

Testimony of Dick Benson for the  
U.S. House of Representatives Committee on the Judiciary  
Full Committee Hearing on  
“Legal Issues Relating to Football Head Injuries”

I was born in Dallas in 1949, and graduated from the University of Texas at Austin in 1974, where I served as student government president. Upon graduation, I worked in a variety of business ventures in the state of Texas and am currently retired. I had three sons, two of which are deceased, including William Benson.

On September 17, 2002, my son Will, a quarterback at St. Stephen’s Episcopal School in Austin, collapsed during a football game, went into a coma, and died six days later. Doctors concluded that his death was caused by a helmet-to-helmet hit suffered a few weeks earlier.

In 2003, with the help of friends and supporters, I founded the Will Benson Foundation for Sports Safety. In light of Will’s death, the Foundation concluded that the most significant contribution it could make was to pass a law to raise safety standards for school sports. As a result, the Foundation drafted “Will’s Bill,” and succeeded in having it introduced in the Texas state legislature. The original draft of Will’s Bill contained requirements for specialized training for all people involved in school sports, including coaches, players, and doctors, as well as criminal penalties for people involved in school sports whose actions contributed to a player’s severe injury or death. Will’s Bill went through a series of committee hearings, and the Foundation utilized the services of both Democratic and GOP lobbyists. The Texas Medical Association aided the Foundation’s efforts, putting forth reports indicating that most high school football team doctors were unqualified to treat football injuries. In Will’s case, his team doctor was an orthopedic surgeon who was unskilled in the treatment of common football ailments such as concussions and heat stroke.

Will’s Bill received public support, but faced very stiff opposition below the surface. Football is a major part of Texas culture, especially in the small towns where the central figure in the community is often the HS football coach. High school football coaches, like most Americans, have two distinct characteristics: they don’t like to be told what to do, and they like to tell everyone else what to do. Accordingly, high school football coaches opposed intervention in the sport by government officials outside of the football culture, and as many Texas politicians rely on football coaches to win re-election, Will’s Bill met resistance.

After four years, Will’s Bill eventually passed, but passage required more compromise than was desired. While I would like to believe that the bill has helped foster this type of safety culture throughout Texas public school sports, I feel that in many ways the law is a statement

encouraging safety rather than a forceful policy to protect student-athletes. The training requirements in the bill remained intact, and many school districts, such as the Austin Independent School District, have adopted a “safety culture” that encompasses not only football, but all other sports and even band. However, the criminal penalties in the original bill were replaced by a toothless compromise to let the individual school districts determine their own guidelines to punish personnel who contribute to the severe injury or death of student-athletes.

I believe that the ultimate solution to improve safety conditions for student-athletes, particularly football players, requires four major policy initiatives. First, student-athletes require the best equipment available to prevent serious injury. Second, school sports should be conducted according to the best safety measures developed. Third, the idea of student-athletes as tools in the equipment locker needs to be replaced with a conception of student-athletes as human beings susceptible to injury. Fourthly, the game of football should be changed to reduce harsh physical contact, especially helmet-to-helmet contact. Above all else, the play in football that kills and maims is called spearing; this was the type of play that ultimately led to Will’s death. In my opinion, spearing needs to be harshly punished by referees, and players that spear should be subject to expulsion from the game and, for repeated offenses, expulsion from the sport.