

Q&A: Cyrus Mehri and Race Discrimination on Madison Avenue

By [Jim Edwards](#) | Jan 12, 2010

One year ago, civil rights lawyer **Cyrus Mehri** held a dramatic press conference and issued a weighty report on racism in the advertising business. The expectation was that he was building a class-action lawsuit that would force Madison Avenue to hire and promote more minorities.



Twelve months later, the suit has not materialized. But Mehri and the NAACP are still investigating the agency business. Mehri agreed to a Q&A with BNET on the progress of his efforts.

BNET: *What's happening with the lawsuit you threatened to file a year ago?*

Mehri: A year ago we announced we were launching a project with the NAACP to investigate claims of race discrimination in the advertising industry. That series of investigations is well under way. We've interviewed dozens of employees inside and outside, current and former, and we've examined company policies and practices. We've been very busy ... we're not on the verge of filing a lawsuit because we're very much in the investigation stage as we speak. Over the summer the NAACP, our partners, they sent letters to the top 25 advertising companies. That was very favorably received ... the vast majority have responded in a positive way.

BNET: *How many potential plaintiffs have contacted you?*

Mehri: I can't give you a precise number but I can tell you it's been in the dozens.

BNET: *Wouldn't it be easier to file individual cases on behalf of individual plaintiffs?*

Mehri: To some degree it would be easier but the impact would be tons smaller ... the class action device, the whole purpose was to enforce civil rights laws and to bring about systemic change in organizations. So that's why the class action device is so critical.

BNET: *Ad agencies tend to be small companies with different offices and reporting structures. How can you get past the need to have lots of plaintiffs who are similarly situated to qualify for class action status?*

Mehri: Companies could raise that as an argument. However if you want to curtail discrimination it requires leadership from the top and policies that are carried out in way that have checks and balances throughout the entire system. No one can deny that the companies are influenced by the holding companies.

BNET: *Have you spoken to any holding company chiefs?*

Mehri: I have not spoken to any of the chiefs of holding companies.

BNET: *Have agencies made any progress in hiring and promoting minorities?*

Mehri: I'm not in a position to say they've made a lot of progress. I think they've fallen short. The way I look at it they don't have a lot of credibility right now.

BNET: *How did all the layoffs during the recession change the scene? Did minorities get laid off more than whites?*

Mehri: I think that creates some new challenges. But I don't think it gives them a pass ... what they've been doing now is inexcusable. They can't use the bad economy as an excuse ... the numbers of African Americans have been so under-represented to begin with that the current economy just makes the situation more acute.

BNET: *In your famous **Texaco** case, you had a recording of an executive joking that the "All the black jelly beans seem to be glued to the bottom of the bag." Have there been any dramatic anecdotes like that about Madison Avenue?*

Mehri: I think we have more evidence of purposeful discrimination in the advertising industry than you normally see in other cases. They've been on notice for years if not decades. At some point it becomes purposeful discovery ... with or without an audiotape like we had in the Texaco case.

BNET: *What's the situation with minority agencies? In advertising, minorities tend to end up working on the minority-targeting accounts, which are often assigned to minority owned agencies.*

Mehri: I think there's an extraordinary amount of segregation in the industry and that's why you see these entities addressing minority customers ... whatever reforms or changes that take place we do not want to dilute the business of minority-owned companies. We want to enhance them. Second, we want minority employers to compete in mainstream parts of the business and not be segmented based on their race, which is what's currently happening.

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