

Federal Judicial Center  
Interview with Michael Siegel  
In Session: Leading the Judiciary  
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**Lessons in Leadership from the White House to the Courthouse**

Craig Bowden: Coming up.

Michael Siegel: It's so important to surround yourself with people who are willing to tell you the truth, who are not necessarily your friends, somebody willing to speak truth to power.

Craig Bowden: Today on *In Session: Leading the Judiciary*, we're talking to FJC's senior education specialist and frequent host of *In Session*, Dr. Michael Siegel. Michael is a presidential scholar and an expert on the hows and whys of presidential success and failure. Throughout his 33 years at the FJC, he's been applying his research on presidential leadership to benefit leaders in the judiciary.

Michael is the author of the *President as Leader* in which he explores a four-part leadership framework that applies to leaders in the White House and the courthouse. Michael received his PhD in political science from Tufts University, and was an Eli Lilly endowment postdoctoral teaching fellow at Purdue University.

In addition to his work at the FJC, he's an award winning adjunct professor at both American University and Johns Hopkins

University. He's published numerous professional journal articles on political science, leadership, and criminal justice. He's also been a tremendous colleague and leader in his own right. All of us at the FJC will miss him when he retires this month.

Our host for today's episode is Lori Murphy, assistant division director for Executive Education at the FJC. Lori, take it away.

Lori Murphy: Michael, this is an exciting opportunity for me to talk to you about leadership. Thanks so much for your willingness to swap seats.

Michael Siegel: Well, Lori, it's a pleasure to talk to you about both of our favorite topics.

Lori Murphy: Well, in your book, Michael, *The President as Leader*, it looks at and compares presidencies after Watergate. Why this timeframe in particular?

Michael Siegel: I could actually draw from another one of the guests we had named Joseph Nye who has a concept called contextual intelligence. You know leadership always occurs in a particular context. The context to the White House has certainly shifted. What the founders wrote can no longer capture the full dynamics of the current office.

Certainly, the office that Richard Nixon left in 1974 was a very different office than Jimmy Carter inherited in 1977.

Congress had become much more active in oversight. The judiciary had become more alert to constitutional infractions. The press was more attuned. People were more engaged. We went from what Gerald Ford called the imperial presidency to what he called the imprecise presidency that Jimmy Carter inherited.

Lori Murphy: And it seems like those forces have only accelerated over the decades since.

Michael Siegel: Absolutely. Because whenever there's a crisis, there tends to be an elevation of presidential power, whether it's the war on communism, the war on terrorism, whatever but once the crisis passes, Congress becomes more active in oversight.

Lori Murphy: Okay. So I'd like to look at the four-part framework that you really structure your book around. You analyze presidential success using this framework. Help us understand what the framework is and why it's a useful lens to use when assessing presidential leadership or, as you just refer to, presidential power.

Michael Siegel: The idea for the framework I borrowed from two men, two high level executives who served in the Carter presidency. They wrote a book called *Memorandum to the President*. In that book, they outlined four major areas where they felt Jimmy Carter had come up short as a leader. I took those four areas because I thought they were fantastic. I

developed them further, and that becomes the basis of my analysis.

Lori Murphy: So tell us what those four parts are if you would.

Michael Siegel: The first is policy which is vision. Vision, as we talked about a lot in our programs, is foundational to leadership. Why am I running for office? How do I want to lead the nation? How will my administration make a difference in the lives of U.S. citizens? How will I improve the status quo? What do I want my legacy to be? And whether you're the president of the United States or chief judge, you should ask these questions.

Second, how do I translate vision into reality? Whenever you try to translate vision into reality, you become political. I don't mean that in a partisan sense. I mean that you have to exert influence. You have to be a political leader at that point because, as Henry Kissinger once said, a vision without a plan of execution is nothing but hallucination. Okay?

So here are the questions that I ask around that. How will I implement my vision? Whose help do I need? What influence strategies will I use? How will I negotiate? How many issues will I take on at one time? How will I continue to work even after setbacks? How will I exert control over my agenda? How will I prevent mission creep as well?

Lori Murphy: I think you also use the word strategy which is a word that I think resonates a little bit more in the judiciary. So is that fair to say, that politics is sort of equal to strategy in that sense?

Michael Siegel: It is. And the strategy has to be about the people and about the process.

The third element is structure or management. How will I organize the White House? What management procedures will I use? Will I favor macro or micromanagement? How will I assure the alignment of my vision with all the people that are working for me? Because it should, as Kouzes and Posner remind us, be a shared vision. And finally, how will I make decisions? How will I make and announce decisions? How will I create the conditions for good decision making? How will I handle conflict among my staff? How will I use damage control when needed? And how will I finally measure success?

So, all of these things, all these four variables must be considered by the president, by a chief judge, by a clerk of court, by a chief probation officer.

Lori Murphy: You've done a lot of work on presidential leadership. So I'd like to get an exceptional example from each of these variables from the presidents if you would. So let's start with policy or vision.

Michael Siegel: All presidents have successes and failures. You'll see I'm drawing from presidents of both parties. This is not at all partisan. So as far as vision, I would cite Bill Clinton. Clinton came into office to say, "You know something? Democrats don't have to be antithetical to business. Democrats can look at other ways to solve problems. Democrats can become deficit hawks."

So this fundamentally challenged the Democratic Party, and actually, I believe led to his success in getting elected. It also spilled over to Tony Blair who very much governed the same way in England which is kind of the middle course between left and right.

As far as politics, I would choose Ronald Reagan. Reagan who was an outsider and who really did not know the details of politics at all, he understood that as an outsider he had to marry his ideologues, who he brought with him from California, to political professionals in Washington. So Reagan's blend of outsiders and insiders was the most creative blending of political talent in the White House in 50 years according to David Gergen in his book *I Witnessed the Power*. They did some very smart things.

For every meeting he would have with a member of Congress, his staff would write out index cards. The index cards would say things like: This member of Congress really wants to help

you, but she's really concerned about the student loan program in Massachusetts where she's from. When you meet with her, please talk about the student loan program.

Now an arrogant leader would say I don't need those cards. But Reagan understood, he knew what he didn't know as Adam Grant recently told us, right? He took these cards and used them. The members of Congress said, we don't agree with him, but he understands us and he's with us. And they ended up supporting him actually. A large part of what he wanted. So it was this humility in admitting what he didn't know, relying on his professionals around him who were very qualified, and being able to negotiate face-to-face with Congress all led to a tremendous success of his program in the first year.

In terms of structure, I would use George H.W. Bush, Bush 41, who had a very professional operation. Many of the people in his White House had served in previous White Houses. They knew his strengths. They knew that he wasn't an ideologue. He didn't operate out of grand strategy. They supported his goals and they knew what they were doing because of their years of experience.

So one of my personal really hopes for our country is that we will stop to disdain insiders and celebrate outsiders, because we actually need insiders like George H.W. Bush who had such great connections with almost every leader in the world

that he could assemble a coalition against Saddam Hussein very quickly and he could keep the Israelis out of the conflict because he knew their leaders personally, et cetera.

On decision making, I'm going to use Barack Obama. I'm going to use the execution of Osama bin Laden as an example of very good decision making. This was a very tricky operation. There was a great possibility of failure. So he assembled his team, then they told Obama we think we know where he is. Obama said, "That's great. How sure are you?" They said, well, we're not 100 percent sure. Then Obama said get more information and bring it back to me. About two weeks later they said, "We have more information. We're pretty sure he's in this complex in Pakistan." Obama said, how sure? And they said 60 percent sure. He said, okay, let's get some more information.

So they've worked some more and they finally got it up to about 70 percent sure. He said at that point, okay, let's start planning it. The Secretary of Defense expressed some hesitancy. Obama was very deliberate in listening to these concerns and giving them full voice and hearing from others. Finally, he said we're going to do it. He did it. It was a risk, a big risk, but he had the input of all his team. He had heard the dissenting views and he gave them a full airing. It was a very deliberative process and, thank God, it worked.

Lori Murphy: I was struck by what you said at the outset of this answer. That was that, you know, even though these four presidents had success in a specific domain, they also had failures. So it sounds like an individual, whether a president or a leader elsewhere, they need to up their game in all four domains to the extent possible to be maximally successful. If they're derelict in in one or more, it could be pretty detrimental to their leadership.

Michael Siegel: I will also say that it's very hard to master all four and very few presidents have. So we have to, as followers, we have to give leaders some leeway for mistakes and problems. If we expect perfection, we're never going to find our leader. They actually require different skills and different skillsets, which is perhaps why different presidents excel on different ones of them.

Lori Murphy: Another thing that I was struck by is you spoke a lot about how these individual presidents surrounded themselves by people who may have had skills that they didn't have. So I think that's probably part of their success even in the domains where they excel more naturally.

Michael Siegel: It's so important to surround yourself with people who are willing to tell you the truth, who are not necessarily your friends. The president does not need a friend. He needs what Ira Chaleff, another one of our guests, called a

courageous follower, somebody willing to speak truth to power and somebody willing to tell the president his own weaknesses and his own blind spots. It's very important.

Lori Murphy: I'm curious how this framework, how these four variables of leadership apply in the judiciary especially given that authority is more diffused in the third branch than in the executive and specifically the president.

Michael Siegel: My favorite leadership quote from the third branch is from former Chief Judge Merritt who said: When they handed me the reins of power, nobody told me there was nothing attached. The chief judge has relatively little coercive power over anybody, especially his colleagues. However, a chief judge or a chief probation officer or a clerk of court or a circuit executive, whoever serves in an executive position in the judiciary, I believe needs to have a vision.

Now some will tell you, well, we already have a vision - equal justice under law. But that's not enough. Because the question then is, well, what about your particular court? How is it going to serve equal justice? What are its particular goals and purposes? Secondly, how am I going to implement my vision? Who am I going to rely on? I don't have all the answers.

Let's say I'm a chief judge, I'm not an expert on security. I'm not an expert on IT. Can I be like Ronald Reagan and admit

what I don't know and gain the people around me who could help me? And of course my unit executives are key in that regard. They know how the place works. They know how to persuade people. They know the influence tactics, the strategies as you said. How am I going to structure the operation? What duties do I give my chief deputy? Do I allow full expression of opinions as I said earlier? Do I respect the value of each member of my team? Do I select the right venue for an honest discussion?

The chambers of the chief judge may not be the best place to get an honest dialogue, right? So what do I do as far as ensuring a venue where I have heard everybody, and that after the decision is made, I have everybody on board?

Lori Murphy: You've mentioned a couple times leaders surrounding themselves with the right people. Can you be any more specific about the kinds of people that court leaders should be looking for to surround themselves with based on what your study of leadership, generally and specifically presidential leadership?

Michael Siegel: Absolutely. Of course, Lori, you could argue that presidents have an easier time because they get to select their people around them.

Lori Murphy: Sure.

Michael Siegel: As you know, the president chooses the whole top layer of the executive branch. Not only at the White House, whereas the chief judge or a clerk, for example, will inherit a lot of staff.

Lori Murphy: And back to your earlier comment, really filled with a lot of deep institutional knowledge in many cases.

Michael Siegel: I think you really want to surround yourself with somebody who's confident in their abilities, somebody who's willing to speak truth to power but do this with craft, with acumen if you will. I think somebody who is respected by others around them and their colleagues. I think somebody who's willing to work hard, people who are willing to challenge assumptions; who are willing to challenge the process, as Kouzes and Posner would say. I think also people who have some sense of fun. We work too hard and life is short. I think you want to have people who know how to have fun and creativity.

Lori Murphy: You mentioned time. The president has at most four to eight years. How does time impact leadership?

Michael Siegel: Yeah, this is a great question and not thought about enough. I think what a leader has to do is to say, okay, what's realistic? You need to limit your agenda. Now realize of course you don't have total control over your agenda. None of our court leaders imagine they'd be dealing with a pandemic, right? Presidents don't imagine they'll be

dealing with the invasion of one country of another, whatever, whatever. But to the extent that you can control your agenda, you need to maintain control of your agenda and you need to maintain a limited number of objectives.

My favorite anecdote on this, Lori, is from Jimmy Carter. One of the things he failed at was limiting his agenda. When his domestic policy adviser Stuart Eizenstat asked Carter what are your goals, essentially what's your vision, Carter answered him alphabetically - A to Z. He had 26 goals.

Lori Murphy: Wow.

Michael Siegel: Abortion to Zaire. And then Eizenstat said, because Eizenstat understood, what's really important? And Carter said all of them. Well, there's no way a president is going to accomplish 26 things at the same time. It's impossible. Ronald Reagan had three objectives in his first year as president - budget cuts, tax cuts, defense increases. That's it, three as opposed to 26. So maybe somewhere in between is a good number but it has to be a number. You can't have unlimited objectives.

Your staff needs to know what's important to you especially because they're going to help you do it. So you need to get their buy-in. One of the things, again to go back to Reagan just for a second, was that his staff very clearly understood what his goals were. They didn't need lectures. They

fundamentally intuited what he wanted done, and they understood it.

Lori Murphy: And his goals could have fit on an index card.

Michael Siegel: That's right.

Lori Murphy: Which makes them more memorable and you can focus on it. You mentioned in your book that some presidents have ruminated rather than take action. Others have been more delegators rather than micromanagers. How can we in the judiciary learn from these presidential styles and what applicability is there to our work?

Michael Siegel: Again, I'm sorry to be using so many Jimmy Carter examples, but he just comes to mind as a micromanager. President Carter liked to be in control of everything, including the White House tennis courts. He actually scheduled all the games. Now you can imagine, you know, that's maybe not what a president should be doing. Like when I talked to a supervisor in the courts one time and they'd said, Michael, I'm spending 80 percent of my time on parking. Well, that seems like a bit much.

And I know people in the judiciary don't like to be micromanaged. So I would say delegate where you can. And yet the opposite style which was Ronald Reagan's style, which is macromanagement, that's a problem also because then you lose

sight of some of the details. And Reagan clearly did. He lost sight of the AIDS victims in this country for example. He took his eye off the ball on Iran-Contra. There are many other examples of where macromanagement is perhaps just as bad a pathology as micromanagement.

As far as rumination, you know, some presidents were very deliberative. I use the example of Obama who was very deliberative but also able to reconcile opposing views I believe. Clinton was a great ruminator. Some say he was too much of a ruminator because he always wanted to keep it open for more information and for more options. Then there's the guy who called himself a decider named George W. Bush. He was very, very decisive, but unfortunately he was not always as attuned to the consequences of his decisions. So there's something to be said for taking your time being decisive but then following up and looking at what are the consequences of those decisions.

Lori Murphy: How does a leader navigate the need to make decisions encouraging dissent, you know, and how much of that input to gather and then to be able to actually get to a point where they can make a decision? Then how do they handle those dissenters themselves?

Michael Siegel: Yeah, that's an important question. Lori, thank you. Number one, as I said earlier, you have to create the conditions for dissent to be possible. Some presidents are

much better at this than others. It's funny because when W. came into the White House he told Bob Woodward, he said, Woody - he gave him a nickname, of course - Woody, when people come into the Oval, they say, Mr. President, you're looking pretty good today. Then he said, Woody, what I need is for people to come into the Oval and say, Mr. President, you're not looking so hot today. The Oval Office is an environment conducive to people agreeing with the president.

Lori Murphy: Sure.

Michael Siegel: There's so much history there. There's so much pressure that when the president has an idea, people are not inclined to say that's the dumbest thing I ever heard. You're in the Oval Office, right? Think of a judge's chambers. It may have the same effect. I really believe strongly in the importance of venue in setting the stage for allowing dissenting opinions to be voiced. Then you also have to look at what's the reaction to dissenting views.

One of the things that happens in groups, and we know this through the studies of groupthink, is that groups develop a consensus and they no longer want to hear dissenting opinions. This happens in the courts also. Okay? And one of the defense mechanisms a group uses is laughter. They just laugh at an idea. So that's basically shutting the person down or making sarcastic remarks or something like that. That actually

happened to John Kennedy when he was planning the Bay of Pigs. There was one dissenting voice - don't do it, it's stupid - and everybody else laughed at the person. They did it and it failed.

So you want to not only encourage dissent, but actually reward dissent. Say thank you, we hadn't looked at it that way. Thank you for that perspective, I really needed that. That takes strength of a leader. It takes humility. Then after you all heard the dissent and you've surveyed all the people, including the quiet ones, by the way, because as we know, extroverts will say a lot more than introverts in a meeting anywhere, whether it's the White House or the courthouse, right? You got to be sure you hear from the introverts, even if you hear from them after the meeting.

After you've heard from everybody, as you said, Lori, you have to then arrive at a decision and you have to take ownership of that decision. You have to strongly announce it and strongly back it. That doesn't mean you can never reexamine it, but you shouldn't be tentative and you shouldn't have a lot of caveats because this throws people off I believe.

Lori Murphy: These last 15 months or so we've been in a pandemic which, you know, I think by definition is a crisis. I'm curious what court leaders can learn from those presidents who handled crises particularly well?

Michael Siegel: One example, I think, of handling a crisis well was George W. Bush after 9/11 who did many, many things well. In October of 2001, he achieved the highest ever recorded popularity of an American president at 91 percent. Let me say to the court leaders out there, if you ever get 91 percent approval, do something because you're never going to get it again, right? What did he do? Number one, he reassured the country we are running the government. The government is fine. We're going to take care of this. We're going to apprehend these people who did it. The country is not falling apart basically. So he reassured.

Number two, he educated. He said this is not a war against Islam. Islam is a peace-loving religion. We are at war with terrorists. The other thing he educated the country about was this is going to be a long war. This is not a quick fix. We've got to be ready for maybe years of this kind of business. It was very important at the time to educate the country, to reassure the country, to also reach out and console the first responders and the families. He showed a tremendous amount of compassion at this time and this was very well done.

I wrote down a series of things that I think leaders need to do in crises going beyond 9/11. Stay focused on a vision. Limit your agenda. Focus your energy. Preserve your energy because you could get burnt out very easily. Surround yourself

with good people. Let them shine, compromise, negotiate, persuade. Again, work on good decision making and show compassion. I think the showing of compassion we saw really in droves during the pandemic. We know that people in the courts so appreciated the compassion of their leaders during this period.

Lori Murphy: Absolutely. Michael, what are some other key takeaways from your book that we haven't covered that you think are important for court leaders to know?

Michael Siegel: How are we going to maintain enthusiasm over time for a mission? The implementation of which can be very frenetic and sort of mundane at times, but how are we going to maintain enthusiasm. How are we going to be cheerleaders for our people? Leadership is a very complicated art. I go back to James MacGregor Burns who said that leadership is one of the most observed and least understood phenomena on earth. Okay? Everybody has an opinion on leadership, but very few people truly understand it. It's a lifetime project, I believe, to understand it and to perfect it.

Lori Murphy: Well, speaking about a life's work, Michael, you've spent over three decades at the FJC now. You've worked with just about every group possible, I think, during that time within the courts. As you look back on court leaders, and you've worked with many of them over the years, those court

leaders who've had the biggest impact, who have exemplified leadership albeit imperfectly as we all are imperfect, what do they have in common?

Michael Siegel: I wrote an article in the *Western Legal History* journal about a chief judge that I greatly admired named Richard Chambers who was chief judge of the Ninth Circuit for actually -- I believe it was 17 years, believe it or not. He was a tremendous visionary. He had a vision of justice. As the judiciary has this very important role in society, its edifices, its buildings should be commensurate with that importance and should encapsulate that importance. He fought for courthouses. That was his vision and that was his passion.

He had the heart of an architect, but he still had a passion for justice and for encapsulating justice as I say in beautiful buildings. I admire leaders who have a passion for an idea, for an ideal and who get others inspired about that, who are able to bring others along with them because you can't do it alone. As good a leader is, you can never do it alone. Who infuses people with this passion and this enthusiasm and who also understands that he or she needs help, that he or she is not perfect, that he or she isn't an expert on everything, that he or she has very qualified people around them that can help. And that also understand the absolute burden of execution, that

it's so hard to get anything done, that it takes patience and persistence.

There are going to be setbacks and complications and nothing occurs easily. You have to have a certain humility to understand that and a certain realization of that to translate vision into reality. It's very complicated. And again people who show compassion. Chief judges, clerks, others who show compassion to their people, it is so much appreciated. So those would be just some thoughts on that.

Lori Murphy: Michael, as you are staring down retirement, what else would you like court leaders to know? What would you say to them?

Michael Siegel: I'm not the only one to say it really at all, but the country is counting on you. The country is counting on you to uphold the rule of law. We all are counting on you. You do such an amazing job under some difficult circumstances. Don't be defeated. Don't give up. Keep going. Keep strong. You will make mistakes, but you will also have great accomplishments. I will be closely watching and I will be with you.

Lori Murphy: Michael, thank you so much not just for this interview and all of your ideas and your thoughts today but really for your tremendous service to the judiciary in your 33-plus years at the Federal Judicial Center. I've had the

pleasure of working with you for almost 19 of those years. I think I speak for all of us at the center and all those you've worked with throughout the courts when I say we're going to miss you very much and we're so grateful to you for everything.

Michael Siegel: Thank you, Lori. It's been a mutual pleasure working with you, and our team, and the whole center. It's been truly an honor to be able to do this. I consider myself very lucky. Thank you very much.

Lori Murphy: All the best.

Craig Bowden: Thanks, Lori, and thanks to our listening audience. If you'd like to hear another episode with Michael, listen to the FJC's *Off Paper Podcast* Episode 19. To hear more episodes of this podcast, visit the Executive Education page on [fjc.dcn](http://fjc.dcn) and click or tap podcast. You can also search for and subscribe to this podcast on your mobile device.

*In Session: Leading the Judiciary* is produced by Shelly Easter, and directed and edited by Craig Bowden. Our program coordinator is Anna Glouchkova. Special thanks to Chris Murray. Thanks for listening. Until next time.

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