

Testimony of Robert L. Schmidt

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Before the House Committee on the Judiciary:

**Field Hearing: Legal Issues Relating to Football Head
Injuries (Part II)**

Wayne State University School of Medicine

Margherio Family Conference Center, Room 1460

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First of all I want to acknowledge you, Mr. Chairman, and your fellow Members of the House Judiciary Committee for your leadership in bringing to light the issue of concussions and their long-term impact on athletes, and specifically for what you have done to aid the retired players of the National Football League concerning their lack of health benefits. I want, of course, to thank you, as well, for the opportunity to testify on these very important issues today. I'm going to try and address the issues you raise today through the history of my friendship with a very special man, Willie Wood, the Hall of Fame defensive back for the great Green Bay Packer championship teams of the 1960s and one of my greatest friends in life. Willie's story, I think, draws together all the equities this Committee should consider as it performs oversight and considers policy in the area of football-related concussions and other issues affecting NFL retirees.

In late 2006, Willie Wood, NFL All Pro Green Bay Packer and Pro Football Hall of Famer, was hospitalized after an accident in his home in Washington DC. Willie is my former college teammate, close friend and sometime legal client. When I arrived at Providence Hospital to see him, he did not recognize me and could not feed himself. My initial concern was that he might have had a stroke. My own involvement with the acute medical issues that impact retired NFL players began that day.

As a result of being a “hard-hitting” defensive back for 11 years with the Packers, playing at 175 pounds, Willie had suffered many physical injuries and concussions. Willie thus had some physical problems prior to his fall at home and used a crutch and cane to get around in the house. His adult son lived downstairs in the house and had begun to notice some memory issues with his dad. For instance, he would get lost easily when driving. So, after a few incidents, he took his father’s car keys away from him.

Over the past ten years, Willie has had several major surgeries; including several back surgeries, bilateral hip replacements and knee replacement. His weight during his playing days never exceeded that perfectly toned 175 pounds. Now, however, he packed as much as 265 pounds on his 5-foot, 10-inch (in thick socks!) frame. Because of his fall at home, he needed his other knee replaced. He would soon need much more.

Willie Wood grew up on the segregated streets of Washington, D.C. in the 1940’s and 1950’s when, if you had talent, sports was a surer way to seek a better life for a young African American man. Willie had talent in abundance. He was an incredible athlete who excelled in all sports, whether he was playing basketball “one-on-one” with Elgin Baylor at the D.C. Police Boys and Girls Clubs or quarterbacking the D.C. Public Schools All Stars and winning the city MVP award. He had a standing vertical jump of close to 40 inches!—a God-given

ability allowed him to dunk a basketball easily and play defensive back in the NFL at a relatively diminutive height for a pro at that position, even in the 1960s.

Willie was not only a great football player and athlete but, as history would have it, a social pioneer at every level of the game of football, as this brief list of highlights from that career will show: In 1954, Willie played quarterback and won MVP honors in the first integrated high school football game in Washington, D.C., when the Public School All Stars played St. John's Catholic High School. In 1957, he was recruited by Coach Al Davis (a current NFL owner) of the University of Southern California, where Willie quietly made history again, becoming the first black quarterback at a major American university. I'll insert a the less historically important fact, here, but to me the most important one about Willie's life at that time: it was here, at U.S.C. that he beat me out of the quarterback spot I had transferred from Notre Dame to claim, becoming my friend for life in the process. Our 1959 USC team, in a decision very progressive for its time, elected Ron Mix and Willie as Co-Captains. Mix a Jew and Willie a Black man were the subject of hate mail, both for who they were as individuals and for publicly sharing this honor. Later, they would both become members of the Pro Football Hall of Fame. Through it all, from then to now, they were, and they remain, teammates and friends. Willie had an 11-year Hall of Fame career as one of greatest defensive backs in NFL history with the Green Bay Packers.

Willie then went into coaching, beginning his coaching career at the highest level, in the NFL, when he joined the San Diego Chargers as an assistant defensive coach from 1972-1974. Then, once again, Willie broke new ground when he became the first Black head coach for the Philadelphia Bell in the World Football League in 1975, and in 1980 he was named the first black head coach in the Canadian Football League with the Toronto Argonauts. Many thought he would be the first Black head coach in the NFL. Clearly, he was the most qualified. But it would be up to another pioneer to break that barrier.

Having achieved excellence at every level of football, Willie choose to leave the sport, return to Washington, D.C. and begin a career in business doing construction projects under government minority set aside programs, at which he distinguished himself again until his health began to fail in early 2000. As I mentioned earlier, He had several major back surgeries, both hips and a knee replacement.

As the public, for the most part, does not understand, Willie and all of his contemporaries in the 1960s and well beyond did *not* make a fortune player professional football. Willie's average salary during his entire playing career was \$30,000, but for his final year in 1971 when he made \$90,000. After leaving football, he was able to launch a successful mechanical consultation company in the D.C. area, which he operated for about 10 years before retiring in the year

2000. Like most football players of his day, he made more after he left the game. Like too many others, no amount would have been enough to pay the future medical bills resulting from his NFL career.

After his fall in October of 2006, the doctors at Providence Hospital diagnosed him as having dementia and it became clear to his family and to me that we needed to find new sources of support for him as he was released from the hospital in 2007.

Willie's wife Shelia had passed away in 1988 and he lived alone as a widower. He had an adult son, Willie Jr. who lived parttime downstairs in his home, when he wasn't away coaching in the Arena Football League. After he was released from the hospital, we moved Willie into an assisted living facility in nearby, Hyattsville, Maryland, where he could receive 24-hour care for the next several months until he went into the Washington Hospital Center for his second knee replacement in March of 2007. Still very hopeful that he would regain his ability to walk, he was put through an extensive rehabilitation program for several weeks following the surgery. Unfortunately, the results were not favorable.

We then moved Willie into the Residence at Thomas Circle in downtown D.C. in April of 2007. That was our best choice for Willie since friends and family could

more easily visit him there. We did this with the intention of moving him back to his home after some needed renovations were made to accommodate his wheelchair. Unfortunately, Willie does not respond well enough to the physical therapy he gets there to be able to get himself out of his wheelchair. Today he has to be lifted up on a lift to get out of bed and into a wheelchair each day as his physical and mental condition continues to deteriorate.

Willie Wood qualified for the NFL "88 Fund" Program for players with Alzheimer's/Dementia in September 2007 after being certified by NFL doctors as suffering from dementia. The program is named in honor of the great former Baltimore Colt tight end, John Mackey, who wore number 88 on his uniform. The program provides an eligible player up to \$88,000.00 in annual support, *if* he remains in an approved assisted living facility, which amounts to \$244.00 per day. The current daily charge of \$330.00 for 24-hour care results in a deficit of \$86.00 per day in Willie's case. The 88 Plan doesn't cover Willie's medicines or any other costs beyond his room and board. We struggle to make up the deficit from his Social Security and his small NFL retirement each month.

At one point, we considered taking Willie home to his modest house on 16th street in Washington, D.C. This would have been a financial disaster since the 88 Plan would cut his monthly subsidy from \$7,333 to \$5000 per month and no

family member could be reimbursed or receive any compensation for his 24-hour care which he needs.

We don't want to sound ungrateful for the benefits Willie Wood receives under the current NFL program, but it is clear from our experience there is a pressing need for some changes to maximize the intended benefits of the existing 88 Plan—among them the structural disincentives to home care and the support cap based on John's number, which inexorably devalues the plan that bears his name over time in a way he would never support—all of which I will be pleased to discuss with the Fund administrators or Members of the Committee.

The issue of concussions and the high incidence of Alzheimer's/dementia among NFL retired players is only too evident to those with eyes to see and, thanks to your leadership Mr. Chairman, the public is finally gaining that vision and the matter is finally getting the proper attention.

Fortunately, As Chairman of the Vincent T. Lombardi Foundation, I was in a position to come to the aid of Willie and some of the other retirees suffering from medical issues. Shortly after Willie's accident in 2006, we hosted a fundraiser for him in DC in which we were able to raise \$50,000 to pay off some of his medical bills. Other organizations and friends like Mike Ditka's Foundation, the Pro

Football Hall of Fame, the Gridiron Greats, and Willie's Packer teammates and fellow NFL players, among others, were all helpful. The NFL's retirement system is still broken and, but for the generosity of the groups and individuals just mentioned, many of these NFL Retired Players would be worse off than Willie Wood and probably less able to cope than he is, both from his exceptional internal resources and the broad network of friends he still enjoys. This is a moral issue for the NFL and the longer it goes unresolved the more the image of the owners as greedy self-serving individuals grows. It has now reached a point where it is hurting the game itself, particularly over the inhumanity and disingenuousness with which the NFL has traditionally addressed the issue of football-associated head injuries. It has been only a matter of days, and only under the pressure of continued Congressional oversight, since the NFL publicly admitted what any adult with a modicum of life experience recognized intuitively—that there is a direct connection between head injuries and degenerative brain diseases like dementia. In this area, we have long been waiting for the science to catch up with that intuition. It has for some time now, which the distinguished medical witnesses today can confirm definitively. We are only now seeing a glimmer of hope that the NFL has caught up with that established reality.

I had the opportunity to meet Coach Vincent Lombardi with Willie Wood when he was coaching the Washington Redskins. Coach Lombardi died at Georgetown University Hospital in 1970. He was being treated for colon cancer. I was so

taken by the spirit of Coach Lombardi that I was motivated to start a foundation in his name. After his death, I recruited a small group of Washington leaders, including Speaker of the House Tip O'Neill, Republican leader Bob Michael, Ned Gerrity Senior Vice President of ITT, Harold Alfond, owner of Dexter Shoe and Willie Wood, among others, to launch the foundation. Over the forty-year life of the Lombardi Foundation, we have been able to contribute over \$6,000,000 to the Lombardi Cancer Center, the D.C. Boys and Girls Clubs and, today, we are helping the Retired NFL Players on a case-by-case basis with limited resources to meet their overwhelming needs. As Mike Ditka has said of his own major efforts to help them through the Gridiron Greats Assistance Fund, such private charitable efforts amount to little more than a band-aid for a large, bleeding artery that the NFL continues largely to ignore. This is an issue for the NFL and the NFLPA to work out using the ample revenues from a game that these suffering ex-players helped to build. To do anything less, which continues to be the status quo, is a moral stain upon the game itself, which this concussion issue throws into stark relief.

Throughout his stellar career in football, and his life generally, Willie Wood always had a kind word for everyone. He never complained about the unjust treatment he certainly experienced as a black man in America and small man in a big man's game, preferring instead to excel athletically and use his remarkable skills to carve a great example of achievement others could build on in the future. Willie was never shy, however, in speaking up on behalf of a friend or anyone he

thought was being treated unjustly. On someone else's behalf, this quiet man's voice could be surprisingly loud. But now, Willie's voice is very quiet, even on their behalf. Today, then, I am honored by necessity, imperfect a vessel as I am for the task, to give voice to his concerns for his fellow retirees. Willie Wood, who suffers quietly the indignities brought on by his own injuries, wants nothing more than to see justice and equity bestowed upon his fellow NFL Retirees and has asked me, and all of us, to do whatever we can to support their cause.

Thank you for this opportunity to testify before you today.