

TRANSCRIPT

2019 CAMP COURTHOUSE COLLOQUY UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT: LEADERSHIP AND MEDIATION

featuring
GENERAL COLIN POWELL

PREAMBLE

A mediator serves many roles during the course of a mediation, including facilitator, listener, problem-solver, and agent of reality testing. Often understated is the mediator's role as a leader. To conduct an effective mediation, a mediator must be able to lead counsel and the parties on a path where they will be open to engage in frank risk assessment and consideration of options other than continued litigation. A mediator can learn how to be a better leader by studying leadership in others.

This year's Colloquy focuses on leadership and mediation. The powerful and insightful lessons on leadership drawn from General Colin Powell's diverse experiences readily apply to mediators. To assist the reader, CAMP had inserted headings to provide a roadmap of leadership traits and practices that General Powell highlighted, which are directly applicable to mediation. Moreover, the transcript was edited for publication purposes.

The inspiration of this year's Colloquy is General Powell's Thirteen Rules of Leadership, which are listed below. The discussions during the Colloquy reveal how these rules have direct application to enhancing a mediator's leadership skills. We hope you enjoy and learn from this year's Colloquy.

Thirteen Leadership Rules of General Colin L. Powell

1. "It ain't as bad as you think. It will look better in the morning."
2. "Get mad, then get over it."
3. "Avoid having your ego so close to your position that when your position falls, your ego goes with it."
4. "It can be done."
5. "Be careful what you choose: you may get it."

6. “Don’t let adverse facts stand in the way of a good decision.”
7. “You can’t make someone else’s choices. You shouldn’t let someone else make yours.”
8. “Check small things.”
9. “Share credit.”
10. “Remain calm. Be kind.”
11. “Have a vision. Be demanding.”
12. “Don’t take counsel of your fears or naysayers.”
13. “Perpetual optimism is a force multiplier.”

Colin Powell, *It Worked For Me* (2012).

COLLOQUY

CHIEF JUDGE KATZMANN: Good afternoon everyone, my name is Robert Katzmann and I am Chief Judge of the U.S. Court of Appeals for the Second Circuit.¹ It is my privilege to welcome you to the third Civil Appeals Mediation Program (“CAMP”) Colloquy. Prior CAMP Colloquy guests have been Senator George Mitchell² and Dean John Feerick.³ This afternoon we have the extraordinary honor of welcoming a great patriot, General Colin Powell. We welcome you General Powell, your colleagues from the Colin Powell School for Civic and Global Leadership of City College, including Dean Andrew Rich of the Powell School, and students of City College. We also very much appreciate the efforts of Peggy Cifrino, Principal Assistant to General Colin Powell, for making General Colin Powell’s visit possible.

It is a special privilege and pleasure to have with us family members of the late, great Judge James Lopez Watson, who was

¹ Chief Judge Katzmann was appointed to the U.S. Court of Appeals for the Second Circuit in 1999, and became the Chief Judge on September 1, 2013. Prior to his appointment, he was Walsh Professor of Government, Professor of Law, and Professor of Public Policy at Georgetown University; a Fellow of the Governmental Studies Program of the Brookings Institution; and president of the Governance Institute.

The United States Court of Appeals for the Second Circuit is one of thirteen United States Court of Appeals. Congress established the present-day Second Circuit Court of Appeals by the Judiciary Act of 1891. Its territory comprises the states of Connecticut, New York, and Vermont, and the court has appellate jurisdiction over federal district courts in those states as well as certain agency appeals.

² See 2018 CAMP Courthouse Colloquy, *The Art of Mediating Intractable Disputes*, 20 *CARDOZO J. OF CONFLICT RESOL.* 257 (2019).

³ See 2017 CAMP Courthouse Colloquy, *Mediation Ethics*, 19 *CARDOZO J. OF CONFLICT RESOL.* 56 (2017).

part of General Powell's extended family. Judge Watson was a distinguished jurist and political leader whose name adorns the U.S. Court of International Trade building (right across the street from here) where he served. Judge Watson also sat on several panels of this court as a visiting judge. Therefore, we welcome you General Powell as a member of our extended judicial family through Judge Watson.

The Thurgood Marshal United States Courthouse is named for another trailblazer, Thurgood Marshal, who was a judge on this court and the greatest courtroom advocate for civil rights. We meet appropriately on the fifth floor of the Thurgood Marshal U.S. Courthouse, which is dedicated to the Court Civic Education Project, Justice For All, Courts in the Community. This project seeks to increase public understanding of the judiciary, and to bring our courts closer to the communities we serve through a variety of outreach activities for people ranging from children to senior citizens. Earlier this afternoon, General Powell offered inspiring words when meeting with students and teachers from Curtis High School of Staten Island in our Learning Center.

After the Colloquy, we hope you all experience the Learning Center and our exhibits, which range from citizenship, to court operations, to an in-dept digital exhibit that depicts Thurgood Marshal and his times. The digital exhibit offers an audio recording of Thurgood Marshal advocating as a lawyer in the Supreme Court on behalf of civil rights. The City College's presence here is precisely what our Justice For All, Courts in the Community Project, is all about - promoting collaboration among students, educators and the courts. I had the memorable experience of being a speaker at City College as part of the S.J. Levy Program for Future Leaders, which fosters mentor relationships and internships for college students. We hope to do more with the Colin Powell School for Civic and Global Leadership in the years ahead. This afternoon we also welcome law students who are with us and note the presence of Cardozo Law School student editors of the *Cardozo Journal of Conflict Resolution*, which has published transcripts of our previous two colloquies, as well as students from Curtis High School. We are so glad to have you all with us.

This program owes much thanks to our Chief Circuit Mediator, Kathleen Scanlon whose inspiration it was to have a CAMP colloquy series. I also thank our Circuit Mediator, Dean Leslie, along with David Bober who is the Director of Legal Affairs for

the Court of Appeals of which the CAMP program is a part.⁴ Furthermore, thank you to my great colleague, Circuit Judge Denny Chin,⁵ who is the Chair of the Court's Legal Affairs Committee that oversees the CAMP program from whom you will hear concluding remarks, and another great colleague Judge Raymond Lohier,⁶ who will guide the conversation with General Powell. We also have with us many members of the court's pro bono panel of mediators consisting of 15 highly-experienced mediators from the private sector.⁷ The court is very grateful for your pro bono services.

Earlier this May, the Met Gala was held at the Met Museum. Its theme, as Kathleen Scanlon reminded me, was "CAMP, Notes on Fashion." [audience laughter] Our CAMP—the Civil Appeals Mediation Program—is different but a trend setter in its own right.

Just a few "Notes" on CAMP. The Second Circuit started this pioneering program in 1974—it was the first such program in the US Circuit Courts. Since its launching 45 years ago, CAMP contin-

⁴ Kathleen Scanlon is the Chief Circuit Mediator for the Second Circuit. She is a graduate of Brown University and Fordham Law School. She began her career as a law clerk to Judge Louis L. Stanton of the Southern District of New York, and she practiced as a litigator at Simpson Thacher & Bartlett and Heller Ehrman. She was Senior Vice President at the CPR International Institute for Conflict Prevention and Resolution and is a long-standing Adjunct Professor at Fordham Law School.

Dean W. M. Leslie is a Circuit Mediator for the Second Circuit and an Adjunct Professor at New York Law School, where he teaches both Drafting Contracts and Drafting Corporate Documents. He previously served as a Senior Settlement Coordinator for New York State Supreme Court, and is admitted as an attorney in New York, and as a solicitor in England and Wales.

David Bober is the Director and Senior Staff Attorney for the Second Circuit. He previously served as an Assistant U.S. Attorney in the Civil Division of the Southern District of New York and District of New Jersey. Mr. Bober clerked for the Hon. LaVecchia of the N.J. Supreme Court and Judge Denny Chin when he served as a district judge of the Southern District of New York. He is a graduate of the University of Pennsylvania and Seton Hall University School of Law.

⁵ Circuit Judge Denny Chin was appointed to the United States Court of Appeals for the Second Circuit in 2010 and served as a United States District Judge in the Southern District of New York from 1994 through 2010. Prior to his appointments, he practiced law in the private sector and served as a U.S. Attorney for the Southern District of New York.

⁶ Judge Raymond Lohier was appointed to the United States Court of Appeals for the Second Circuit in 2010. For the decade prior to his appointment, Judge Lohier was an Assistant United States Attorney in the Southern District of New York, where he served as Senior Counsel to the United States Attorney, Deputy Chief and Chief of the Securities and Commodities Fraud Task Force, and Deputy Chief and Chief of the Narcotics Unit.

⁷ To assist the Civil Appeals Mediation Program ("CAMP") mediate cases, the court has established a Pro Bono Mediator Panel. Members of the Panel through September 2019 include Karen Ash, Alida Camp, Theodore Cheng, Barry Cozier, Linda Gerstel, Terence Gilheany, Lisa Greenberg, Noah Hanft, Marc Isserles, Robert Kheel, Charles Newman, Paul Radvany, Gary Shaffer, Lynne Fishman Uniman, and Richard Weil.

ues to mediate hundreds of appeals suitable for mediation each year. All cases mediated are screened by CAMP for mediation suitability using numerous factors, including the type of relief sought, the relationship between the parties, and the issues on appeal. A wide range of subject matters have been resolved: employment, civil rights, contract, torts, insurance, antitrust, bankruptcy, trademark, securities, counsel fees, copyright, admiralty, products liability and consumer protection. In 2016, CAMP launched the Courthouse Mediation Colloquy to highlight the work of CAMP and to gather members of the court, legal community, academic community, ADR community and students to reflect on aspects of mediation through an informal dialogue featuring a distinguished guest.

This year's Colloquy focuses on leadership and mediation. Today we seek to explore the characteristics of effective leadership and how to transpose those characteristics to mediation. Mediators, counsel and parties must be able to draw upon leadership principles to create and consider options to the traditional appellate path. To guide us on the path to better understanding, we are excited to have with us General Powell. General Powell's record of service to our country for more than five decades is unparalleled. In senior military and diplomatic positions across four presidential administrations, he has been a trailblazer with a deep commitment to democratic values, diversity and freedom. He is the son of Jamaican immigrant parents, born in Harlem and raised in the South Bronx. He attended New York City public schools and the City College of New York ("CCNY") where he earned a B.S. in Geology. At CCNY he joined the Army ROTC program and as he has put it, "discovered his true calling." He served in the United States Army for 35 years, rising to the rank of four star general and serving as the Chairman of the Joint Chiefs of Staff under presidents George H.W. Bush and William Jefferson Clinton. Under President George W. Bush, General Powell was appointed the 65th Secretary of State, where he led the State Department in major efforts across the globe. He founded City College's Colin L. Powell Center for Leadership and Service in 1997, which worked to develop new generations of publicly-engaged leaders and promote civic involvement at City College. To honor the General's commitment to City College, its students and goals, the Board of Trustees of the City University of New York ("CUNY") established the Colin Powell School for Civic and

Global Leadership.⁸ As a member of many boards, he is the founder and chairman emeritus of America's Promise Alliance which is dedicated to forging a strong and effective partnership with children, making sure they have the resources necessary to succeed. His bestselling biography, *My American Journey*, has been published in more than a dozen different languages.⁹ Another of his books, *It Worked for Me*, was an instant New York Times best seller and reveals the lessons that shaped his life and career.¹⁰

This year's Colloquy is inspired by General Powell's *Thirteen Rules of Leadership*, which our circuit mediators use in many mediations to guide parties towards consensual resolutions. Now, I turn the conversation to my wonderful colleague Judge Raymond Lohier.

A LEADER UNDERSTANDS THE IMPORTANCE OF ESTABLISHING
EXPECTATIONS AND GOALS

JUDGE LOHIER: Thank you Chief Judge Katzmann. Welcome General Powell.

GENERAL COLIN POWELL: It's a pleasure to be with you all this afternoon and to be with the Watson family. We're not related by blood but by the fact that we're all Jamaican and we all came here to the United States from Jamaica. The first flow of immigrants from Jamaica came here in the 1920s and then there was another flow in the seventies when the [Jamaican] economy went bad again. I've never forgotten that these people—who still love Jamaica—came here to find work. They will never forget that it is America that gave them opportunities. They became great Americans. I have a large number of "cousins," many were related but just as many were not. As Jamaicans, it does not make any difference. I'll never forget, and I told this story many times, that as kids we had it drilled into us that our parents, aunts and uncles did not come here

⁸ The Colin Powell School for Civic and Global Leadership, located in the New York City neighborhood of Harlem, offers a wide variety of traditional and interdisciplinary undergraduate and graduate degrees and houses the Dominican Studies Institute and the Ph.D. program in Clinical Psychology in partnership with the CUNY Graduate Center. The Colin Powell School's hallmark values of service and leadership bring to fruition the City College's historic commitment to access and excellence.

⁹ COLIN POWELL & JOSEPH E. PERSICO, *MY AMERICAN JOURNEY* (1995).

¹⁰ COLIN L. POWELL & TONY KOLTZ, *IT WORKED FOR ME: IN LIFE AND LEADERSHIP* (2014).

for us to misbehave. You have to do your best, that's why we're here. We did not come here to fail. It's the immigrant story.

I often tell this story when I want to explain to children the importance of expectations and the role it played in my life. I had an "aunt" living in every other tenement building in the South Bronx. They hung out the window all day long and you could not get away with anything because all these "aunts" were watching. If you ever did anything wrong, you would get turned in in a heartbeat. The aunt net was faster than the internet [audience laughter], and you would be dealt with that evening.

The simple premise was this—all of our relatives, and our parents especially, told us that we have expectations for you. Remember why we came here and do not shame the family. That's it. All of us were expected to go and get an education and all of us did. Nobody ever dropped out. If you did, your family would go get another kid. [audience laughter] I'm serious. We were very proud of what our extended family did.

I was the only troublesome person in the family because folks were becoming lawyers, such as the Watsons.¹¹ [audience laughter] I, on the other hand, stayed in the Army.

In the Army, I had been hurt both times I went to Vietnam. First time I had booby trap spikes in my foot, second time I was in a helicopter crash. My family became nervous when I continued to serve after those injuries. Now, every family has a senior aunt and mine was Aunt Laurise. She was the one designated to tell me I had to get out of the Army. One day she had my wife and I over for lunch and she told me the family was very concerned. She said, "If you go back a third time, you could get killed." I replied that "I am a professional soldier, this is what I do." But I could not get her to stop. So I finally said, "Aunt Laurise, maybe I did not explain it to you. If I stay in the army for 20 years, I will get half my active duty pay for the rest of my life starting at age 41." She threw her hands up and said, "Stay." [audience laughter]

Yes, I stayed, and they never quite forgave me for it until I became a General. At the promotion ceremony to Brigadier General in the Secretary of Defense's office in the Pentagon, my little mother (who is about 5'3") was present—my father had passed. Every since that day, she always said, "My son, the General." [audience laughter]

¹¹ See COLLOQUY *supra* (specifically, Chief Judge Katzmman's Watson reference).

A LEADER VALUES THE IMPORTANCE OF EDUCATION
IN ALL SETTINGS

JUDGE LOHIER: Let's turn to the Colin Powell School. General Powell, I know the school is very close to you, to who you are, and you have a history with CCNY and CUNY. Please tell us about it.

GENERAL POWELL: Growing up in New York, on the streets of South Bronx, was a wonderful experience for me. I was around kids who were like me, also immigrants, and we all did something with our lives. I will never fail to give thanks to New York City and City College of New York for what they did for me. It was all free. My parents did not have to pay a nickel for me to get an education. Why? Because the citizens of New York City believed there was nothing more important for a government to do than to educate the next generation and agreed to tax themselves to do it. We are losing that type of philosophy. We cannot afford to lose this commitment because we have kids waiting to be educated. If we want a better city in the future, we must educate the children.

In the mid-nineties, family members that I was very close to here in New York asked me if they could donate money to create a center for Policy Studies at City College in my name and I agreed. I had little to do with the center early on because I was busy as Secretary of State. When I left the State Department, I wanted to see what was going on in my name, so I came up here. I sat at a table in the president's office with the president and about a dozen kids involved with the center. We went around the table and each of the kids told me their story. I sat there listening to each story, mostly immigrant, mostly of color and I realized this was me 50 years ago—an immigrant kid, parents working in the garment industry. I had been given an opportunity through education and it turned out well for me, so I had to help these kids.

I started working on ways the center could help these kids. After a while I realized we did not need another think tank. We needed a way to get these children ready for life, so we created the Colin Powell Center for Policy Studies, which eventually became the Colin Powell School for Civic and Global Leadership. We formed a board of visitors, which I'll be meeting with tomorrow and some of those members are here at this Colloquy. We just charged ahead. The simple premise of the school was what you learn in the classroom you must take out into the community and apply it as part of your education and grade. We told the students

that they were going to be exposed to leadership folks around the city who have done well, and they could see how these folks lead. I would tell the students that I have a lot of buddies in this town and what we want to do is to send you downtown—I call “downtown” below 59th Street [audience laughter]—to see what it is like to be successful. Then I would tell my friends downtown, “Look, when these kids come to visit, don’t give them any Horatio Alger stories. They’ve got better Horatio Alger stories than you do. So just tell them what it takes to be successful. I want them to come to your office and your board room to see something they have never seen before and that will give them inspiration.”

And it grew. The center started to grow and gain more attention as it spread through the college. At that point, The President of CCNY and the CUNY Chancellor decided to develop the center into a school. Currently, a third of the CCNY student body is now in the Colin Powell School and the school has the highest percentage of graduates from CCNY. I have spent a lot of time with the Dean of the school, who is now the President of City College. I take full credit for that promotion [audience laughter] and full credit for the new Dean who joined the school. We have another person who was instrumental in the planning and growth of the Colin Powell School—Linda Kaplan, who is in the audience today. She is a great advertising person who gave us AFLAC the duck. When we created the Colin Powell School for Civic and Global Leadership, we were sitting in the board meeting discussing what we should call the school. We started out with the General Colin L. Powell School and Linda being the perfect advertising expert said, “Well, do we really need your whole name. Let’s shorten it. Do we need General in there?” “Yes,” I said. [audience laughter] But she said the General did not work, so I dropped it. I listen to experts. And then she said, “What does the L stand for?” I said, “Luther.” She said, “I don’t think we need that.” I replied, “Okay. Are you going to leave anything in?” [audience laughter] It became the Colin Powell School. And it works. She knows what she’s doing.

A LEADER VALUES THEIR FOLLOWERS

JUDGE LOHIER: When a lawyer serves in the role of a mediator, they need to be able to lead counsel and the parties toward looking

at a dispute in a different way. How does a person begin to acquire leadership skills?

GENERAL POWELL: Let me start to answer that question by first saying that to be a good leader, you have to value your followers. When I was about to become a general—after I was a lieutenant, captain, major, and colonel—I heard a story about Abraham Lincoln. The story goes that he used to leave the White House in those dark days of the Civil War and ride up to the old soldiers' home north of the city. It was cooler there and a telegraph operator was stationed there so Lincoln could follow what was going on in the field. One night, Lincoln was there and a message came in—"tick, tick, tick"—and the telegraph operator said to him, "It's not good news, Mr. President." Lincoln asked the operator what the message said. The operator responded, "Mr. President, the report is that a confederate raiding party just attacked a union encampment down by Manassas junction and they captured a brigadier general and a hundred horses." After taking a moment to think about the message, the President looked up and said, "Sure hate to lose a hundred horses." [audience laughter] The operator finally realized that the President left something out and asked the President, "What about the brigadier general?" To which the President replied, "I can make a brigadier general in five minutes. It's hard to replace a hundred horses."

The day I was promoted to brigadier general that expression was given to me in a mounted frame. And the frame with that statement has hung in my office next to my desk for the past 30 years, 30 years this year, since I was promoted to brigadier general. It continues to remind me that I am a leader because of followers. It is easy to replace generals, remember your whole life revolves around your followers.

A LEADER MOTIVATES THEIR FOLLOWERS BY PROVIDING PURPOSE

JUDGE LOHIER: Transposing this concept onto mediation, it seems that one goal of the mediator is to view the participants as their followers who are led by the mediator into mediation. How does a leader encourage their followers?

GENERAL POWELL: Leadership is all about followers. Can you get people to follow you, Mr. Leader? Madam Leader? I have said

this at every organization that I've ever been a part of, you have to give a group of human beings a sense of purpose. Not a mission, it is something more ethereal than a mission.

Ask them why they are here? The mission of the infantry was to close with the enemy by fire and maneuver. The *purpose* of the infantry was to protect the United States of America. You see? It's different. It is more strategic, and I have tried to drill this into every organization I have ever been a part of. Have your people believe in something, not just moving widgets along a line or just being a private in the Army. Something bigger than that, you are bigger than that. I have always tried to create such a purpose.

I did not scream at soldiers. The expression that you always hear in movies—"That's an order"—is not a phrase I ever used. If you have to say that to an American soldier, then he will not give you his full attention and he will not understand your purpose. I always try to convey what we are doing and why. If you do not understand, ask me. If you still do not understand, then I am not explaining it properly. I have always found it necessary to approach human beings as everyone being equal. I've always tried to show the greatest respect for all the people who work for me and if you do that they'll do anything you ask of them.

JUDGE LOHIER: Your view is that a key ingredient to leadership is understanding purpose and disseminating that purpose to everybody.

GENERAL POWELL: Exactly, because purpose can be spread throughout an organization.

A LEADER IS "RELUCTANT" TO WIELD POWER

GENERAL POWELL: One of the expressions that was attributed to me by a Newsweek reporter was the "Reluctant General." They thought it was a hit. I said to the reporter that he had better believe that I am reluctant. I hate war. I asked the reporter if he had ever been in war. I told him I have and that I have studied war, fought war, and try to avoid war. I'm always a reluctant general. But when diplomacy does not work, when talking to people does not work, when conciliation does not work, then I operated under the "Powell doctrine." This doctrine means that I would determine what is needed to accomplish the political mission and then you use mass efforts to accomplish the mission. The sooner you defeat the

enemy, the faster the war will end. So those two things—acting as the reluctant General and implementing the Powell doctrine when diplomacy failed—essentially reflect my thinking and strategy.

THE THIRTEEN LEADERSHIP RULES AND THEIR
APPLICATION TO MEDIATION

JUDGE LOHIER: General, you developed Thirteen Rules of Leadership, which inspired in part this Colloquy. Your rules have received so much attention. Could you tell us how you created them?

GENERAL POWELL: When I got promoted to Four Star General, Parade Magazine wanted to write an article about the promotion. I was the first field commander of an Army unit who was black and had a million soldiers under my responsibility. The author finished the article, but he wanted an item to conclude the piece. He asked one of my assistants to tell him something about me to conclude the article. My assistant replied, “Ask him about all the little slips of paper that he has under the glass on his desk. He has all these little sayings. He is forever scribbling something and putting it under his glass.” The author called me and asked me about those little slips of paper. I told him that I have collected them over time and read them all the time. He asked me to read some of them to him so he could use them in the article. I read the first thirteen that I spotted that I thought were publishable.

He printed the thirteen sayings in the article. No particular logic to the thirteen sayings that I selected, but I discovered later there was a logic. The thirteen sayings were printed in Parade about thirty years ago and we are still printing them. The sayings became “Rules” and they were printed in my books. The rules went viral and they were spread all over corporate America.

RULE ONE: “It Will Look Better in the Morning”

GENERAL POWELL: The rules are pretty simple if you take a moment to read and think about them. First one is very simple. It says no matter how bad things look, they’ll get better in the morning. Maybe they will not. It is not a prediction, it is an attitude. You will be fine in the morning. I have seen it happen. I also have seen mornings that were *not* good the next day. But you always

have to convey an attitude of positivity and success in your organization.

RULE THREE: "Avoid Having Your Ego So Close to Your Position That When Your Position Falls, Your Ego Goes With It."

JUDGE LOHIER: Another rule is to avoid having your ego get so close to your position, that when you position falls, your ego goes with it. Could you tell us more about that rule?

GENERAL POWELL: Yes, that rule was given to me by lawyers. Once, these two lawyers were arguing about something, and I was sitting there listening to them. I was in charge of the meeting, a tough meeting. They were arguing, arguing, arguing. Finally, one lawyer was starting to lose control, he started to raise his voice and shout at the other lawyer. I let it go on a little while longer and then I stopped it. I decided in favor of the lawyer who was not shouting, not because he was not shouting but rather because he had the better argument. The losing lawyer looked dejected and the first lawyer said to him, "You should have learned this in law school. Never lose your temper like that and become so invested in the issue. You have to control yourself." I learned that lesson that day.

Do not let your ego get so big that when you lose your position in the argument you also lose your ego. Never lose control of your emotions, and I have tried very hard not to do so, because I have emotions. This was pointed out to me during my first year in the Army. I was in the office with my boss and I got mad with somebody on the telephone and I began to shout, "No, you got it all mixed up." I was really ugly on the phone with this other officer. When I hung up the phone, my boss said, "Do not ever act that way in my presence again. Never." To make sure that I did not, my boss gave me my first negative comment on a report when I was a lieutenant. But he saved me at the same time. He wrote "Young Powell has a serious temper which he makes a mature effort to control." So he hit me but then he gave me a life preserver. I have been working on that "mature effort to control" now for about 60 years. [audience laughter].

RULE FOUR: "It Can Be Done"

GENERAL POWELL: Another rule is "It can be done." I have always tried to make sure that in every organization where I was responsible that no matter how tough it seems and difficult, it can be done. Maybe it cannot, but again, it is the attitude.

RULE TEN: "Remain Calm. Be Kind."

JUDGE LOHIER: Do the rules apply in the context of a conflict?

GENERAL POWELL: Yes, especially in conflict. I have been in very difficult situations as Chairman of the Joint Chiefs and other positions, but especially when you are in the middle of a war. When you are sitting in the command center late at night as Desert Storm is about to start. Planes are about to drop bombs in a few minutes, Tomahawks have been launched from ships, and troops are preparing to go in. It is going to come soon. Then something happens—and something always happens—an Iraqi missile hit a tent that had about 40 soldiers that had just arrived. The highest casualty we had in Desert Storm. You want to scream, you want to get mad and start doing things without thinking. But, I have always tried to stay under total control. Another one of the Rules is "Remain Calm. Be Kind."

JUDGE LOHIER: Yes. There is a whole chapter in your book, "It Worked For Me," about being kind. Can you tell us about that?

GENERAL POWELL: Yes, there is a whole chapter in the book about kindness. The importance of kindness was driven home for me because of an experience I had in my church. I am Episcopalian and a senior warden of my church. A bishop asked us to take a preacher from another church for a period of time because he had some personal challenges. The preacher stayed with us for about a year and he is fine now. During his last sermon, I was in the back of the church where most Episcopalians tried to be. [audience laughter]. I am listening to him and as he got to the end of the sermon, he said, "Just remember, always show more kindness to someone than you think is necessary because the person receiving it probably needs it more than we will ever know." I have never forgotten that. Kindness can often just be the handshake, asking

“what’s wrong, what can I do for you,” it is sharing, it is training people so that they can do the job you want them to do.

JUDGE LOHIER: You also see kindness as a fundamental part of leadership.

GENERAL POWELL: It is fundamental. There are so many commanders or leaders who forget the importance of kindness. Leaders who forget to inquire about their people, their troops, their clerks. The power of kindness was revealed to me once when I was a young lieutenant. In the Army, it was exactly 18 months to the day after being in the Army that you became a first lieutenant, unless you did something really wrong. I was about to be promoted to first lieutenant, which meant that I got to take off my gold bars and put on silver ones. So, I was waiting for that day to come when I could put on my silver bars. I had counted it down to the hour. The day finally came and they gave me my silver bars. I was “hot stuff.” The next day one of the soldiers under my command, a private, came up to me and said, “Sir, can I talk to you?” I said, “What’s wrong son?” He said, “You know I was supposed to have been promoted to private first class a month ago, but it never happened.” So, I went and found out what was wrong and there was a mix-up in the battalion headquarters. I do not think I ever felt so bad in my military career. Here I was bragging and hoping to get my silver bars and counting down to the day and then receiving them on that day. Yet, one of my privates had to come to me because he did not get promoted when he was supposed to have been. He was counting the days just like I was. We took care of it immediately, but it reminded me once again those are the “horses” that Lincoln wisely knew were the important ones. As a leader, you must always be attentive to those in your care and that attentiveness to things that are important, however small, is a powerful form of kindness.

RULE THIRTEEN: “Perpetual Optimism is a Force Multiplier”

GENERAL POWELL: The last rule is a culmination of the rules, by saying that perpetual optimism is a force multiplier. In the Army, we are always looking for ways to leverage up the value and ability of the unit to do better. One way to do that is by giving them more ammunition and training, but in addition, you must also give them a sense of optimism. Perpetual optimism is always believing it can

be done and it will get better in the morning. Those attitudes give you more force than you thought you had.

A LEADER RESOLVES CONFLICT BY FINDING OUT
WHAT THE OTHER SIDE NEEDS

JUDGE LOHIER: We've talked about some of your leadership insights, which will be helpful for mediators. Let's continue to focus on leadership lessons you have learned while mediating conflicts, from both your time in the military and as Secretary of State.

GENERAL POWELL: If you want to be a "reluctant general," you need to be able to mediate your way out of the problem, which is the possibility of war. I could go on all day with stories of mediating. But let me share a couple with you to show you how I go about it and what I try to do.

In April of 2001, one of our patrol planes was over the South China Sea or thereabouts and the plane was assaulted by a Chinese MIG. The Chinese MIG crashed into the ocean and the pilot was killed. Our great pilot in our patrol plane realized that he had to get the plane on the ground before it crashed. He managed to land on Hainan Island, a Chinese island. He just landed unannounced and saved his crew and the plane. The Chinese were not pleased with an American pilot landing on one of their islands unannounced. They captured our crew and plane. I was the Secretary of State at the time and the President, Pentagon, and Congress were all unhappy. Everyone was very upset.

I said, "Look, we have a problem. Let's not turn it into a crisis. Everybody take a deep breath and let's find out where our crew is." We had to have the Chinese tell us where our crew was, although we had good intelligence about where they were. For about two days or so, I was trying to get the Chinese leadership to respond. With no response, I began turning to the Powell doctrine of force and called the Chinese ambassador and said, "Do you want to have a crisis out of this? I know where the crew is. Go have your foreign ministry tell us." And they did the next day. We were told the crew was safe. The next task was to get the crew home safely. We had to figure out how to do this because the political heat was rising.

We started to work on a document and the Chinese ambassador and I negotiated for about 10 days. Heated stuff. They were

embarrassed and we were embarrassed. President Bush wrote a nice note to the widow of the Chinese pilot and we had almost finalized the document. The Chinese called and said everything looked fine, but the U.S. would have to apologize for what happened. We said, “No, we are not going to apologize. You apologize. Your plane ran into our plane. It was not the U.S.’s fault.” We were stuck—two great countries and we could not solve this problem.

A LEADER KNOWS WHEN TO TAKE A BREAK FROM
NEGOTIATIONS AND REMAINS CREATIVE
AT ALL TIMES

GENERAL POWELL: We backed off for a day and I’m thinking about it, talking to my staff and I had an idea. We contacted the Chinese the next day, as we both wanted to resolve it. We both knew what our bottom lines were. He knew what I needed—I needed my crew back quickly and the plane too if it could fly. We argued about the apology a little longer and I said:

“I think we have a solution.”

“What’s that?”

“We’re sorry.”

“You’re sorry?”

“Yes, we’re sorry. We’re sorry we had the accident, we’re sorry your pilot is dead, we’re sorry that his son is without a father, we’re sorry.”

“That’s pretty good,” he said.

So, they went away and they came back the next day and they said it was not good enough.

“You don’t understand what we’re going through back there. And we want to solve it but you’ve got to give us a little more.”

“I’ve given you as much as I have to give you and you’re being a pain too,” I said

Finally, I suggested a slight variation:

“I’ll tell you what, I’ve got one more proposal and you have to accept it or else we’re stuck.”

“What?” he asked.

“We’re *very* sorry,” I said.

That did it. It was over. We just had to work the problem long enough so we could get all of the energy out of us, get rid of the dumb arguments and find out what each of us “gotta have.” One side needed something. But if the other side cannot give them

what they want, then you have to find something that looks close enough to what they need.

Several weeks later, I was in China and I called the foreign minister aside after we conducted our business and I said, "You know, that could have been real trouble. In the future, whenever you have an issue like this, anything like this, you and I need to get together quickly. To make sure you don't get tied up with diplomacy or going through the State Department and arranging phone calls and all that stuff, here's my home phone number. You call me. It's in my house. I don't need you to call the State Department first if it is on the weekend or late at night. You call me anytime, day or night, seven days a week, seven nights a week." And he looked at me as it was being translated and could not quite believe it. He said, "Thank you." I said, "Try it." And we shook hands.

He then would call, out of the blue when I was at home. I would pick up the phone, no telephone operator, nobody listening in on my side. We developed a bond of trust between two countries, two human beings and two officials. He knew he could trust me and I could trust him, so we could talk to each other about anything that needed conciliation. And it paid off.

A few weeks later we were at the UN facing a tough issue and it looked like the US would probably lose the argument. He called me aside and said, "Look, I think you're wrong. I agree with all those who are opposing you. We think you have the wrong answer but that is for them to worry about. We have a relationship that I would not put at risk by voting against you or vetoing what you want to do. So, we will just not take a position on this. Our relationship is more important than a fight about this issue." I thanked him and the relationship continued that way while I served as Secretary of State.

Every time I face a conflict, I always try to think what is it the other side needs and what is it I cannot give up. And even if I wanted to give it up—the President or somebody else involved in the conflict won't let me do it—and so then we've got to find something that will allow us both to save face, but at the same time solve the problem.

A LEADER'S ROLE INVOLVES WILLINGNESS TO HELP RESOLVE
OTHER'S PROBLEMS AND ONGOING CREATIVITY

GENERAL POWELL: I am sitting in my office in the State Department one day, early in my tenure, and the telephone rings. My staff says it is the new foreign minister of Spain and she needs to speak with me immediately. I take the call and say:

“Madame Minister, how are you doing?”

“I am bad. I have a terrible issue, it is a serious political issue.”

“What is it?” I asked.

“The Moroccans have gone out to this little island that is off the coast of Morocco that is called Parsley Island. It is our island. But they have taken over it and put Moroccan soldiers on the ground because we do not have any people on that island. There is nothing living there but feral goats. We had to do something about it, we could not allow it, we have sovereignty over it. So, we went over to the island and pushed them off. The trouble is, if we leave, they will to come back. You must solve it for us.”

Now it is Saturday and my grandchildren are coming over to play in the pool soon. [audience laughter] So, I say,

“Why don't you take it to the European Union? And the Moroccans can take it to the Arab League?”

“It does not work. The European Union supports our position and the Arab League supports their position. We are stuck. There is no international organization that will solve it. The United Nations does not want anything to do with it.”

“Why are you calling me?”

“Because you are the United States, you are the mediator.”

Morocco and Spain are two of our oldest diplomatic partners. I try to find out what is going on—I called in my staff and asked them to find out what is going on. They told me that the Spanish realized they lost their island to Morocco and they attacked—they sent their army, navy, and air force—and forced the Moroccans off the island. But they are going to come back again so they need a deal. I learned more about it and started talking to both the foreign ministers of Morocco and Spain all day long on Saturday. After listening, I figured out the answer is obvious—things should go back to the way things were. That is, no people living on the island, only feral goats.

I talked to them all through Saturday night and the next day. I thought we had a deal to return things to the way they had been. The Spanish would leave the island by 11:30 am on Sunday if the

Moroccans promised not to come back. I got everyone in agreement. I wished them all the best.

But, they said, “No, wait a minute. We need a written agreement and we want you to write it.” [audience laughter] I responded, “I am sitting at home and you want me to write an agreement between two sovereign foreign nations that binds you in law?” [audience laughter]. “Yes, we do not trust each other yet.”

So, I turn around to my computer. My staff knew that I was doing something at home, but they did not know what. I typed up about a page and a half long agreement and sent it to Madrid and Rabat. They get into a fight over the agreement. Over what? They do not agree on the name of the island. The Moroccans cannot accept what the Spanish call the island, and the Spanish cannot accept what the Moroccans call it. I sat in my home office for about 10 minutes and I called the State Department and asked for the geographer. They found the geographer and I asked for the exact location of the island in latitude and longitude. I received the information and sent it off to the two ministers. I said, “the island located at [x latitude and y longitude] is the name of the island.” It solved the problem.

A LEADER RECOGNIZES THE IMPORTANCE OF IMPOSING DEADLINES AT THE RIGHT MOMENT

GENERAL POWELL: Now the sovereigns of Spain and Morocco both had to sign the agreement. Spain was onboard and very happy and would sign. It is still Sunday. However, the King of Morocco was traveling in a car across the desert to another city. I told his representative that I needed to speak with him right away or this deal would disappear. The Spanish will not leave the island. They told me they were not sure the telephone worked in the King’s car. I said, “Well, you better try. I have only about 30 minutes, so please try.” I knew his majesty well, and I knew his father well. About five minutes later, the phone rang and it was his majesty. I do not know how they did it, maybe they found a 7-11 in the desert and pulled over. [audience laughter]. I said, “How are you your majesty? It is good to talk again. Here is the problem. I must have your approval on this deal.” He told me that he had not read the agreement and it was too serious of a political issue for him to sign without reading it. I told him there was no time, “Your majesty, I need you to say yes now. You know me, you know

America and we would never do anything that would hurt Morocco or hurt Spain. We are friends. Trust me.” He paused for a minute and said “General, Mr. Secretary, I trust you. You can approve it and ship it.” We shipped out the agreement and the two foreign ministers were having lunch in Morocco three days later.

A LEADER RECOGNIZES THE IMPORTANCE OF DELEGATION
TO EMPOWER FOLLOWERS

GENERAL POWELL: Along with President Clinton, and the two President Bushes, I also worked for President Ronald Reagan as his national security advisor and deputy national security advisor. He was an incredible person to work for. We had a terrific relationship and he had a clear idea of who he was and what this country was all about. During his last two years in office, every morning I would meet with him in his office and go over what was going on for the day, how a plan for yesterday had gone, and what the next day was looking like. The President would be sitting there in his chair in front of the fireplace in his office. One day I went in and told him I had a real problem. As I started laying out the problem, he was sitting in his chair and providing no feedback. After I finished telling him everything about the particular problem, and still receiving no response, I started to leave. At that point, the President jumped out of his chair and said, “Colin, Colin, look. The squirrels came and got the nuts I put out there this morning.” I told him I saw that and said I had to go.

I went back to my office—it was in the northwest corner of the White House—and asked myself what that was all about. And then it struck me. It was something I knew all along, but he did it in such a way that I never forgot it. What he was saying to me was “Colin, you know I love you and I’ll sit here as long as want me to as you tell me about *your* problem. But until you give *me* a problem, I’m going to be watching the squirrels in the Rose Garden.” What he was saying was “Hey, I’ve delegated this much authority to you. If the problem is outside that range, you come and see me, but until then, I’m counting on you to handle this kind of problem.”

JUDGE LOHIER: Making *you* responsible.

GENERAL POWELL: Yes, and I never forgot that lesson. For the rest of my career I would make a judgment and based on that judg-

ment would delegate different amounts of authority to my subordinates, principal subordinates, line subordinates. They are all human and all different, but the thing I did with all of them was show them that I trusted them; had confidence in them; and believed in their abilities. I would not hound them, unless I had to. I found that the act of delegating authority to others acted almost as a magic wand in effectively managing people in large complex organizations. Everyone in an organization needs to know that they are an important part of that organization and the way to do that is to give them authority to do things.

About two weeks after that meeting, we had a real problem, a problem not within my zone of authority. Some of you may recall, in the late 1980s, Japanese investors were buying everything they could in the US—the Empire State Building, Pebble Beach Golf Course. The American people were concerned. Congress was upset. The whole Cabinet came to see me and said they had to see the President. I said, “Okay, let’s go see the Gipper.” We went into the Oval Office and he was sitting there. The President listened very carefully. He did not miss a thing. He asked a couple of questions and then when he was through with the questions, he took another minute or so, looked up and said, “Well, you know, I’m glad they think America is a good investment.” [audience laughter] Meeting over. They all walked out saying, “Why didn’t we think of that?”

It turned out to be a lousy investment. But the point of the story is to show that President Reagan did not get caught up in the minutiae of life or government and that trait made him a unique leader. He was thinking at a level above—about what kind of country we have, what kind of economy. He had a clear purpose of those higher ideals and truths. The purpose he saw filtered down into the country. When he left office, he had a very high popularity rating.

A LEADER KNOWS HOW TO CHANGE NON-PRODUCTIVE PATTERNS

GENERAL POWELL: When I first arrived at the State Department, the atmosphere among many there was to clam up when faced with a problem or challenge. I had to break that pattern. They were afraid to go up to the Congress because they might get in trouble. So, what I said was that I wanted them to go to Congress and if

they got into trouble, we would get out of it together. I met with my staff of principals—top members of the Department, the National Security Council—every morning for thirty minutes, usually less. We were all seated at a long table. Everyone wanted to come because they knew it was always a fun morning meeting. No one got in trouble at that meeting. This was like morning prayers. We just looked at each other. I wanted my European point person to hear what my Asian point person was doing that day so that we were all one team. It worked very, very well. These morning meetings also gave them something to take home to their relatives—“Oh, hey, John, did you see the Secretary this week?” They could say, “I see him every morning.’” It is not hard, it is simple.

A LEADER UNDERSTANDS AN ISSUE FROM ALL ANGLES

GENERAL POWELL: Whether I was at NCS or serving as corps commander in Germany with 70,000 soldiers, I always found time to walk around and see what was going on. People are surprised to see me do that. Not just once a month to have lunch with someone but rather every day. I would do it in an erratic pattern so no one would know when I was going to show up. Except, one day out of the week, I would follow a fixed pattern so everybody knew when I would be passing by their barracks and they could wait for me. I would hear, “Hey, sir, did you hear about?” “No,” I replied, “I did not, I will look into that.” They responded, “Thanks sir.” I would then go back to my staff and ask why a particular item was being handled a certain way. They might get mad because somebody leaked it to me. I would tell them not to worry about what other people would tell me because I would always talk to them first before I did anything. But, I would stress that they needed to know that my bias was for the people on the line and assume they were right. My staff would say that bias was not fair to them. I would reassure them that if they were right, then I would speak to the people on the line. But my bias was to believe the people on the line and we were there to fix things for them.

What happened next was my staff realized that they had better go out and know everything that was going on before I found out. It made life easier for me because my staff would ask the people on the line if anything was missing. It is simple, it is just fundamental human relations, believing in people.

JUDGE LOHIER: So the importance of understanding a problem from many angles can't be overlooked by a leader, is that what you're saying?

GENERAL POWELL: Right. When I was dealing with a problem in my organizations, I would not only call my principal people, but I also called my junior people. I wanted their expertise because I knew that neither I nor my senior people had the same expertise as the junior people. I always wanted to have the benefit of the junior expertise. We would sit around a round table in my office, which did not have a head, where we were all equal. I would never wear my big uniform with all my medals and stuff on it, but just a sweater. When I started asking questions of the young staffer he might be scared at first when he gave me an answer. If I did not like the answer, I would challenge it. I would say, "I do not understand, I do not believe that, why would you say that?" Usually, after the questioning started, they would take me on. They would say, "Mr. Chairman, General, I am telling you sir, this is what it is." We would have a great conversation and the last thing I would say to them as they were going out the door would be "Okay, I have heard everything you believe and think, but now I have to make a decision and I have factors to consider that you do not even know about—politics, senators, the White House, my fellow military leaders. I have trusted you and now you have to trust me. When you go through that door back to your office, my position is your position. What I decide is your decision. Do not ever leave this room and mumble something like 'He does not know what he is talking about.' Yes, I do. If you do not think I do, you are on your way out."

A LEADER KNOWS THE IMPORTANCE OF MAKING A PERSONAL CONNECTION WITH PARTIES

GENERAL POWELL: One day when I was at the State Department, I left my office to take a walk and went down the private elevator into the garage. I was going down to the garage because I was curious about how the attendants got all the cars arranged every morning because it was crowded, very crowded. They arranged them by stacking them in groups of three—one, two and three. The effect was that two and three could not leave until the first one left. So, I am wandering around down there and the contract em-

ployees who run the garage and park the cars spotted me. They walked over—about four or five of them—and they said:

“Mr. Secretary, are you lost? Can we help you get back upstairs? Why are you here?”

I said, “I want to talk to you guys.”

“You want to talk to us?”

“Yeah. Where are you from?”

“Honduras”

“Where are you from,” I said to the next guy.

“Somalia.”

I asked, “Good job?”

“It’s okay.”

I asked, “Too much carbon down here? Everything okay?”

“Yes sir, everything is fine.”

Then I asked them how they get all the cars in every morning. I asked them particularly how they decided which car goes in first and which cars were blocked by the other cars. They looked at each other and then one guy spoke up and said: “Mr. Secretary, it goes like this, if when you pull up in the morning, you lower your window, you look out, smile and say, ‘Good morning, how are you?’ you are number one.” [audience laughter]

It is important that when you’re a “big boy” or a “big lady” in an organization—you’re the boss or near boss—and an employee making a little over the minimum wage, who has been in this country for maybe one year, is being recognized by you—“Good morning, how are you”—it makes all the difference in the world. You both have fears, anxieties, dreams, and hopes. The one inside the car has a lot of authority; the guy outside has a service to perform. But at that moment, they are just two human beings. Two human beings must show that they care about each other if you want to have a perfect team, a good team.

I always drilled into my staff as often as I could every morning the following point—I cannot replace the mechanics and people who keep this building running. These people are the irreplaceable “horses,” to paraphrase Abraham Lincoln. Treat the people who are responsible for the day-to-day operations as irreplaceable. Do not ever forget it.

Another example of the importance of making a connection—one morning I came into my office for my morning staff meeting with all my senior ambassadors and foreign service officers. They all spoke multiple languages and had been to every school you can think of. I came in and asked the group, “How many of you saw the World Wrestling Federation last night?” They looked at me. I

said, “It was great. You missed it?” They continued to stare at me. I said, “World Wrestling Federation. It was great. The Undertaker took on you know Golden Boy. And it was a great fight.” And they were staring at me bewildered.

Let me tell you why I did that. I wanted my ambassadors and officers to ask why their fellow citizens would watch world wrestling, or for that matter go to an opera or ballet on any given Tuesday night, and have a great time. We may not go, but I wanted them to understand what moved their fellow citizens because those were the people we served. We were not serving each other here in the State Department. We were serving our fellow citizens and we had to understand what moved them.

AUDIENCE QUESTIONS: A LEADER “KEEPS HOPE ALIVE”
FOR THEIR FOLLOWERS

JUDGE LOHIER: General, we would like to open up this conversation to the audience. Does anyone have a question for the General?

AUDIENCE QUESTION: I am a high school student and my question is what gave you so much hope, and how did it keep you believing in yourself?

GENERAL POWELL: I do not think you can live a successful life without always having hope. There was one time when I was going to leave the Army because, I think, I had a run-in with one of my superiors. He had written a report that had negative comments about me and I thought, “Well, that is the end of that.” One of the chapters in my book discusses when to know it is time to get off the train, and just leave. I went and spoke to him about the report and he said in his judgment he thought he was right and I was wrong. So, I was ready to leave and find hope somewhere else in another job. But my superiors—and his superiors—knew what was going on. They knew it was a bad situation and they would not let it happen. They also somehow got rid of the bad report because I became Chairman of the Joint Chiefs of Staff.

So always have hope. As one of my friends always says, “Keep hope alive.” If you do not have hope, what do you have? You have anger. You have hate. You think things are so bad that you cannot change. But you know tomorrow is another day and believe you can do better the next day. I enjoyed talking with the

high school student earlier because they are the future. I have 13 schools named after me across the country, 12 of them are elementary and middle schools, and then the Colin Powell School. I have been to them all. I have seen these kids and many of them are in poor neighborhoods. The schools where you see spirit in the students' faces, that spirit begins with the principal, the leader of the school. I have seen many kids, many coming from poor neighborhoods, but the ones that you can see spirit shining through them begins with their principal. You show me a good principal and I will show you a good school usually. A principal leads the school and inspires the kids to remain hopeful.

CLOSING REMARKS

JUDGE DENNY CHIN: This has been a spectacular colloquy and as Judge Katzmann mentioned, this is our third one so far. Ostensibly they are about mediation and negotiation, but really, they are about life and making the hard decisions in life. Thank you, General Colin Powell. It was a wonderful privilege to hear from you. We are grateful for your wise and entertaining words, your stories, your thirteen leadership rules and for your lifetime of leadership and service. You are a true inspiration not only for the students who have joined us today but for all of us, and so we are very grateful.

