Federal Judicial Center
In Session: Leading the Judiciary Episode 9
Finding Common Ground

Lori Murphy: Hello, I'm Lori Murphy, assistant division director for Executive Education at the Federal Judicial Center. Welcome to a podcast focused on executive leadership in the federal judiciary.

In today's episode, we'll discuss what it takes for leaders to find common ground even amid deep and long-standing differences. And we'll learn why courage, power, and persistence are among the necessary ingredients for leaders to negotiate lasting solutions to thorny issues.

Today, we're talking with Ambassador Wendy Sherman, author of Not for the Faint of Heart: Lessons in Courage, Power, and Persistence.

Ambassador Sherman is probably best known as the lead negotiator for the United States on the 2015 Iran nuclear deal. Before joining the State Department in 1993, she had a long career as a child welfare advocate and administrator, congressional chief of staff and political consultant. In addition to pursuing the nuclear agreement with Iran, Ambassador Sherman served as a special advisor on North Korea to President Bill Clinton.

In 2011, she became the first female Under Secretary of State for Political Affairs. Ambassador Sherman co-founded the Albright Stonebridge Group, where she serves as a senior counselor. She is the director of the Center for Public Leadership and a senior fellow at the Belfer Center for Science and International Affairs at the Harvard Kennedy School.

Our host for today's episode is my colleague, Michael Siegel, senior education specialist for Executive Education at the Federal Judicial Center. Michael, take it away.

Michael Siegel: Thanks, Lori. Ambassador Sherman, good morning. Thanks so much for joining us.

Wendy Sherman: Good morning. It's great to be with you.

Thank you for having me.

Michael Siegel: Fantastic. In your book, you focus quite a bit on the courage to break through frozen relationships. And you say to open yourself to reconciliation is to be vulnerable. Would you expand on both the courage and vulnerability required to thaw frozen relationships?

Wendy Sherman: I think if people think about their own personal relationships, maybe they've had a fight with someone in their family or they've had a difficult time or a difficult experience. And perhaps even in the past they've tried to make that relationship work and it just didn't. But something has happened in their life. Maybe they're going to have a wedding or a new entry into the family and they really want to reconcile that relationship. Well, you sort of have to buck yourself up. You have to be willing to open yourself up and to bend, to try to reconcile and create a larger platform and an openness and an inclusiveness to make that happen.

The same thing is true in negotiations in world affairs.

We have many, unfortunately, frozen relationships in the world, relationships that are pretty bad. And we'd like to make sure that America is secure. You have to be willing to talk. But when you do these kinds of courage-taking, high-risk, high-wire engagements, you also have to have a strategy, a team, followup.

Make sure you know what the next steps are going to be. But it is essential that when you find the courage to confront difficult relationships, that you know how to really follow through and try to make it work.

Michael Siegel: Thanks. So, you're talking about change on the personal level. Let's also talk about situational change. Sometimes it takes courage to see an opening where only frustration seems to exist. For example, the ability to take advantage of a backchannel in an important negotiation or to leverage a transition in power to start a negotiation process.

Would you elaborate on why you believe this requires courage?

Wendy Sherman: I certainly think in the case of the Iran negotiation, President Obama had enormous courage to open a backchannel through the Omanis with Iran to see if in fact there was any traction, to ensure that Iran would not get a nuclear weapon. It took a lot for President Obama to give this a chance and it ultimately grew into a backchannel that was successful and began to shape the interim agreement that was brought into a multilateral negotiation to ultimately get the Joint Comprehensive Plan of Action.

I think that President Trump has some courage to be willing to talk to Kim Jong-un of North Korea about trying to denuclearize North Korea.

It did take some courage to approach Kim Jong-un on a leader to leader level. In that culture where Kim Jong-un holds all the power, he believes only leaders make decisions. So, it was certainly worth trying.

There had been other presidents at other times who have opened those channels, had those discussions. Certainly Henry Kissinger on behalf of Richard Nixon in going to China many,

many times to open a relationship with China and to normalize relations with China was an extraordinary act by that president to try to change the world.

Michael Siegel: Thank you. Pursuing this issue of negotiation and bringing people together and the added idea of finding common ground, that also requires sometimes the exercise of power which you describe as a complicated tool. What do you mean by that and what advice can you give on how we can leverage power more effectively?

Wendy Sherman: Now, a lot of people think that power is a terrible thing. Used improperly or for bad ends, it is a bad thing. But power in and of itself is wonderful because it sometimes allows you to get things done that are quite difficult. We all have power in our lives as parents, in our relationships with people, as a boss, even as a worker to do or not do certain things. It's really how you use that power that makes it good or bad.

In negotiations in international relations, it's always quite critical. If you want to ensure that something will be followed, it will be enforced, it will be implemented, you need to leave your adversary even with enough power to make sure that that deal is durable. Using the Iran example again, when we did this negotiation we made sure that Iran was left with enough power to enforce and implement the Joint Comprehensive Plan of Action because otherwise the entire negotiation would have been for naught.

So what I encouraged people, and particularly women who sometimes have an odd relationship to power, to use all the power they have but use it for good purposes, and to understand

that you can make something endure and sustainable if you leave everybody at the table with enough power to ensure that durability.

Michael Siegel: Great point. So, another aspect of negotiating and leading is persistence, which you write about in your book. What does persistence look like for you?

Wendy Sherman: Persistence means understanding that things sometimes are really difficult and it may take a long time to do and you have to persist. It's not the same thing as patience.

There are times in a negotiation, times in any circumstance where impatience is a good thing. When Secretary of State John Kerry would say to the Iranians, "You know, I'm running out of patience.

Either decide you're serious about this negotiation or go back to Tehran and get more authorization to really make a deal here." But to really do very tenable things, one must persist.

We thought once we got an interim deal with Iran that it would take us about six months to do the final deal. It took us about 18 months. We had to really live through a lot of very difficult moments and persist. The best things in life take persistence. Good marriages only last when you persist and there are good times and there are bad times. Times you have to work difficult things out, but you believe that the ultimate objective is worth it.

Michael Siegel: Great. You write it's important to know before you start what your definition of success is. Why do you say that?

Wendy Sherman: One of the things that is quite critical in any negotiating situation is what's the outcome, what are you

trying to achieve? So it's quite critical in any negotiations to know where you're headed, even if you have to take steps along the way to get there, because then you know what to do every day and what you're driving toward.

Michael Siegel: It's almost like having a vision or a strategy.

Wendy Sherman: Exactly. Michael Siegel: Yeah.

Wendy Sherman: Tactics aren't enough. You have to have a strategy for the ultimate outcome.

Michael Siegel: So going back to the question of persistence for a minute, what advice would you have for our court leaders on how to both motivate themselves and inspire others over a long period?

Wendy Sherman: I think one of the things that's most helpful in that regard is to have a great team. I'm a huge believer in the importance of teams. None of us ever does anything important by ourselves. During the Iran negotiation, I had a core team of about 15 but I was backed up by literally hundreds of people in the U.S. government. And because we had such a tight team -- including skeptics on the team.

I'm a great believer that you need skeptics on a team to really go back to first principles and to challenge what you're doing, knowing at the end of the day that the leader of the team gets to make the decisions.

We all understood each other. We began every morning with the entire team sitting around the table. It ended late at night with the whole team back together again. Everybody knew what each other's skillsets were and how we had to rely on each

other to get the job done. Building that team and creating a culture where you're all headed in the same direction can help you when you get to difficult moments because you can buck each other up. You can even have some strange fun along the way. If you got a great team, you can find some ways to get you through very difficult days. Towards the end of the Iran negotiation sort of my senior nuclear expert, Jim Timbie, who really is a nuclear physicist, had this hands on virtually every arms control agreement for 40 years at the State Department, had told me that one of our younger team members, also an expert, had some concerns. And so I sat down with Paul. He had actually 52 concerns. That was a little daunting given that I thought we were close to possibly getting a deal. Many of them were highly technical. I sent them to Secretary Moniz, our Secretary of Energy who was so critical to the negotiations in the last six months.

By the time we got to the end of the deal, virtually every one of those concerns had been addressed.

Sometimes it's hard. You have to swallow hard and get yourself to think hard about what you're doing. But having people who challenge you on a team is critical if you really want to get a good first class deal.

Michael Siegel: Thanks. At times, you've been the lone female diplomat at a table full of men. What are some lessons you've taken away from those experiences that might be useful to our audience?

Wendy Sherman: I think for me, I've always tried to create a support group with other women everywhere I've worked. When I was director of child welfare in the state of Maryland, I was

only 30 years old and I didn't really know what I was doing.

So, I surrounded myself with a support group of women, including my boss who was a woman, an African-American woman who also was first in her job. We would meet on Thursday evenings in the Inner Harbor of Baltimore for a drink and really just to support each other. When I worked on Capitol Hill as chief of staff of then Congresswoman Barbara Mikulski, I'd never worked on Capitol Hill. I found other women chief of staff, there weren't many in those days, and we met at one of our homes once a month only with Chinese carry out, no one was allowed to cook, just to share experiences and to support each other. All of those kinds of support groups are incredibly important so you know you're not crazy. That when you face a challenge, someone can validate your experience. Even when you're in positions of power, it's really important. When I was the undersecretary for political affairs, I'd often sit in the Situation Room at a time when Susan Rice was the national security advisor and four of our chief deputies were also women. But even so, sometimes in the Situation Room, one of the women would say something important, people would really not acknowledge it. Ten minutes later, a guy would say exactly the same thing and everyone would say how smart and brilliant he was. We sort of adopted an unwritten rule at those moments and one of us women would speak up and say, John, what a terrific point you've made, it was great for you to come in and reinforce the point that Lisa made a few minutes ago. Sometimes the guys would get it, sometimes they didn't. But we felt we were supporting each other.

It's a constant challenge. I don't think guys mean to be dismissive. It's really part of a long socialization that all of us have had growing up and we need to support each other.

The last thing I'll say is that when I give speeches, if it's in a co-ed audience, invariably the first three questions are from guys.

Michael Siegel: Yes.

Wendy Sherman: And I stop and I won't take any more questions until one of the smart women in the room raises their hands. Women have told me that the reason they don't raise their hands is they're trying to concoct in their brains the perfect question. I said to them, don't try to concoct the perfect question. Guys raise their hands before they know what they want to say. And they figure by the time they're called on, they'll think of something that sounds smart. They'll say it with enough confidence it won't matter what they say. So I've encouraged women to raise their hands, by the time someone calls on them they'll know what they want to ask.

Michael Siegel: That's delightful. You've experienced your share of criticism as a public servant. How have you learned to persist in spite of criticism and how would you encourage court leaders to do the same thing?

Wendy Sherman: I'd stop sometimes. Nobody likes to be criticized. No one likes to be dismissed. Having those support groups to test out whether the criticism is legitimate or whether it's not. It is important to have good allies who will tell you the truth. Sometimes the criticism is right on and you need to deal with it but sometimes it's not and you need to see

your way through. So having that support group, having allies, having people who will tell you the truth.

Our family members are quite important to all of us. I'm really lucky to have a marriage that lasted for almost 40 years and my husband can tell me the honest truth. My daughter who is certainly -- our kids sometimes tell us truths we don't want to hear, and so we'll see it is important. So you have to be willing to take feedback. Know when it's real and know when it's not.

Michael Siegel: Yeah, and sometimes they may be right. Wendy Sherman: Yeah, sometimes they may be right.

Michael Siegel: I'm going to go back now to your earlier life where you talked in your book a lot about your upbringing in Baltimore, Maryland and how those experiences impacted your values and shaped how you even approach your diplomatic work. Can you talk about that?

Wendy Sherman: Yeah, this has a lot to do with courage and persistence to do difficult things. My folks were activists in many ways. When my dad was a Marine in World War II, he was wounded in Guadalcanal. He came back to the West Coast. He was married to my mom at the time and neither of them wanted to see war again. So he and my mother were very active in what ultimately became the founding of the American Veterans Committee. They both attended the founding of the United Nations in San Francisco because they didn't want to see war again. And then many years later, when they lived back in Baltimore, they got involved in civil rights.

My dad was at a Rosh Hashanah service - we're Jewish Americans - and the rabbi, Rabbi Morris Lieberman had been

arrested a couple of weeks earlier for being part of a clergyman's group trying to integrate an amusement park just outside of Baltimore.

He thought he owed his congregation an explanation. He said that when he was a chaplain during World War II, he was at the liberation of Dachau. He wondered at the time when Jews were being taken away what clergy had ministered to their congregations on Sundays about this. He thought for him, in his time, in Baltimore in the '60s, it was to end their discrimination and degradation of African Americans.

My father was very moved by this sermon and went and saw the rabbi a few days later and asked what he could do. And the rabbi said, well, you're very powerful, you sell homes. My dad was in residential real estate at the time. You could advertise your homes to anybody who wants to buy that home. My father said, well, if I do that, I'll be driven out of town. There were no open housing rules or laws at the time. Then the rabbi said, well, you've asked me what you could do. This is what you can do. So he and my mother talked about it and decided to do it.

So my father did advertise to anyone who wanted to buy a home as long as the seller was willing to sell. Within six months, he had lost 60 percent of his listings. A few years later, even though he had added different services to his company, his company closed. But my folks never ever doubted the choice they had made because they knew it was important. They knew they had made a difference in people's lives.

When Frank Robinson, an African-American baseball player came to the Baltimore Orioles, ultimately went on to be the most valuable player, Frank Cashen, the owner of the Orioles called my father

and said, you have to find Frank a house or I won't be able to keep him.

So, my parents were able to do remarkable things.Having courage, doing hard things sometimes comes at a price. It often comes with a cost.

But important things are important to do regardless of the cost.

Michael Siegel: Absolutely. That's a really compelling story.

Your final sentence in the book advises readers to have courage to work with others to find the common good, to persist against all odds to use all that we have, all our power to do good and to be not faint of heart. These are strong words to live by. Is there anything else you'd like to share with our audience?

Wendy Sherman: Well, I've come to the Harvard Kennedy School to be the director of the Center for Public Leadership and a professor of the practice at public leadership because I think it's so important to educate young people to become the public leaders that we need so desperately right now. We live in a really complicated world and a lot of people feel very left out and very left behind. There's a great deal of injustice that remains in the world, a lot of anger. And as we have seen of late, a lot hate.

People in the federal courts spend every day trying to mete out justice. It's a hard thing to do, the challenges are great. It takes our sense of values, of judgment, of law, of what is right and what is wrong, of rough justice in this world.

Justice is not always perfect but it's critical.

So I think it's really, really important for young people to understand their constitution. For half of the Kennedy

School graduates are from other countries to understand the values and the precepts of the United States of America, and how important democratic institutions and democratic values are.

And to gain the skillset to make that real so that people in countries around the world can live good, prosperous lives where they have a say in their governments. There's peace, security and prosperity for everyone.

I think that's a great challenge. I think everyone in the federal court system takes up that challenge every single day. I'm very grateful for their public service and I want to encourage more young people to join in public service.

Michael Siegel: Well, thank you. Ambassador, thank you for your service to our country and thank you for sharing your experiences and insights today.

Wendy Sherman: Thank you and my pleasure.

Lori Murphy: Thanks, Michael. And thanks to our listening audience as well. If you're interested in learning more about today's episode, visit the Executive Education page on fjc.dcn and click or tap on podcast. Produced by Jennifer Richter and directed by Craig Bowden. I'm Lori Murphy, thanks for listening, until next time.

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