

# PART I: WHO’S IN CHARGE?

## Leadership in a Time of Pandemic: *Act Well the Given Part*

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### INTRODUCTION

Joseph Nye has observed, “Large groups and organizations often learn by crises and major events that serve as metaphors for organizing and dramatizing diverse sets of experiences. The Berlin crises and particularly the Cuban missile

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crisis of the early 1960s played such a role.”<sup>1</sup> Hurricane Katrina and 9/11 played a similar role with respect to homeland security. The U.S. Government’s response to the COVID-19 pandemic will play such a role as well. However, we are not done with the crisis and do not know when we will be. COVID-19 is here, and apparently here to stay for the foreseeable future. Thus, the *Journal of National Security Law and Policy* has begun the process of identifying new lessons to learn from the government’s response to COVID-19. For a crisis with an indeterminate ending, one might hope we immediately apply these lessons to the current crisis and not just to those still to come. This article addresses leadership.

Most security issues in government, it turns out, present leadership challenges and might in the first instance best be addressed with effective leadership. In the next instance, such issues present process challenges; getting the process right leads to better policy and to better results. Only in the third instance are issues resolved through law. This is because, while law can enable key actors by providing them the authority to act, you cannot legislate leadership. It must come from within, from the careful study of role models, and from conscious reflection and application of leadership principles and traits.

#### METHODOLOGY & ROADMAP

There are several challenges to writing an article on leadership. First, there are as many definitions of leadership as there are leaders. Thus, finding a good metric, let alone an agreed metric, against which to evaluate events with a leadership lens is difficult. “Leadership” is usually presented in one of three ways: (1) as a list of traits or precepts, such as the 14 Marine Corps leadership traits preserved in the elaborate mnemonic device JJ-DIDTIEBUCKLE;<sup>2</sup> (2) as a series of quotes from great leaders; or (3) through case study, especially the biographical study of “great leaders” like Lincoln and Mandela.

Second, in an election year, the Trump era, and increasingly during any year, there is risk that an essay on leadership will be perceived (or intended) as a political statement regarding the incumbent president. Here are some of the statements about leadership during the pandemic in just one week in May 2020:

“More than anything, this pandemic has fully, finally torn back the curtain on the idea that so many of the folks in charge know what they’re doing. A lot of them aren’t even pretending to be in charge.” Barack Obama, May 15, 2020<sup>3</sup>

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1. Joseph S. Nye, *Nuclear Lessons for Cyber Security?*, 5-4 STRATEGIC STUDIES Q. 18, 30 (2011).

2. See HEADQUARTERS, U.S. MARINE CORPS RP0103, PRINCIPLES OF MARINE CORPS LEADERSHIP (2008), <https://perma.cc/4NJU-3895>.

3. Audra Burch & John Eligon, *Obama Says U.S. Lacks Leadership on Virus in Commencement Speeches*, N.Y. TIMES (May 16, 2020), <https://perma.cc/7XSM-R9KA>.

“President Trump’s top priority throughout the covid-19 crisis and his presidency has been protecting the health and well-being of Americans.” Alex M. Azar, May 21, 2020<sup>4</sup>

“We’re really going to pay a price for this terrible failure in leadership.” William Kristol, May 12, 2020<sup>5</sup>

“Americans must put a president in the White House come January 2021, who will understand that public health should not be guided by partisan politics.” The Lancet, May 16, 2020<sup>6</sup>

Hopefully, these statements will serve to satisfy the reader’s desire for political alignment or to express satisfaction or frustration with the national response to COVID-19. However, the purpose of this article is to look forward to work yet to occur. The goal is not to tell government actors what to do, or how to do it, but to encourage officials to make purposeful and conscious choices in all they do (or not do), conscious of how those choices will (or will not) reflect and uphold the leadership principles and observations identified below.

This leads to a third challenge of writing an article on leadership during a pandemic: Scope. How should one limit a topic that should include: America’s role and place in the world; the international response to COVID-19; the federal government’s response; the state and local government response; the response of health care workers and first responders; and the examples set by leaders like Prime Minister Jacinda Ardern of New Zealand, to name just some apt pandemic topics. Moreover, the response to the killing of George Floyd by police officers in Minneapolis presents its own leadership responsibilities and challenges while adding to those presented by the pandemic. Indeed, many would say the two challenges are related not just in time and effect, but also in the disproportionate way COVID-19 has impacted people of color.

This article identifies three leadership tasks: Prepare, Act, and Lead (PAL), presented here as active verbs rather than passive nouns. These are obvious tasks. But if they are obvious, one must wonder why we learn and re-learn their importance with each crisis. To extract more meaning from the exercise, and avoid a mere platitudinal parade or bromide brigade, the article focuses on principles and tasks that have specific application to legal and policy responses to a pandemic. Section I, therefore, seeks to distinguish leadership during a pandemic from that needed in other national security crises. Section II makes observations about what it means to prepare, act, and lead in a pandemic. The section includes what the Solicitors Regulation Authority for England and Wales refers to as “indicative

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4. Alex M. Azar II, *We Have to Reopen – for our Health*, WASH. POST (May 21, 2020), <https://perma.cc/3BYM-URGQ>.

5. KK Ottesen, *Conservative William Kristol: ‘We’re Really Going to Pay a Price for this Terrible Failure in Leadership’*, WASH. POST (May 12, 2020, 2:50 PM), <https://perma.cc/MM5U-7VJG>.

6. Editorial, *Reviving the US CDC*, 395 THE LANCET 1521 (2020).

behaviors” reflecting specific actions policymakers and lawyers should take. Leadership is not a recipe, but checklists can guide good leaders to better outcomes. As a skilled pilot runs down a preflight checklist, good leaders are conscious of leadership principles, and they consciously consider each in context to decide whether and how to observe the principle, and if not, why not.

The article closes in Section III by identifying the importance of role models in encouraging each of us to aspire to be our best selves and to exhibit the moral courage, physical courage, and endurance needed during a pandemic. From Vietnam POW Jim Stockdale we learn the importance of “acting well the given part,” as well as the difference between faith and optimism. From Judge Jack Downey we learn to look forward with hope rather than backward with anger. We also learn the importance of leaders putting events in perspective for those with less experience or who lack a calm disposition. For Downey, acting well the given part meant using that perspective in the interests of his community and juvenile justice. Finally, from our health care workers and frontline employees we learn again that empathy and trust are essential leadership traits, especially during a pandemic. Leadership, like patriotism, is usually not displayed in frenzied outbursts of emotion, but in a steady dedication to duty.<sup>7</sup> These are the small unit leaders of a pandemic, the sergeants, and lieutenants, and it is for the example of their leadership that we bang our pots and pans.

#### I. LEADERSHIP AND PANDEMIC LEADERSHIP

Regardless of the personalities involved, pandemics offer distinct leadership challenges from other national security crises. Here are a few:

- First, while security leadership is always, in part, about managing public fear; pandemics present a different kind of fear. This fear is virtually universal and is caused by an invisible virus immune to the ordinary instruments of national power. Moreover, although there is a tendency to resort to wartime metaphor in times of security crisis, a pandemic does not present a mortal enemy against whom one can rally and unite the nation or whom one can verbally and physically attack. This places a premium on leadership that unites, inspires, and sustains over time.
- Second, in such a “conflict” it may be harder to describe and define the mission and the objective. There is no “victory” over a

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7. This is a play on Adlai Stevenson’s wonderful statement on patriotism in his address to the American Legion in 1952. Stevenson asked, “What do we mean by patriotism in the context of our times?” Stevenson responded, in part, “a patriotism that puts the country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime.” Adlai Stevenson, Illinois Governor, *The Nature of Patriotism*, Address to the American Legion Convention (Aug. 27, 1952).

pandemic. The question is how much harm will be done, in lives lost, and to the economy.

- Third, where most homeland security events are regional, pandemics are national in character. That is inherent with a pandemic, which necessarily reaches across continents and thus U.S. states. Thus, national leaders must mobilize the entirety of the nation in a context where individual experience and exposure may vary widely, yet in a context where citizens are not just called upon to support someone else's effort, but are themselves essential actors in that effort.
- Fourth, pandemics necessarily cut across governmental jurisdictions or, in military parlance, across commands and services. Part of pandemic leadership entails reaching across political divides, jurisdictions, bureaucracies, and professions, which always necessitates tact, rapport-building, and a relentless focus on the mission at the expense of one's time and ego. With a pandemic you do not choose your allies; they come with the crises. But remarkably, leaders without ego tend to have more allies. As Harry Truman said, "It is amazing what you can accomplish if you do not care who gets the credit."
- Fifth, a response to a pandemic requires sustained effort, which admittedly is not entirely distinct from other national challenges but does require a different kind of communicative leadership. Franklin Delano Roosevelt was after all brilliant in sustaining public morale and uniting the country during both the Depression and World War II. One thinks, as well, about Nelson Mandela, sustaining the anti-apartheid movement through years of imprisonment. He said, "A real leader uses every issue, no matter how serious and sensitive, to ensure that at the end of the debate we should emerge stronger and more united than ever before." However, pandemics place extraordinary emphasis on endurance as a leadership trait, together with consistent and sustained public communication to uphold public morale and discipline. Pandemic leaders need to rally and sustain the morale of those they lead.<sup>8</sup>
- Sixth, pandemics engage a different set of national security actors. Public health professionals are not members of the military, though thousands are or have been officers in the U.S. Public Health Service Commissioned Corps. They, too respond to a deep sense of duty, but it takes a different kind of communication, inspiration, and leadership to recognize and sustain medical effort over time.

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8. As U.S. Coast Guard Admiral Thad Allen quipped in the context of the *Deepwater Horizon* oil spill, leaders need to be their own morale officers.

- Seventh, the role of law is different. National security law serves three purposes. First, it provides the authority to act as well as the boundaries of that action. Second, it provides essential process. Third, it incorporates American values, specifically those found in the Constitution along with mechanisms to adjudicate those values when they are in tension or compete, such as the passage of law, principles of due process, and litigation. However, where many national security issues present threshold questions of authority, such as whether the President or an agency can do something, pandemic response necessitates constant resort to legal tools addressed to logistics, medical ethics, privacy, quarantine, immigration, and the use of the military for domestic purposes. It also requires constant reference to constitutional law and values. Thus, law and lawyers should be essential ongoing components to a pandemic response and team, applying all three purposes of law.
- Eighth, national security events tend to highlight the role of national level leaders and military leaders. Homeland security events, like hurricanes, are usually local in character, requiring the leadership of local actors like first responders, mayors, and county executives. Pandemics require effective leadership at every level of government and in virtually all walks of life. Prepare-Act-Lead applies to cities just as it applies to states, and it applies to schools just as it applies to families.

Considering these distinctions, the article next addresses what it means to prepare, act, and lead in a pandemic.

## II. WHAT IT MEANS TO PREPARE, ACT, AND LEAD IN A PANDEMIC

### *A. Prepare*

Ask skilled oral advocates what makes them good at what they do, and chances are they will respond by saying something like: Prepare, prepare, and prepare. Preparation is an essential leadership function, because most crises are come-as-you-are events. It is preparation that creates the subsequent time and space in which to lead.

Not all leadership is “follow-me!” leadership. In government, leadership is also expressed in ideas, and in asserting enough energy to get hard projects through bureaucracies and over difficult finish lines. Lawyers “lead” by inspiring those around them, by calming those around them, and by guiding decision-makers to preferred lawful outcomes that solve problems.

In an election year few pandemic issues will be as hotly debated by pundits as whether the United States was prepared for the COVID-19 pandemic and responded in a timely manner. That the debate is framed around preparedness rather than, for example, who gets credit for the response, suggests an already

received perception that the federal government's response fell short, and that lack of preparation was part of the problem. The political question is who holds "Old Maid" at the end of the political game: the incumbent president, governors, the prior administration, and so on. However, our question is procedural. What are the lessons to learn about what it means to prepare for a crisis like a pandemic, and, where appropriate, whether we fold these lessons back into our ongoing response? Here is a six-part checklist.

### 1. Warning

The American businessman Arnold H. Glasow wrote, "One of the tests of leadership is the ability to recognize a problem before it becomes an emergency." The United States Government was on strategic notice that a pandemic would occur. This is a fact. The 2019 Worldwide Threat Assessment, for example, presented to the Congress and to the American public on January 29, 2019, stated: "We assess that the United States and the world will remain vulnerable to the next flu pandemic or large-scale outbreak of a contagious disease that could lead to massive rates of death and disability, severely affect the world economy, strain international resources, and increase calls on the United States for support."<sup>9</sup> Notably, the White House Coronavirus Task Force stood up on January 29, 2020. A public and tactical warning arrived on February 25, 2020, when the Director of CDC's National Center for Immunization and Respiratory Diseases warned Americans at a press conference: "We expect we will see community spread in this country. It's not so much a question of if this will happen anymore, but rather more a question of exactly when this will happen and how many people in this country will have severe illness." CDC followed up by tweeting: "Now is the time for U.S. businesses, hospitals, and communities to begin preparing for the possible spread of Covid-19."<sup>10</sup> However, as Mandela said, "One cannot be prepared for something while secretly believing it will not happen."

The policy question thus becomes: When did strategic warning shift to tactical warning within the United States Government; was the government prepared to receive the warning; and are there lessons to learn for next time? The answers to five questions are central:

- (1) Were health experts integrated into the Intelligence Community's collection and dissemination process?
- (2) Were appropriate intelligence collection requirements in place, and were they understood by relevant medical, diplomatic, and intelligence actors in the field and at laboratories?

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9. DANIEL R. COATS, S. SELECT COMM. ON INTELLIGENCE, STATEMENT FOR THE RECORD: WORLDWIDE THREAT ASSESSMENT OF THE U.S. INTELLIGENCE COMMUNITY (Jan. 29, 2019).

10. Elliott C. McLaughlin & Steve Almasy, *CDC Official Warns Americans it's not a Question of if Coronavirus will Spread, But When*, CNN (Feb. 26, 2020, 4:47 AM), <https://perma.cc/M74T-F6DA> (including a screen shot of a February 25 CDC Twitter post).

- (3) Were the necessary information collectors and sensors in place?
- (4) How did the IC<sup>11</sup> and Health communities relay warnings up the chain of command and to state and local authorities?
- (5) Was the message received, and was it acted upon?

With intelligence there is a tension between the policy community and the intelligence community that has existed since Sherman Kent and Wilford Kendall debated the intelligence discipline in the 1950s. Should policymakers *pull* information up or do intelligence actors have a duty to *push* information up, even where policymakers are resistant to information?<sup>12</sup> Of course, in practice there is a mix of both. However, intelligence officials have a duty to consider whether they are pushing hard enough and in the right manner. Politicians never like bad news. Specialists should ask: Is my message getting through? If not, is that a failure in communication, or is it a lack of policy priority and will? Restated, was the pandemic warning delivered but ignored, or was the message delivered but not heard. The 2019 warning, for example, was on page 21 of that year's Threat Assessment, after discussions of several other threats. As Sun Tzu said, "To be prepared everywhere is to be strong nowhere." Where, how, and to whom were subsequent warnings delivered?

Intelligence actors must also consider what they should do when the message is not heard, received, or acted upon. In law there is a clear ethical answer. When the client does not follow material advice, the lawyer has a duty to the organization to take the advice farther up the chain of command or around the command if need be. Thus, the American Bar Association's Model Rule of Professional Conduct 1.13 defines a duty to the organization and not the individual official ignoring the advice. The regulations for military lawyers are even more express, requiring judge advocates to work outside the operational chain of command to the technical chain of command when their advice is ignored. Among the mysteries of the Government's response to COVID-19 are when were warnings received; were they clear; were they acted upon; and, if not, why not?

## 2. Prepare the Public

If policymakers do not always accept intelligence warnings, the American public sometimes fails to receive or accept warnings as well. Indeed, sometimes the government believes it is communicating a warning, but the warning is not absorbed by the public. Such absorption is essential to building the resilience necessary to respond to moments of urgency, such as hurricanes, and to sustain effort over time, as in the case of pandemics. For example, during the 1990s the

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11. The intelligence community consists of 17 entities, but it does not include traditional health organizations and collection organizations like CDC and NIH.

12. This observation comes from Professor Dave Gioe, Professor of History, U.S. Military Academy at West Point.



government increasingly issued warnings about terrorism at home and overseas. There were physical warnings as well: the first World Trade Center attack (1993), the sarin attack on the Tokyo subway (1994), the Oklahoma City bombing (1995), and the U.S. Embassy attacks in East Africa (1998). But the warnings were not absorbed. Within the government, security specialists were “at war” with Al Qaeda, but America was not until after 9/11. Preparation, therefore, includes preparing the public for what will come. Of course, this is an area where great leaders shine, like Churchill preparing the United Kingdom for the onslaught that followed the fall of France, although one might also ask why his earlier warnings about the rise of Nazi Germany went ignored, posing the question: When does a Cassandra become a herald?

On a more tactical level, preparation within the government requires essential workers to make sure their families and loved ones understand and are prepared for the commitments and potential consequences that come with the acceptance of essential billets. Of course, with a pandemic not all “essential” workers are aware that they are “essential” before the crisis comes, like the delivery personnel and letter carriers who turn out to be essential to a remote economy in a pandemic.

### 3. Prepare the Law

One lesson learned from the pandemic is that law matters. In a constitutional democracy law always matters—or should. What is different in a pandemic is that law is a central component of response every day. Law allows systemic challenges to be met with systemic rather than episodic responses, but only if law is used wisely and well. In moments of panic and crisis, law can help us hold to good process and keep to our values, by defining those values in advance, setting the boundaries of action, and requiring mechanisms for meaningful legal oversight and policy appraisal. What does law really mean for a pandemic?

**Playbooks, Plans, and Binders:** Lawyers should have relevant authorities identified in advance and have consulted with the experts on where the boundaries of those authorities rest. Where emergency declarations may be needed, they should likewise have been drafted in advance.

**Educate in advance:** Lawyers must also pre-brief policymakers on their authorities and the boundaries of their authorities, including gaps in authority and points of dispute that may cause delay. These authorities include the Defense Production Act (DPA), the Immigration and Nationality Act, the International Economic Emergency Powers Act, and the suite of HHS authorities found in Title 42, among others.<sup>13</sup> Why is this important? Because the law is complicated, and lawyers are not likely to get the time and attention they need in moments of crisis to systemically work through law and its limitations. Moreover, public

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13. These are among the lead authorities for rapidly mobilizing the Nation’s industrial capacity to meet national security emergencies, to regulate travel and migration to the United States, and to delimit transactions with foreign states and entities, respectively.

health authorities are generally not the daily tools used by agency counsel at key entities like Defense, State, Justice, DHS, and the NSC.

**Understand Federalism:** Hurricane Katrina demonstrated the risks and consequences of not addressing federalism questions and thresholds in advance of a crisis. Most Americans do not understand constitutional federalism. Neither do most government actors. Why is this important? Because with authority comes responsibility; and with public health, authority is divided between the federal government and the states.

Recall that in moving from the Articles of Confederation to the Constitution, the Framers realized that to succeed and survive as the United States, rather than individual states, the founding states needed to surrender certain authority to a federal government over common interests like defense, foreign affairs, and commerce, and give the government the capacity to provide for those functions through the power of federal taxation, as well as the authority to raise and maintain an army and navy. Further, they made the proper exercise of this authority supreme over the law of the individual states. They did so by granting specific enumerated authorities to the federal government in Articles I, II, and III of the Constitution, while reserving the residual governmental authority in the individual states as recognized in the 10th Amendment.<sup>14</sup> Consider trying to explain this to an elected federal or state official during a crisis, with the knowledge that we have not even reached the complicated part.

In the context of a pandemic, the several states' most important residual authority is the "police power." This authority is in fact the power of a state to provide for the general welfare of its citizens. That is why public education and public health, in addition to the enforcement of state criminal laws, fall within this authority. One leadership and legal challenge is that most homeland security events occur on a constitutional continuum between what is obviously a federal responsibility, such as a foreign invasion or missile attack, and what is obviously a local responsibility, such as a municipal fire. Jurisdictional (and thus leadership) challenges arise because local events can have national or regional effects, implicating federal responsibilities, or can overwhelm local capacity, implicating laws intended to provide federal assistance to state and local authorities. Conversely, national events such as pandemics implicate state and local responsibilities over public welfare.

Moreover, in all contexts there are authorities and capabilities that only the federal government can exercise, and thus for which only the federal government has responsibility. These include the authority over immigration, use of the U.S. armed forces, including their logistics capacity, and the authority found in the DPA to mobilize the nation's industrial capacity to rapidly provide and allocate medical resources on a national level and at scale. For all these reasons, policy-makers and lawyers need to quickly, and preferably in advance, determine where

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14. See U.S. CONST. AMEND. X ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.").

on a continuum an incident falls, and in doing so identify any policy, political, or legal seams between federal and state authorities and thus responsibilities.

**Pre-delegate:** Key authorities should be delegated in advance, to expedite response, and to identify lurking policy issues and disputes so they can be adjudicated and resolved in a deliberate manner in advance of need. Delegation distributes the load and moves it closer to those actors who understand best what is happening in the field.

#### 4. Logistics

Most crises and virtually all homeland security crises are logistics events. As Sun Tzu wrote, “The line between disorder and order lies in logistics.” Hurricane Katrina illustrates that point. What is different about a pandemic is the scale of effort, not its inevitability. FEMA divides the nation into 10 operational districts. Where a hurricane will typically impact one or two districts, a pandemic is a 10-district event. This places extraordinary strain on the supply chain as well as the transportation logistics of allocating, queueing, and delivering supplies across the country. We know this or should know this in advance of a crisis. Therefore, we know that preparation for a pandemic requires:

- (1) designation and staging of logistic assets, as well as confirmation that the right assets are staged;
- (2) identification of logistics responsibilities to deploy those assets in a timely manner;
- (3) identification and resolution of the public health criteria that will govern the distribution of resources;
- (4) identification of essential authorities that permit the use of military assets to provide logistic support; and
- (5) identification of the logistics experts who will inform the policy decision-making process.

#### 5. Bureaucratic

Good process leads to better results. This is true in moments of crisis as well as calm. Preparation, therefore, includes identification of the key bureaucratic actors. In the area of law, for example, this might include the NSC Lawyers Group, or it may include an *ad hoc* lawyers group of specialists such as that used to address the immigration issues presented by the 1994 Cuban-Haitian migration emergency. It also includes the identification of coordination mechanisms and individuals at the state and local levels. And it includes identification of the logistics mechanisms that will be used. In the case of the DPA, a bureaucratic mechanism already exists—the Defense Production Act Committee, chaired by the Director of FEMA, and the Federal Priorities Allocation System (FPAS) and its

Defense equivalent, DPAS. Thus, rather than invent a new process, policymakers should consider how best to use the existing process. Existing process will come with standing expertise, muscle memory, and presumably existing relationships and rapport with industry actors. A pandemic is no time or place to train a new bureaucracy.

## 6. Exercise

The surest way to validate preparation is a crisis. The next best method is to engage in tabletop exercises with the actual participants. The actual participants are important, because it is only the actual participants who will accurately convey how the role of ego and personality may impact events. Moreover, a federal employee playing the role of a state governor will not mimic the same jurisdictional and political tensions with the mock assertion (or lack of assertion) of federal authority as will an actual governor. If need be, executive actors should use former officials in the absence of incumbents. Recall that most challenges in government are leadership challenges. Exercises also help to identify who is in the right billet and who is not.

The third best way to validate preparation is through simulation. (Exercise and simulation are often used interchangeably. Exercise and simulation are used here to distinguish between a physical practice event involving the actual officials as “players” and a tabletop drill involving analysts playing through events and options.) Exercise and simulation are especially important in the case of putative public health emergencies, because the actors are so distinct and the cultures are so different from those that usually are in play with national security events. The NSC Principals, for example, presumably meet all the time on security matters, but rarely with HHS and CDC.

### *B. Act*

Preparation, along with expertise, allows policymakers and lawyers to focus their attention during crises on making decisions, executing policy, and leading—not learning the substance of the issues or resolving procedural questions about who is supposed to do what. If the President’s lawyer is scrambling to figure out what the law is—looking up HHS authorities for the first time—or trying to locate the government’s quarantine or DPA expert, they will not be in the room offering a calm and ethical hand to decision-makers. If the policymaker has not been briefed on the full range of options and authorities for achieving those options, they may reach for immediate answers and quick solutions, rather than the sort of enduring responses required in a pandemic. In short, in moments of crisis, when time and facts are often in short supply, preparation buys actors more time to focus on the leadership and ethical challenges presented, not just the substantive challenges.

However, preparation only matters if you are also prepared to act. The military calls this leadership trait “decisiveness.” With the pandemic, the government acted slowly. The White House Coronavirus Task Force stood up on January 29,

2020, clear indication that the threat from COVID-19 was received and understood at the highest levels of government. However, CDC did not issue a definitive public warning until February 25, and the DPA, the government's principal legislative tool for mobilizing the Nation's industrial capacity to provide PPE, ventilators, and tests, was not used until April 8, 2020.

With national security, "doing nothing" is sometimes the better course of action, provided that it is a purposeful rather than default choice of "action." Indeed, in national security policy there is an instinct to wait, gather information, formulate options, and then act. This is normative or should be normative in addressing most national security events and issues. Policymakers like to say, "we will respond at a time and place of our choosing." And, when crises shorten timelines, good process and training let the policy cycle move faster, instead of skipping steps to meet deadlines.

Public health challenges, and in particular contagious disease outbreaks and pandemics, are different. Because of the R naught factor (the rate at which a disease spreads), the consequences of delay—of not acting—are usually exponential. This is illustrated by the challenge of contact tracing aircraft passengers after they have left the airport.<sup>15</sup> It is also illustrated by a Columbia University study concluding that "if the United States had begun imposing social distancing measures one week earlier than it did in March, about 36,000 fewer people would have died in the coronavirus outbreak." Then, "if the country had begun locking down cities and limiting social contact on March 1, two weeks earlier than most people started staying at home, the vast majority of the nation's deaths—about 83 percent—would have been avoided."<sup>16</sup>

In contrast, the health consequences of acting prematurely are not exponential and may be inherently beneficial, by offering an opportunity to "practice." Premature or unnecessary actions are not cost free, however. Warnings, quarantines, and closures can cause inconvenience, economic loss, and perhaps most importantly, may diminish public trust in subsequent public health directions. In this context, it is interesting that one of the few criticisms to date of Prime Minister Jacinda Ardern's response to the pandemic in New Zealand is that she acted too quickly, causing premature impact on the country's economy. The point, however, is that time is of essence; pandemics wait for no one, and delay is measured in lives. The lesson is not to move slowly, but to act decisively, perhaps in a geographically tailored way.

Two additional points bear emphasis. First, pandemics are whole-of-nation events. The issues faced by national leaders are thus much like the issues faced by local leaders. Local leaders may also feel an imperative to act, and act decisively, that national leaders do not feel, because local leaders are proximate to

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15. See, e.g., MARYN MCKENNA, TRACING AIR TRAVELERS AT RISK FOR DISEASE STILL TOUGH, CENTER FOR INFECTIOUS DISEASE RESEARCH AND POLICY, UNIVERSITY OF MINNESOTA (June 10, 2008).

16. James Glanz & Campbell Robertson, *Lockdown Delays Cost at Least 36,000 Lives, Data Show*, N.Y. TIMES (May 20, 2020), <https://perma.cc/365T-GTXE>.

events on the ground. Local leadership may impact fewer lives, but it can profoundly affect specific lives. If national policymakers are working through the Prepare-Act-Lead cycle, so too must school leaders, university leaders, and business owners, with the same consequences on a micro rather than macro scale.

Second, the manner of decision is as important as the decision. Policymakers must not only seek to do the right thing; they must do it the right way. National policymakers sometimes make the mistake of thinking the decision is the act. Invoking a law is not the same as using the law. The decision-making act is not complete until it is effectively communicated to the public, the media, and the Congress. And the decision is not complete until it is implemented, assessed, and if need be adjusted. This point is illustrated by the U.S. decision to suspend air travel from Europe to the United States on March 11. This occurred six weeks after a similar travel freeze on travel from China. In retrospect, not only was the federal government late to act with respect to European travel, the way the decision was communicated and implemented caused American citizens overseas to rush home. That rush overwhelmed airport points of entry, and further spread the disease.<sup>17</sup> This leads to my first observation about leadership during a pandemic: Good process leads to better results.

### *C. Lead*

#### 1. Observations About Leadership During A Pandemic

Many leadership principles are constant across contexts. To start, **leadership is the act of leading**; it is not the act of being in a leadership role. **Leadership by example is the most effective form of leadership.** This is as true in pandemics as it is in warfare; it is as true in education as it is in medical practice. If you want others to wear a mask, or to social distance, the surest way to get them to do so is to do it yourself. As the saying goes, “actions speak louder than words.” The surest way to undo leadership is to “do as I say, not as I do.” That is why good leaders must be on 24/7. One viral video, or off message, can undercut all the other efforts to get it right.

Likewise, leaders who exercise moral authority and not just legal authority are more effective. **We obey legal authority; we follow moral authority.** Moral authority comes from knowledge, experience, and sharing in the risks and burdens of those we lead. When Nelson Mandela entered negotiations with the Apartheid government of South Africa, he had moral authority, but no legal authority. But after spending a quarter of his life on Robben Island and putting his life at risk for democracy, he had more authority than any law could provide. Many of his followers objected to compromising with the regime; however,

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17. Steve Eder, Henry Fountain, Michael H. Keller, Muye Xiao, & Alexandra Stevenson, *430,000 People Have Traveled From China to U.S. Since Coronavirus Surfaced*, N.Y. TIMES (Apr. 4, 2020), <https://perma.cc/9AHN-CESR>; Greg Miller, Josh Dawsey, & Aaron c. Davis, *One Final Viral Infusion: Trump's Move to Block Travel from Europe Triggered Chaos and a Surge of Passenger's from the Outbreak's Center*, WASH. POST (May 23, 2020, 11:14 AM), <https://perma.cc/U5DB-546W>.

Mandela dared, and they followed, because he had moral authority and placed mission before his own personal feelings of anger and revenge.<sup>18</sup>

“**Officers Eat Last**” is a Marine Corps precept. Some people think the phrase has something to do with Mess Hall protocol. But really it means “take care of others before you take care of yourself.” However, leadership is also contextual: sometimes good leadership is knowing when to eat first, for example, when going on patrol. The mission comes first. Just so, there are times when it is important to put your own mask on first before helping others. But good leaders do not forget the second half of the equation: after putting on their own masks—helping others.

A leader who understands these observations will have many of the required leadership traits, including dependability, tact, initiative, integrity, unselfishness, justice, empathy, and loyalty. They also are likely to intuitively consider and apply the observations below directed specifically to pandemics.

## 2. Good Process Leads to Better Results

Process at any level of government can be good or bad. Good process is timely, contextual, and meaningful. Bad process is slow, bureaucratic, and confusing. Good process provides for:

- Unity of command.
- Unity of mission.
- The fusion of information.
- The identification of dissent and the opportunity to mitigate dissent.
- Responsibility.
- Accountability.

Good process also mitigates the pathologies of national security decision-making, such as:

- Haste.
- The absence of information.
- Secrecy.
- Focus on the immediate.
- Cognitive bias.

This is noteworthy, because in times of crisis the need for the benefits of good process increases, and the tendency to drift or leap toward the pathologies of

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18. Richard Stengel, *Mandela: His 8 Lessons of Leadership*, TIME (Jul. 9, 2008), <https://perma.cc/D3RU-3227>.

security decision-making is aggravated. Time is compressed, for real and artificial reasons. Facts are compressed because there is less time. Crises tend to centralize decision-making and push decisions up the chain of command where emergency authority resides, and away from experts with knowledge and implementers who might best articulate the pros and cons of options and the best way to maximize the pros and mitigate the cons.

Good process is also what allows governments and institutions to address more than one crisis at a time. Indeed, COVID-19 is, we hope, a once in a lifetime event, but so too, one might argue, are the scale and nature of the response to the killing of George Floyd. It is also in moments of crisis and distraction that governments tend to lose sight of flashpoints and competitors, and opponents look for tactical and strategic advantage. This might be exactly the time when intelligence needs to be pushed rather than pulled to policymakers, and when the guardians of good process should insist on having the right people in the decision-making room.

Good leaders insist on good process, especially during a crisis. They just demand that it function at the pace required. How do they do this?

- They know who they are meeting with and who they are not meeting with, and they insist on having the right people in the room; when it comes to pandemics having the right people in the room means public health experts and logisticians.
- They communicate down the chain of command when decisions are taken.
- They ask how a matter would be addressed on a Monday morning and then follow the same process, except quicker on a Saturday night or holiday weekend.
- They insist on being informed when normative processes are changed, and then make conscious and accountable decisions to deviate or not deviate from the norm.
- And they change the process if it is not working.

Good leadership is doing the right thing the right way when no one is watching.

### 3. Expertise Matters

COVID-19 reminds us that expertise matters. Health policy requires science. Supply chains require logisticians. Vaccines require biologists. Policy generalists and politicians can no more address COVID-19 without expertise than they could plan and launch *Apollo 11* without NASA engineers. Part of leadership is having the humility to know what one does not know and knowing where to find it out. Leadership is also about setting a vision, defining benchmarks, and then creating the time, space, and opportunity to allow experts to fulfill that vision. Time and space come from setting honest and realistic public expectations about achieving



that vision. Opportunity comes from providing the funding and resources needed to achieve the vision.

For years, polling has indicated that the most trusted institution in the United States is “the military.” Eighty percent of U.S. adults “say they have a great deal or fair amount of confidence” in the military to “act in the best interests of the public.”<sup>19</sup> The polling does not qualify the underlying basis for this trust. For that we must speculate. However, the military is generally perceived as non-partisan in its actions and loyal to the law rather than to the Commander-in-Chief, which accounts for the criticism of the incumbent Secretary of Defense and Chairman of the Joint Chiefs of Staff for their association with the clearing of demonstrators in Lafayette Park on June 1, 2020.<sup>20</sup> The military is also likely the most diverse institution in the United States representing a wide cross-section of America. No doubt, it also helps that the military is the institution most closely identified with the concept of patriotism.

If the military is the most trusted institution, the same polling indicates that “scientists” are the second most trusted, although there are data as well that indicate that this confidence is starting to evolve along partisan lines.<sup>21</sup> Separate polling asks respondents “how you would rate the honesty and ethical standards of people in these different fields.” Nurses came in first and were rated “very high” or “high” by 84 percent of the respondents. Medical doctors came in second at 67 percent and pharmacists third at 66 percent.<sup>22</sup> Members of Congress came in last at 8 percent “very high confidence,” tied with car salespeople but one point behind telemarketers, and lawyers at 19 percent “very high confidence.”<sup>23</sup>

Expertise matters because pandemics require scientific knowledge in response. Expertise also matters because the American public has more confidence and trust in professionals in fields defined by public duty and competence, rather than personal and political interests. Knowing this, one of the mysteries of the U.S. response to COVID-19 is why more politicians did not step back and allow public health professionals to lead the response to COVID-19, allowing politicians to take credit for any success, while distancing themselves from failure. Alternatively, political leaders might adopt a hybrid model, such as that utilized by Prime Minister Ardern of New Zealand, and Governors like Cuomo of New York and DeWine of Ohio, who channeled expertise in the form of verbatim

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19. Cary Funk & Brian Kennedy, *Public Confidence in Scientists Has Remained Stable for Decades*, PEWRESEARCH (Mar. 22, 2019), <https://perma.cc/Q8VY-4B9Q>.

20. James N. Miller, *A Letter to Defense Secretary Mark Esper*, WASH. POST (June 2, 2020), <https://perma.cc/5BGJ-YKVE>; Admiral Mike Mullen, *I Cannot Remain Silent*, THE ATLANTIC (June 2, 2020), <https://perma.cc/GN2T-GDDF>; Jeffrey Goldberg, *James Mattis Denounces President Trump, Describes Him as a Threat to the Constitution*, THE ATLANTIC (June 3, 2020), <https://perma.cc/SC2B-29AT> (including text of Gen. Mattis’s Statement).

21. See also Gallup Confidence in Institutions Poll, GALLUP (2019), <https://perma.cc/BUV8-XJLX> (in response to the question: Now I am going to read you a list of institutions in American society. Please tell me how much confidence you, yourself, have in each one – a great deal, quite a lot, some or very little? 73% of respondents indicated a great deal or quite a lot of confidence in “The Military.”)

22. Megan Brennan, *Nurses Again Outpace Other Professions for Honesty, Ethics*, GALLUP (Dec. 20, 2018), <https://perma.cc/9SNR-JMDB>.

23. *Id.*

medical advice and data. Where politicians have done so, they have so far seen robust public support in polling both in the United States and overseas.<sup>24</sup>

Why does expertise matter? Three reasons:

- (1) Professional expertise gives political officials the time and space to lead with their actions and their words.
- (2) Expertise is the root of trust. Whole-of-nation responses to pandemics require citizens to trust the sacrifices that they are being asked to make and to endure that they are necessary. Likewise, the public must trust official decisions to send their children back to school or their loved ones back to work.
- (3) Those countries that have timely and rigorously followed an expertise model of response have returned to a modicum of social and economic normalcy the fastest (at least so far). This includes New Zealand, Taiwan, and South Korea. Interestingly, this was true of the Spanish Flu Pandemic of 1918 as well, illustrated by the City of Philadelphia.

#### 4. Communications

Pandemics are communications crises and not just public health challenges. That is because they require a whole-of-nation response. The Marines talk about the “strategic lance corporal,” capturing the idea that the actions of a single soldier can profoundly impact foreign policy. In a pandemic, every citizen is potentially a strategic lance corporal, a super-spreader, or a community leader. Public health communications do not merely tell the American public what the government is doing and why, as in the case of a military operation overseas. Instead, these communications ask the public to do something, often against its immediate economic and social interests. With public health, we either row the boat together or the boat spins in circles and goes nowhere. What is more, adherence to public health measures is largely predicated on voluntary observation and peer pressure rather than law enforcement. This requires leadership and effective communication at all levels of government and society.

The governors who have received the highest marks for their response to COVID-19 have been seen and heard—leading—through daily press conferences based on expertise and by visiting and celebrating frontline health workers and employees. Churchill understood this point as well. He matched his stirring speeches with symbolic actions like staying in London during the Blitz, and

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24. Roge Karma, *Many World Leaders Have Seen Double-Digit Polling Surges Amid Coronavirus. Trump Isn't One of Them*, VOX (Apr. 30, 2020), <https://perma.cc/TQ9R-EUVR>; Aaron Blake, *49 of 50 Governors Have Better Coronavirus Poll Numbers Than Trump*, WASH. POST (May 19, 2020), <https://perma.cc/E733-NHTG>.

visiting damaged cities and neighborhoods. He was also seen crying after his visit to Bristol University to award honorary degrees in 1941, and observing the destruction to the city by German bombs the night before—a sign of sincerity and empathy.<sup>25</sup> It is not too early to ask what some of the leadership lessons are to learn from the pandemic when it comes to communication.

**Actions speak louder than words.** Every action is a form of communication, whether it is intended or not. And actions speak louder than words. This is evident in the response to the Chairman of the Joint Chiefs of Staff pictured in Lafayette Square in camouflage fatigues just after it was cleared by force. No amount of back-briefing about the Chairman’s opposition to the use of the Armed Forces to address protests could erase the lasting image of the Chairman appearing with the President in Lafayette Square in “battle dress” after the square was cleared by force, and after the Secretary of Defense referred to America’s cities in protest as “battle space.” The Chairman would subsequently apologize, stating, “I should not have been there. My presence in that moment, and in that environment, created the perception of the military involved in domestic politics.”<sup>26</sup>

The principle is also evident in how politicians approach the wearing of masks: It is either “Practice what you preach” or “Do as I say, not as I do.” Any school child knows which form of leadership is more effective. We also know which places the officer at the front of the line to eat first, or the back of the line to eat last.

**Consistency & Repetition.** Mixed messages are harder to decipher. They allow the listener to select the message they want to hear. And they are less likely to reach the intended audience, especially in an environment dominated by the counter-messaging and the mixed messaging of social media. For the same reasons, repetition is essential. Repetition can also convey sincerity. The leader who says one thing to one audience, but another thing to a different audience, will not be viewed as sincere or trusted.

**Define the mission.** The most important communication is the message that defines the mission and the audience’s intended role in that mission. Whatever one thinks of the federal government’s response to COVID-19, the mission has not been clearly stated. Four different and mutually exclusive priorities are evident in the President’s messaging:

1. Public health.
2. The economy.
3. Opening the economy when certain public health checkpoints are met.
4. Re-election.

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25. *Fresh Air: How Winston Churchill Pulled Britain Through the Early Years of WWII*, NPR (Mar. 30, 2020, 1:56 PM), <https://perma.cc/V6MY-XCG6>.

26. Dan Lamothe, *Pentagon’s Top General Apologizes for Appearing Alongside Trump in Lafayette Square*, WASH. POST (June 11, 2020, 12:14 PM), <https://perma.cc/S53D-8UFD>.

An equivalent message might derive from the military commander who orders: “Attack immediately”; “retreat”; “attack but minimize casualties”; and “do not do anything that will impact my promotion”—and all at once. Each one of these commands might be the right command in the moment, but at the same time they are a recipe for chaos.<sup>27</sup>

**Humor.** Eisenhower said, “a sense of humor is part of the art of leadership, of getting along with people, of getting things done.” It is. However, humor is tricky in the context of a pandemic that has already taken more than 100,000 U.S. lives and could well take more than 200,000 lives. Moreover, one does not know from a distance who is hearing one’s humor and in what context they are hearing it. Nonetheless, appropriate humor is important in relieving tension, calming a room, and creating a bond between leaders and followers. This is illustrated by Prime Minister Ardern’s gentle humor by not only inviting her constituency into her home, but also showing and sharing the challenges of raising a child during a pandemic—a 21st Century Fireside Chat.

**Leadership needs to be seen, felt, and heard, not just written.** It is hard to lead a large bureaucracy in person; it requires written leadership and leadership by example, as one cannot directly communicate with every employee or constituent. But great leaders make subordinates feel like they are doing just that. At the same time, one does not lead with email. Words inspire, email does not. Ask yourself the question: During the pandemic, who if anyone from the bureaucracies of which you are part has personally contacted you to inquire about your health? Your needs? Your fears? We follow leaders, not email.

## 5. Empathy

Few leadership traits receive as much attention during a pandemic as empathy. Columnists want to point to leaders who are said to have it and those who do not. Empathy is defined as “the action of understanding, being aware of, being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of another of either the past or present without having the feelings, thoughts, and experience fully communicated in an objectively explicit manner.”<sup>28</sup> Better yet is empathy that comes with compassion, a desire to help and not just to hear. We tend to associate empathy with care givers, which may be one reason medical workers, and especially nurses, are so highly regarded in polls. However, here is a secret. When I poll my students, including military officers, on the most important leadership traits, empathy and compassion are always first.

Why does empathy matter during a pandemic? It is a source of trust. It creates a bond between leaders and followers, creating the trust that the leader has the

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27. Churchill described Prime Minister Stanley Baldwin’s defense policy as “decided only to be undecided, resolved to be irresolute, adamant for drift, all-powerful to be impotent.” Winston S. Churchill, Member of British Parliament, Debate on the Address (Nov. 12, 1936). Winston S. Churchill, Speech in Parliamentary Debate on the Address (Nov. 12, 1936), in 1 WINSTON S. CHURCHILL, THE SECOND WORLD WAR: THE GATHERING STORM 215 (Houghton Mifflin 1948).

28. *Empathy*, MERRIAM WEBSTER DICTIONARY (2020), <https://perma.cc/U78S-EUFE>.

followers' best interests at heart. That is one reason "officers eat last." There is no better way to understand how others might feel than to walk in their shoes and share their risks. King George VI, who lived at Buckingham Palace, cannot be said to have shared the same lifestyle as his "subjects," but he earned their affection and respect during WWII by sharing in their experience of the Blitz. At a time of isolation, when we do not want to feel alone, empathy is one way of being together. Neither do we want to die alone, or have our loved ones die alone, at best surrounded by health care workers wearing masks and protective clothing. Leadership with empathy is one way of communicating that we are not alone, even when we are apart. And, to state the obvious, a capacity to recognize and share in the sorrow of others in a time of mass death is not just a reflection of decency, it demonstrates that leaders care about every life lost. As George Bush said of the Twin Towers after 9/11, "Every one of the innocents who died on September the 11th was the most important person on earth to somebody. Every death extinguished a world."<sup>29</sup>

#### 6. The First General Order of Saving Lives: Leadership Abhors a Vacuum

National events require national responses. Pandemics are quintessentially national in character and require federal leadership. That is because disease does not recognize state or national boundaries. A national supply chain, indeed, a national supply chain that incorporates an international supply chain, requires the exercise of national leadership. All of which necessitates the use of federal law addressed to border security, export and import regulation, industrial production, and emergency health authorities. National security officials like to assert that they are bringing to bear all the tools of national security to address security threats. Here we have a threat that has already killed well over 100,000 Americans. Thus, one of the central leadership mysteries of the pandemic response is why the federal government was slow to use its authority and then did so in a selective and episodic manner.

Leadership, however, abhors a vacuum. That is why the first general order in the military is "[t]o take charge of this post and all government property in view." In other words, if no one else is doing so, do not stand and watch, take command until relieved. Such an attitude also protects against single points of leadership failure. If someone is not doing their job, the next leader is supposed to step up and fill the vacuum. This is what many governors did, and are doing, in the absence of federal leadership, by coordinating supply purchases and creating public health alliances on a regional basis. Three alliances, or compacts, have emerged. The northeast compact is comprised of seven states: Connecticut, New Jersey, New York, Pennsylvania, Massachusetts, Delaware, and Rhode Island. The mid-western compact consists of Indiana, Illinois, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, and the western alliance includes California, Oregon, and

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29. George W. Bush, President of the United States, "The World Will Always Remember 9/11" (Dec. 11, 2001), Remarks at a September 11 Remembrance Ceremony, PUBLIC PAPERS PRESIDENT GEORGE W. BUSH, online edition, 1500.

Washington. Likewise, rather than compete for supplies and drive prices up, states have used existing consortiums to purchase supplies.

What are the takeaways?

- First, determine where an issue falls on a continuum of federal to local responses.
- Second, if there is a leadership vacuum, fill it until relieved by proper authority. One of the mysteries of the pandemic is why federal cabinet departments did not fill the gap in national supply chain leadership when the White House declined to do so. One wonders who put their careers on the line to save lives.<sup>30</sup>

### III. PERSPECTIVE AND THE IMPORTANCE OF ROLE MODELS

Role models help us define who we aspire to be. They give us inspiration to reach higher. And they serve as examples. However, it is presumptuous to identify a Lincoln or a Mandela as one's role model, which might imply an entitlement to comparison. No need. It is far less presumptuous, and likely more useful, to ask how a Lincoln or a Mandela would handle your situation.

Role models also provide perspective—an essential leadership capacity. George Marshall, who served on the Western Front during World War I, as Chief of Staff of the Army during World War II, as well as Secretary of State and of Defense during the Cold War, is said to have quipped in moments of crisis, “I have seen worse.” That is the sort of perspective that can settle a room or calm a command. (Of course, perspective can also generate alarm, as when a trusted source declares something to be the worst they have ever seen.) At a time when many Americans may feel for the first time the sensation of confinement and the tragedy of loss without proximity, two role models come to mind. They knew something of confinement and certainly had seen worse.

Admiral James B. Stockdale was an American pilot during the Vietnam War. He flew missions off carriers, including during the 1964 Tonkin Gulf incidents. In 1965, he was shot down over North Vietnam, wounded, and captured. As a Commander he became the senior naval prisoner of war (POW) in Hanoi and therefore assumed responsibility for the morale, discipline, and leadership of the POWs around him. His story is legend to those who know it. Stockdale helped devise the tap code that sustained POWs held in solitary confinement. He was tortured repeatedly, and at one point he injured himself to prevent his captors from filming him for propaganda purposes. Perhaps most importantly, he helped other prisoners define what it meant to maintain one's self-respect and honor in a context that broke the

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30. This is a question, not a statement. See Sheryl Gay Stolberg, *Virus Whistle-Blower Says Trump Administration Steered Contracts to Cronies*, N.Y. TIMES (May 5, 2020), <https://perma.cc/QM63-QR6D>.

strongest men. After seven years of captivity, he was repatriated with other POWs in 1973. He would receive the Medal of Honor for his leadership and heroism.<sup>31</sup>

From Stockdale we can learn many things, but three lessons stand out in a pandemic. First, he understood that **leadership is about moral authority, not legal authority**. He did not exercise legal authority in Hanoi; he commanded by example. He demanded a great deal from those he led, but always gave more. Those who served with Jim Stockdale never wondered who would eat last. And in return, they followed his lead.

**There is a difference between faith and optimism.** Stockdale never lost faith that he would come home. But he was careful not to embrace short term optimism; he wrote that the POWs who died in captivity were the ones who thought they would be home by Christmas, then the next Christmas.<sup>32</sup> Pandemics test our endurance and our faith. We should take heed not to embrace every report of a medical breakthrough, and never to lose faith that better days will come.

Most of all, from his study of the stoic philosophers, in mid-life and in mid-career, Stockdale learned to **“act well the given part.”** Reading the stoic philosophers, especially Epictetus, Stockdale realized that while we do not always get to choose our role in life, we do get to choose how we play the role we are given. Stockdale did not intend, choose, or want to get shot down, nor spend seven of the richest years of his life being tortured or in solitary confinement. But finding himself in that position, he decided to “act well the given part.” To use Robert Louis Stevenson’s phrase, Stockdale kept his fears to himself, but shared his courage with others. For sure, not every POW is a Stockdale, and there will always be a King Rat<sup>33</sup> who places profit and self-interest first. But think here about how many “regular” people rise to the occasion to become everyday leaders and heroes when called to a mission or inspired by leadership.

One thinks here of selfless health care workers, custodial staff, and grocery clerks. We do not celebrate these people or professions as we do the military. We do not associate these lines of work with physical courage. But we should. By various counts, as of June 2020, 300 to almost 600 health workers have died so far on the frontlines of the pandemic response.<sup>34</sup> The number will increase. If one reads their life stories one learns that they are young, and they are older. They come from all over the country and all over the world. They are all in the prime

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31. Admiral James B. Stockdale, *A Vietnam Experience: Ten Years of Reflection*, 67-76 HOOVER INSTITUTION (1980); Admiral James B. Stockdale, *Stockdale on Stoicism I: The Stoic Warrior’s Triad*, U.S. NAVAL ACADEMY (2010), <https://perma.cc/MAM6-936S>; Admiral James B. Stockdale, *Stockdale on Stoicism II: Master of My Fate*, U.S. NAVAL ACADEMY (2010), <https://perma.cc/PBQ5-7J55>.

32. Jim Collins, *The Stockdale Paradox*, <https://perma.cc/YBG4-KNUW>.

33. “King Rat” is the title of a 1962 novel by James Clavell recounting his survival in a Japanese POW camp; the title refers to the POW (or anyone else) who takes care of their own needs and survival at the expense of their peers.

34. Will Stone & Carrie Feibel, *COVID-19 Has Killed Close to 300 U.S. Health Care Workers, New Data From CDC Shows*, NPR (May 28, 2020, 6:00 AM), <https://perma.cc/8AGG-VUYN>; Christina Jewett, Melissa Bailey & Danielle Renwick, *Exclusive: Nearly 600 – And Counting – US Health Workers Have Died Of COVID-19*, GUARDIAN (June 6, 2020), <https://perma.cc/YHJ3-96RG>.

of life. No wonder that in so many cities people bang their pots and pans for those who serve on the frontline of the pandemic.

Like Stockdale, Judge Jack Downey did not choose to spend time in confinement, but he did. Downey joined the CIA as a paramilitary officer in 1951. During his first assignment he was sent to run agents into Manchuria during the Korean War. There came a time when, on a clandestine flight to pick-up a supposed defector, the CIA's aircraft was ambushed and shot down. The two pilots were killed. Downey and fellow officer Richard Fecteau, who had been assigned as air crew because of the mission's importance and secrecy, were captured. After two years being held incommunicado and interrogated, the men were "tried." Fecteau received 20 years confinement and after 20 years was released. Downey received a life sentence. "To make a really long and boring story shorter and boring," as Downey would say, after 21 years of confinement, much of it in solitary conditions, with the intercession of President Nixon, Downey was released. Downey and Fecteau would eventually receive the CIA's highest award for valor, the Distinguished Intelligence Cross.

What did Downey do when he came home in his forties? He went to law school, and eventually, through merit selection, he served as a Superior Court Judge in Connecticut for 35 years, much of the time hearing juvenile matters in New Haven. The New Haven juvenile justice courthouse and detention center are now named for Judge Downey, in recognition of his compassion and his dignity in administering justice. As he said, "I thought long and hard before sentencing a young person to confinement," and he would not do so without considering whether there were preferred alternatives.

Downey, like Stockdale and Fecteau, acted well the given part. He also offers perspective. He seemed not to look back with sorrow, anger, and regret at what he had missed and what he endured. He looked forward. He made the most of his opportunity to serve his community and to change the trajectory of many young lives. He may have lost time, but he never lost hope, and he made up for time. Downey once noted that the best days in confinement were the days when there was pigeon in the soup.<sup>35</sup> That offers a bit of perspective as well.

For most people, our part in a pandemic is to wait, reminding one of the closing lines from Milton's Sonnet 19: "They also serve who only stand and wait." Milton, of course, was writing about God. I am thinking about our small role in serving the greater good of public health. And acting well our given part to social distance, wash our hands, and do all those things going forward that will lead us collectively through this horror. It sure beats pigeon soup.

#### CONCLUSION: THE ELEPHANT IN THE ROOM AND THE CHALLENGE AHEAD

The elephant in the room, we all know, whether we are supporters or detractors and whether we admit it or not, is that President Trump acts, if he acts at all, in a manner deeply and consistently contrary to the leadership principles, traits, and functions identified in this article. The mission is not clear and is daily undercut

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35. Conversation with the author, Mar. 4, 2009.



by competing communications. Public health officials say one thing, the President another. He incites rather than unites. Empathy is not in his tool kit.

Whatever one's views on the incumbent president, the proposition presented here is that a pandemic requires leadership at all levels of society and in all walks of life.

- Persons in leadership positions, whether they are in government, business, public health, or education, should affirmatively consider whether and how to apply the leadership principles and observations presented here.
- The further proposition is that whatever one thinks of a public official's response to the pandemic, it could be even more effective by following these principles.
- Lastly, in the absence of effective leadership, it is the duty of others to step forward and take charge.

That is because a pandemic is not someone else's challenge or problem. It affects all aspects of society. It implicates industry, academia, and the government. That requires leadership, based on trust, empathy, and perspective, that can unite diffuse constituencies around shared goals and values. Public health is not a quick fix challenge, it will require sustained effort across administrations and across political, regional, and functional divides. And it will require small unit leadership throughout society. That requires leaders who can see over the horizon, can set goals, and know how to provide experts with the time, resources, and space they need to create, set, and implement sound public health policies and programs.

Act well in each of our given parts and we will find ourselves on the far end of the pandemic sooner and with fewer lives lost. We will also be better prepared to act and lead when the next challenge comes. It already has, in the form of America's response to the killing of George Floyd and our ongoing quest to live up to the promise of the Constitution and the ideals of the Declaration of Independence.

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