

Why Not? Drinking from Wells John Verdery Dug

Founder's Day Speech
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Headmaster Golding, faculty, and students: it is good to be back home.
Thank you for inviting me.

When I think of Founder's Day, what comes to mind first is the phrase, "We drink from wells we did not dig." That is, many of the blessings we take for granted come from the hard work of others. Today we celebrate those before us who helped create and sustain the traditions of Wooster School.

I know, for me, that the essence of Wooster – its values, its cultivation of independent thinking, its development of courage and conviction – helped form me as a person and has created a tailwind that carries me forward.

I started in the very first seventh grade class ever held at Wooster, back in 1973. We were known as the munchkins, and we graduated in 1979. We benefitted from legendary teachers such as Joe Grover, Josette Eynon, and Coach Warner, all of whom held our feet to the fire with high expectations. Our English teacher, Joe Grover, instilled in us a commitment to excellence by taking us down a full grade for each misspelling in our papers. That was well before "spell-check." Other teachers such as Jim Hammer and Tom Hackett motivated us with

zany humor. In social studies, every time Jim Hammer just approached the chalkboard, he would give us a funny look and we would break out laughing.

During my years here, the administration was so exemplary that many, such as Dick Cadigan, John Cheeseman, Ed Costello, and Tom Wilcox, rose to become headmasters at Wooster or other independent schools. We drank from wells that they and others dug. But more than anyone, we drank from wells that visionary Headmaster John Verdery dug.

I understand from Headmaster Golding that this year's theme is "Imagine more." I think that's brilliant. It captures Wooster.

It is also a phrase that reflects my world view. One of my favorite quotes is an "Imagine More" type of quote from Robert F. Kennedy, who liked to say, "There are those who look at things the way they are, and ask why ... I dream of things that never were, and ask why not?"

The genesis of Kennedy's quote comes from the Irish playwright George Bernard Shaw. My daughter, who is ten years old, tells me that Mo Willems' children's book *Naked Mole Rat Gets Dressed* also asks, "Why not?"

My job as a lawyer has mostly been about fighting for civil rights in corporate America, the most powerful entities in the nation, by asking "Why not?" My firm's mission has been to create a level playing field and call on companies to "Imagine more." Throughout the struggle, the spirit of Wooster has been with me.

As crazy as it sounds, thirty years after graduation, Wooster's Honor Code is deeply ingrained in me. The Honor Code guides me through life's ambiguities. Some highlights that have stuck with me include:

- * Always tell the truth;
- * Demonstrate respect for all people in your words and deeds; and
- * Actively support the community.

The Honor Code teaches us not only to conduct ourselves in an honorable way, but not to stand idly by when we can make a difference in the face of wrongdoing.

Let's turn to Wooster's unique "Self-help" system. An independent school education, especially one of Wooster's caliber, with our wonderful faculty and staff, is a privilege. At Wooster, this privilege comes with responsibility. Why not ask students to spend thirty minutes each day to clean up the facilities? Why not develop leadership among seniors who have genuine responsibility for the operations of the School?

The Self-help feature of Wooster means we do not get too full of ourselves. No matter how successful we are, the essence of Wooster calls on us always to be humble and to treat "princes and paupers" with the same respect. This humility is a Wooster gift.

More than any single individual, the person who created and sustained the Wooster spirit, who dug the largest wells, was John Verdery. He was headmaster

from 1943 to 1976, and continued as Rector and spiritual leader until his passing in 1984.

Headmaster Verdery made sure that opportunity serves as the inner core of Wooster. One-third of the students at Wooster came here on scholarship, which was ten times more than what other peer schools were doing at the time.¹ The difference between three percent and 33 percent is staggering. He would forego buildings and infrastructure for something more important – enriching the School’s diversity and creating opportunity.

The results are unmistakable. Look at the brothers Rudenstine, who came from Danbury and attended Wooster on scholarships. Neil, Class of ’52, ultimately became President of Harvard University. David, Class of ’59, is Dean of Cardozo Law School. Look at Tracy Chapman, Class of ’82, who arrived at Wooster on scholarship from Cleveland, seized her opportunity here, and soon became one of the world’s most respected singer/songwriters.

Until Headmaster John Verdery had the courage to take action, the students of elite independent schools of New England were all white. Under his leadership, Wooster became the first of the New England independent schools to integrate, when black students Camilo Marquez and Jim Eighmie enrolled in 1956. This was a big deal since New England prep schools are frequently the pipeline for America’s business and political leaders, from CEOs to U.S. Presidents. Wooster expanded its opportunity values by opening its doors to female students in 1970.

¹ Verdery, John D. *The Essence of Wooster*. Danbury: Wooster School, 1976, 5.

Headmaster Verdery made Wooster the first New England independent school to smash the racial barriers that had locked out people of color for decades. Yet his memoirs tell the story in the most humble way – he deeply wished he had integrated the school even earlier.

In his memoirs, written in 1981, Headmaster Verdery was way ahead of his time with his deep understanding of the tenacious, and often subtle, forms of prejudice. He wrote:

*Since the word integration and the word integrity come from the same stem, it is obvious that where there is prejudice, there can be no integration; and that where there is integrity, there can be no prejudice.*²

Those are powerful and timeless words.

Headmaster Verdery led by taking leaps of faith – even daring leaps of faith – because he firmly believed that good would follow his convictions. He was most daring in his commitment to create opportunities and to put people before buildings and principles before convenience. His memoirs reflect:

*At Wooster, we had gone to great pains to become an integrated school; we had gambled our reputation and our very existence...*³

² Verdery, John D. *Partial Recall: The Afterthoughts of a Schoolmaster*. New York: Atheneum, 1981, 138.

³ *Ibid.*, 147 [emphasis added].

By characteristically making Wooster the pioneer school, he put Wooster's reputation on the line. By investing so heavily in scholarships, he often took the School to the financial brink. Why did he gamble the School's very existence to break down barriers, to take a small but critical step forward for our country? To paraphrase him when he stepped down in 1976, when I was in ninth grade:

[At this point in our history, we take particular pride in our racial and ethnic mix.] We count among our alumni not only blacks and whites, but Chinese and Japanese and Indians and Puerto Ricans and Chicanos and Arabs and Jews. ... It is a hard thing to know what to teach young people in the 1970's that will ... be useful to them in the year 2000, but we are persuaded that knowing how to live with "all sorts and conditions of [people]" is surely going to be a useful thing to know.⁴

Today, we might call living with "all sorts of people" the "power of diversity." Wooster practices what it preaches. Wooster has students of all backgrounds in leadership positions, including the important Senior Prefect position. While I was a freshman, Rick Fernandes, Class of '76, served as Senior Prefect. Bernard Beal, Class of '72, was the first African-American to serve as Senior Prefect. Desiree Richardson, Class of '81, became the first female student and the first African-American female student to serve as Senior Prefect.

Now, let me show you how the essence of Wooster applies in action. My first civil rights case was *Roberts v. Texaco*. Bari-Ellen Roberts, who lived in Stamford, had the courage to try to bring a case against Texaco – the powerful oil

⁴ *The Essence of Wooster*, 4-5.

company – because it paid African-Americans less than whites and gave them fewer opportunities. Indeed, Bari-Ellen had to train her boss for the job she should have been offered. She looked high and low, but could not find a lawyer in New York ready, willing, and able to take on this corporate giant. The Company ruled with an iron fist, putting down anyone who stood up for equal opportunity.

Bari-Ellen and her colleagues ultimately found me, an unlikely choice since neither my firm nor I had ever handled an employment class action. And they found me through an unlikely source – activists housed at the Riverside Church.

Maybe it was destiny, since Wooster and Riverside Church have a longstanding connection. The legendary activist Reverend William Sloane Coffin sent his son David, Class of '78, here and trained Bob Tate, who served as Chaplain during my years at Wooster.

I met Bari-Ellen and her colleagues in the basement of a church in White Plains, a few miles from Texaco's headquarters. I showed up by myself, notepad in hand. Bari-Ellen, who years later wrote an acclaimed book about the case, appropriately titled *Roberts v. Texaco*, described our first meeting:

I had been expecting two members of [a] Washington, D.C., law firm[,] including a senior partner, not just this thirty-something young guy who looked a bit like the actor Andy Garcia on a bad hair day and seemed almost as flippant. I ... surmised that the law firm didn't

*think enough of our case to send the first string ... I was wrong.
[Cyrus] quickly demonstrated his commitment to our cause ...*⁵

Bad hair and all, we investigated and filed the case. The Company acted as if it were above the rule of law. Employees told me they thought the Company had been destroying evidence in the case. But with only rumors, we could not act.

This changed when a Texaco employee called me and said, “I have something you want to hear.” I said, “that must mean [audio] tapes.” He said it pertained to something about “the most important evidence in the case.”

I talked with my colleagues. They were deeply worried that it was some sort of trap, a trick to get us disqualified as counsel. The internal debate was heated. No one was willing to take the risk, even though it could blow the case wide open.

This was an Honor-Code moment. My clients were denied a fair shake in the workplace. Now we finally had the hard proof that the Company was tampering with evidence. I believed that I had to stand up for what was right, even if that meant putting my young career on the line.

I called him back. It turned out that this “man with the tapes” lived, of all places, here in Danbury. I suggested we meet the next business day. He asked me where. I thought about it, concerned that my colleagues could be right, that this indeed could be a trap, and I decided on a safe location – I blurted out “Marcus

⁵ Roberts, Bari-Ellen and Jack E. White. *Roberts v. Texaco: A True Story of Race and Corporate America*. New York: Avon, 1998, 187.

Dairy.” He asked, “The biker place?” and I said yes, “the biker place.” But really, it was home turf. Wooster’s unofficial historian, Bill Street, Class of ’80, has written that Marcus Dairy is “an unofficial extension of Wooster School.”⁶ For good reason – the brothers Marcus, Michael, Class of ’61, and Neil, Class of ’65, owned and operated Marcus Dairy.

Here is what Bari-Ellen wrote about the meeting in Marcus Dairy between the man with the Texaco Tapes and me:

Cyrus felt like a secret agent when [he was] dropped ... off at the Marcus Dairy restaurant in Danbury. He arrived twenty minutes ahead of schedule to give himself time to case the joint before selecting a table as far away from the other diners as possible. [The man with the tapes], dressed in a baseball cap, denim jacket, jeans, and wearing a cocky grin, arrived right on time ...

... [He took] two microcassettes from his shirt pocket and wav[ed] them ... at Cyrus. “This stuff is at the very crux of your case.” In addition to proof of Texaco executives “cleaning up” documents, “there’s highly offensive language not acceptable in the civilized world” ...⁷

Ultimately, this gentleman produced the tapes, which did in fact have language putting down African-Americans and Jews. Most importantly, it recorded what appeared to be a shredding party, with executives altering and shredding

⁶ Adams, Neal and William Street. *The Essence of Wooster: A Reflection*. Danbury: Wooster School, 2000, 16.

⁷ *Roberts v. Texaco: A True Story of Race and Corporate America*, 253-254.

important documents. The *New York Times* soon showed up at a court hearing; and before we knew it, we were on the front page of the paper for eleven days straight. Round-the-clock media coverage followed, including coverage of Marcus Dairy.

Just before a court hearing about evidence tampering, the Company decided to settle the case for an unprecedented \$176 million. The settlement contained important changes to company policies, including oversight by an outside independent task force. My favorite headline about the case was on the cover of *The Village Voice*, with 176 stars and the headline “The Good Guys Won!” Indeed we had.

But I could “Imagine more.” I was thirty-six and at a crossroads. I had a vision to use private enforcement to have a public impact. To do that, I had to start my own firm, but these types of cases are expensive and take years of hard struggle to win. To take this path, I would have to risk everything financially, including taking out a multi-million dollar loan.

Sound familiar? Perhaps only a Wooster grad, who drank from Wooster wells, would embark on this kind of journey and take a Verdery-type leap of faith. Few lawyers would have dared to take such a risk to advance social justice, to speak truth to America’s most powerful institutions.

Is it remarkable? Not really, when one considers that my formative years were at Wooster, where the power of diversity is in the wells from which we drink. Taking a risk for a just cause – that also comes from the wells from which we drink. So I started on a new journey.

Some of you may have known my mother, Bahijeh Mehri. She passed away almost two years ago. She was an artist who painted uplifting abstracts known for their vibrant colors, interesting forms, and innovative techniques. Her paintings lift the spirit. I like to think of our cases as paintings too, starting off with an empty canvas and turning it into something vibrant, innovative, and uplifting. Let me briefly share with you some innovations we pioneered – a quick tour of our art gallery.

The Texaco case was the first to directly link senior management pay with equal opportunity. Now many companies do that.

The Coca-Cola case, another landmark settlement, established the use of “diverse candidate slates” by interviewing female and minority employees for each open management position. Now more and more companies are using diverse candidate slates.

Our settlements on behalf of female brokers at Morgan Stanley and Smith Barney ensure fair distribution of business opportunities. We are well on the way to transforming an entire industry.

Our firm creates new paintings all the time, and we just keep trying to “Imagine more.”

Our pro bono project with the NFL best illustrates the “power of diversity.” It started with the release of a report prepared by my office, *Black Coaches in the National Football League: Superior Performance, Inferior Opportunities*.

When we started in 2002, there were only two black head coaches and no black general managers in the NFL. The NFL took our effort as an opportunity to do better. In late 2002, it adopted our main proposal – diverse candidate slates – by including an in-person interview with at least one minority candidate for each open position. This creates fair competition. It became known as the “Rooney Rule,” in honor of the Pittsburgh Steelers’ owner Dan Rooney.

The results have been well recognized. There are six black head coaches and five black general managers as we head into the 2009 season. Most importantly, diversity has brought success to the teams that have embraced it. Five out of the last six Super Bowl teams have had either a black general manager or a black head coach. They include head coaches Tony Dungy, Lovie Smith, and Mike Tomlin, who respectively led the Colts, Bears, and Steelers, and two general managers, the Giants’ Jerry Reese and the Cardinals’ Rod Graves. With each success they open the door for others.

No one thought we could change the NFL, but we did, and we changed America’s hearts and minds too. No one thought we could change corporate giants such as Texaco, Coke, Morgan Stanley, and others, but we could “Imagine more.” When John Verdery dug these great wells for Wooster students and made Wooster the most diverse independent school in New England, he dared to dream the things that never were, and asked why not? He could imagine having an impact in the year 2000 and beyond, and why not?

Let me end by quoting the song *Dreaming on a World* by Wooster alum Tracy Chapman, who drank from Wooster wells, dreams of things that never were, and also asks “Why not?”:

*I know I may be wishing
On a world
That may never be
But I'll keep on wishing*

...

*We must always be thinking
Of a world
As a place of infinite possibilities
And always keep thinking*

...

*We must always keep dreaming
Of a world
With equality and justice
Thinking
There could be a world
Without poverty and sickness
Wishing
Of a world
Without hunger and homelessness
Dreaming
Of a world
Where all people live in peace
Dreaming
Of a world
Dreaming
On a world*

Thank you.

[Pause ... Play recording of the last two minutes of song while Cyrus interacts with students.]