The sections of this research about the hypocritical nature of fans and broadcasters to oppose the NFL's actions of hiding the dangers of concussive hits while continuing to support the NFL through viewership and merchandise purchasing are somewhat of an introspective indictment, while at the same time providing a cultural perspective.

While every effort was made to examine the case in such detail so as to account for alternative explanations that could negatively affect transferability, the NFL exhibits many unique circumstances and a unique position within its market. Additional research should be pursued in order to overcome any limitations to the transferability of this research. The findings from qualitative research can be difficult to transfer to other situations where the situational attributes are often different. Thus, the effects of a cultural ingrainment component should be studied as they may apply to other brands that may exhibit similar qualities of “invincible brands.”

Future Studies

The author recommends future studies into crisis communications in other situations where the organization in crisis is deeply ingrained in the culture of its society to research the potential of an organizational attribute of immunity to negative consequences despite widespread condemnation or attributions of responsibility. This research should search for the existence of other so-called “invincible brands.”

Additional research should also explore the structure of invincible brands to discover if organizations made up of many sub-brands, such as the NFL with its 32 teams and their ability to inspire a high degree of loyalty among their fans, have an increased ability to become an invincible brand because of the ability of their sub-brands to culturally-ingrain the brand among fans.

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