

Former football star Aaron Hernandez had advanced brain damage

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Five months after Aaron Hernandez committed suicide while serving a life murder sentence, the former National Football League (NFL) star has been diagnosed with having severe chronic traumatic encephalopathy (CTE).

Hernandez is the latest former NFL player to have committed suicide and then been found to have CTE, joining Dave Duerson, Junior Seau, Andre Waters, Ray Easterling and Jovan Belcher, among others.

CTE is the result of repeated head trauma, and is most commonly diagnosed in military veterans and people who have played contact sports, particularly boxing and American football. The symptoms vary from person to person and can be mistaken for other conditions. This makes it more difficult to accurately diagnose.

A person suffering from CTE could experience any combination of symptoms like confusion, memory loss, depression, impaired judgment, anxiety, anger issues, aggression, difficulty controlling impulses, and suicidal tendencies.

The only way to confirm the existence of CTE is to examine the brain after death.

Hernandez, who died at 27, is one of the youngest players found to have this devastating disease.

He was born and raised in Bristol, Connecticut, which during his youth was a depressed former factory and manufacturing town. As one of the best high school football players in the country he received a football scholarship to the University of Florida.

In college he became a star tight end, a position requiring an unusual combination of athletic skill, size and physical toughness. He was an important part of Florida's national championship team his junior season, when he was also awarded the John Mackey Award given annually to the nation's best tight end.

After his junior year, Hernandez decided to forgo his senior season and enter the 2010 NFL draft and was selected by the New England Patriots. He signed a four-

year contract worth potentially in excess of two million dollars.

Hernandez was highly successful his first two seasons with the Patriots and before the 2012 season he was given a five-year \$40 million contract extension that included a \$12.5 million signing bonus.

His legal problems began to surface after the 2012 season. On June 13, 2013, Alexander S. Bradley, described as a friend of Hernandez, filed a lawsuit against him in a Florida federal court. Bradley claimed that on February 13, 2013, Hernandez had shot him while the two were riding in a car on Interstate 95 in Palm Beach County, following an altercation at a Miami strip club.

On June 26, 2013, Hernandez was arrested for the murder of Odin Lloyd, a man who had been his friend and who had been shot to death nine days earlier.

The Patriots immediately released Hernandez, thereby terminating the portion of his contract that was not guaranteed, totaling \$19.3 million. They also voided all remaining guarantees including \$3.25 million of his signing bonus that was due in 2014 and additionally took steps to recoup the signing bonus that they had already paid him.

On April 15, 2015, Hernandez was found guilty of Odin Lloyd's murder and was sentenced to life in prison without the possibility of parole.

A year earlier on May 15, 2014, while waiting trial on the Odin murder, Hernandez was indicted for a double homicide that occurred in Boston in July 2012. On April 14, 2017, five days before his suicide, Hernandez was found not guilty of these two homicides.

Questions immediately arose as to why Hernandez would have killed himself days after being acquitted of two murders and while his appeal on his prior murder conviction was still pending.

Because of the prevalence of suicide amongst NFL players who subsequently were determined to have CTE,

Hernandez's lawyer requested Boston University's CTE Center to examine Hernandez's brain for the neurodegenerative brain disease.

In an announcement Thursday, Boston University said doctors diagnosed Hernandez with stage 3 CTE, with stage 4 being most serious. Dr. Ann McKee, director of the CTE Center said these later stages of CTE are "associated with aggressiveness, explosiveness, impulsivity, depression, memory loss and other cognitive changes." Moreover according to McKee, Hernandez had early brain atrophy and large perforations in the septum pellucidum, a central membrane.

"We're told it was the most severe case they had ever seen for someone of Aaron's age," attorney Jose Baez said. Baez said Hernandez had shown signs of memory loss, impulsivity and aggression that could be attributed to CTE. "When hindsight is 20-20, you look back and there are things you might have noticed," he said. "But you don't know."

Hernandez did not raise CTE in his defense at either trial because he claimed actual innocence. "It's something I deeply regret," Baez said.

Baez said he had filed a lawsuit in federal court against the Patriots and the NFL on behalf of Hernandez's daughter, Avielle. The suit seeks unspecified damages for loss of parental support. The suit alleges that the Patriots and the league were "fully aware of the damage that could be inflicted from repetitive impact injuries and failed to disclose, treat or protect him from the dangers of such damage."

Baez said he did not rule out adding the National Collegiate Athletic Association (NCAA) or the University of Florida, where Hernandez played college.

The Hernandez lawsuit follows a series of lawsuits by former NFL players, the most notable being a 2011 class action suit filed by several hundred former players against the NFL.

By 2013, with so many former players suffering from dementia and the repeated findings of CTE in deceased players, the NFL owners determined it was to their financial benefit to limit their financial damage. Consequently the league began offering settlement proposals to compensate for concussion-related brain injuries among its 18,000 retired players.

Ultimately in 2015 a settlement was reached that could reach one billion dollars. This is a paltry sum for the NFL, which is expected to have revenues of \$13 billion this year alone. Moreover, this \$1 billion settlement is to be dispersed over a 65-year period of time, to potentially a

vast number of claimants suffering devastating consequences from such a debilitating disease.

This settlement could place Hernandez's lawsuit in jeopardy because it applies to all players who retired as of July 2014, unless a former player expressly opted out of the settlement.

To further limit its liability to present and future players, the NFL admitted in 2016, after decades of denial, that there was a link between football-related concussions and brain damage.

This admission, however, had nothing to do with accepting responsibility, but instead had everything to do with protecting its immense wealth from future lawsuits. The official admission that football-related concussions cause CTE will now make it harder in the future for players to accuse the league of concealing the dangers of the sport, since by playing they are knowingly assuming the risk of contracting degenerative brain disease.

The extent of the danger posed to football players was further illustrated by a study published in July 2017 in the *Journal of the American Medical Association* that found that 110 out of 111 deceased National Football League players suffered from chronic traumatic encephalopathy.

The tragedy of Aaron Hernandez follows that of so many other former players, and provides only glimpse of what the future holds for many present and future players.

Although NFL players are continually risking their health by playing football, the billionaire NFL owners, who profit from this risk, will have continual comfort in knowing that their wealth will always be protected.



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