

A brisk autumn morning, around eight thirty. Two masked bank robbers trigger an alarm as they storm into the Chase Manhattan Bank at Seventh Avenue and Carroll Street in Brooklyn. There are only two female tellers and a male security guard inside. The robbers crack the unarmed sixty-year-old security guard across the skull with a .357, drag him to the men's room, and lock him inside. One of the tellers gets the same pistol-whipping treatment. Then one of the robbers turns to the other teller, puts the barrel in her mouth, and pulls the trigger—click, goes the empty chamber. “Next one is real,” says the robber. “Now open the vault.” A bank robbery, with hostages. Happens all the time in the movies, but it had been almost twenty years since there'd been one of these standoffs in New York, the city with more hostage negotiation jobs than any other jurisdiction in the country. And this happened to be my very first feet-to-the-fire, in-your-face hostage job. I had been training for about a year and a half in hostage negotiations, but I hadn't had a chance to use my new skills. For me, 1993 had already been a very busy and incredible ride. Working on the FBI's Joint Terrorism Task Force, I had been the co-case agent in an investigation that thwarted a plot to set off bombs in the Holland and Lincoln Tunnels, the United Nations, and 26 Federal Plaza, the home of the FBI in New York City. We broke it up just as terrorists were mixing bombs in a safe house. The plotters were associated with an Egyptian cell that had ties to the “Blind Sheikh,” who later would be found guilty of masterminding the plot that we uncovered. You might think a bank robbery would be small potatoes after we busted up a terrorist plot, but by then I had already come to realize that negotiation would be my lifelong passion. I was eager to put my new skills to the test. And besides, there was nothing small about this situation. When we got the call, my colleague Charlie Beaudoin and I raced to the scene, bailed out of his black Crown Victoria, and made our way to the command post. The whole cavalry showed up for this one—NYPD, FBI, SWAT—all the muscle and savvy of law enforcement up against the knee-jerk desperation of a couple of bank robbers seemingly in over their heads. New York police, behind a wall of blue and white trucks and patrol cars, had set up across the street inside another bank. SWAT team members, peering through rifle scopes from the roofs of nearby brownstone buildings, had their weapons trained on the bank's front and rear doors. ASSUMPTIONS BLIND, HYPOTHESES GUIDE Good negotiators, going in, know they have to be ready for possible surprises; great negotiators aim to use their skills to reveal the surprises they are certain exist. Experience will have taught them that they are best served by holding multiple hypotheses—about the situation, about the counterpart's wants, about a whole array of variables—in their mind at the same time. Present and alert in the moment, they use all the new information that comes their way to test and winnow true hypotheses from false ones. In negotiation, each new psychological insight or additional piece of information revealed heralds a step forward and allows one to discard one hypothesis in favor of another. You should engage the process with a mindset of discovery. Your goal at the outset is to extract and observe as much information as possible. Which, by the way, is one of the reasons that really smart people often have trouble being negotiators—they're so smart they think they don't have anything to discover. Too often people find it easier just to stick with what they believe. Using what they've heard or their own biases, they often make assumptions about others even before meeting them. They even ignore their own perceptions to make them conform to foregone conclusions. These assumptions muck up our perceptual windows onto the world, showing us an

unchanging—often flawed—version of the situation. Great negotiators are able to question the assumptions that the rest of the involved players accept on faith or in arrogance, and thus remain more emotionally open to all possibilities, and more intellectually agile to a fluid situation. Unfortunately, back in 1993, I was far from great. Everyone thought the crisis would be over quickly. The bank robbers had little choice but to surrender—or so we thought. We actually started the day with intelligence that the bank robbers wanted to surrender. Little did we know that was a ruse their ringleader planted to buy time. And throughout the day, he constantly referred to the influence the other four bank robbers exerted on him. I hadn't yet learned to be aware of a counterpart's overuse of personal pronouns—we/they or me/I. The less important he makes himself, the more important he probably is (and vice versa). We would later find out there was only one other bank robber, and he had been tricked into the robbery. Actually, three robbers, if you counted the getaway driver, who got away before we even entered the scene. The "lead" hostage-taker was running his own "counterintelligence operation," feeding us all kinds of misinformation. He wanted us to think he had a bunch of co-conspirators with him—from a number of different countries. He also wanted us to think that his partners were much more volatile and dangerous than he was. Looking back, of course, his game plan was clear—he wanted to confuse us as much as he could until he could figure a way out. He would constantly tell us that he wasn't in charge and that every decision was the responsibility of the other guys. He would indicate that he was scared—or, at least, a little tentative—when we asked him to pass along certain information. And yet he always spoke with a voice of complete calm and absolute confidence. It was a reminder to my colleagues and me that until you know what you're dealing with, you don't know what you're dealing with. Though the call had come in about 8:30 a.m., by the time we arrived across the street from the bank and made contact it was probably about 10:30 a.m. The word when we came on the scene was that this was going to be cookie-cutter, by the book, short and sweet. Our commanders thought we'd be in and out of there in ten minutes, because the bad guys supposedly wanted to give themselves up. This would later become a problem, when negotiations stalled and Command became embarrassed, because they'd made the mistake of sharing this early optimism with the press, based on all the early misinformation. We arrived on the scene to take a surrender, but the situation went sideways almost immediately. Everything we assumed we knew was wrong. CALM THE SCHIZOPHRENIC Our Negotiation Operation Center (NOC) was set up in an office in a bank immediately across a narrow street from the Chase branch. We were way too close to the hostage site, so right away we were at a disadvantage. We were less than thirty yards from the crisis point, where ideally you want to have a little more of a buffer than that. You want to put some distance between you and whatever worst-case scenario might be waiting at the other end of the deal. When my partner and I arrived, I was immediately assigned to coach the police department negotiator on the phone. His name was Joe, and he was doing fine—but in these types of situations, nobody worked alone. We always worked in teams. The thinking behind this policy was that all these extra sets of ears would pick up extra information. In some standoffs, we had as many as five people on the line, analyzing the information as it came in, offering behind-the-scenes input and guidance to our man on the phone—and that's how we were set up here. We had Joe taking the lead on the phone, and another three or four of us were listening in, passing

notes back and forth, trying to make sense of a confusing situation. One of us was trying to gauge the mood of the bad guy taking the lead on the other end, and another was listening in for clues or “tells” that might give us a better read on what we were facing, and so on. Students of mine balk at this notion, asking, “Seriously, do you really need a whole team to . . . hear someone out?” The fact that the FBI has come to that conclusion, I tell them, should be a wake-up call. It’s really not that easy to listen well. We are easily distracted. We engage in selective listening, hearing only what we want to hear, our minds acting on a cognitive bias for consistency rather than truth. And that’s just the start. **Most people approach a negotiation so preoccupied by the arguments that support their position that they are unable to listen attentively.** In one of the most cited research papers in psychology,¹ George A. Miller persuasively put forth the idea that we can process only about seven pieces of information in our conscious mind at any given moment. In other words, we are easily overwhelmed. For those people who view negotiation as a battle of arguments, it’s the voices in their own head that are overwhelming them. When they’re not talking, they’re thinking about their arguments, and when they are talking, they’re making their arguments. Often those on both sides of the table are doing the same thing, so you have what I call a state of schizophrenia: everyone just listening to the voice in their head (and not well, because they’re doing seven or eight other things at the same time). It may look like there are only two people in a conversation, but really it’s more like four people all talking at once. There’s one powerful way to quiet the voice in your head and the voice in their head at the same time: treat two schizophrenics with just one pill. Instead of prioritizing your argument—in fact, instead of doing any thinking at all in the early goings about what you’re going to say—make your sole and all-encompassing focus the other person and what they have to say. In that mode of true active listening—aided by the tactics you’ll learn in the following chapters—you’ll disarm your counterpart. You’ll make them feel safe. The voice in their head will begin to quiet down. The goal is to identify what your counterparts actually need (monetarily, emotionally, or otherwise) and get them feeling safe enough to talk and talk and talk some more about what they want. The latter will help you discover the former. **Wants are easy to talk about, representing the aspiration of getting our way, and sustaining any illusion of control we have as we begin to negotiate; needs imply survival, the very minimum required to make us act, and so make us vulnerable.** But neither wants nor needs are where we start; it begins with listening, making it about the other people, validating their emotions, and creating enough trust and safety for a real conversation to begin. We were far from that goal with the lead hostage-taker on the call. He kept putting up these weird smoke screens. He wouldn’t give up his name, he tried to disguise his voice, he was always telling Joe he was being put on speaker so everyone around him in the bank could hear, and then he would abruptly announce that he was putting Joe on “hold” and hang up the phone. He was constantly asking about a van, saying he and his partners wanted us to arrange one for them so they could drive themselves and the hostages to the local precinct to surrender. That was where the surrender nonsense had come from—but, of course, this wasn’t a surrender plan so much as it was an escape plan. In the back of his mind, this guy thought he could somehow leave the bank without being taken into custody, and now that his getaway driver had fled the scene he needed access to a vehicle. After it was all over, a couple of other details came clear. We weren’t the only ones who had been lied to. Apparently, this

lead bank robber hadn't told his partners they were going to rob a bank that morning. It turned out he was a cash courier who serviced the bank, and his partners were under the impression that they were going to burglarize the ATM. They didn't sign up for taking hostages, so we learned that this guy's co-conspirators were also hostages, in a way. They were caught up in a bad situation they didn't see coming—and, in the end, it was this “disconnect” among the hostage-takers that helped us to drive a wedge between them and put an end to the stalemate. **SLOW.** IT. DOWN. The leader wanted to make us think he and his partners were taking good care of his hostages, but in reality the security guard was out of the picture and the second bank teller had run to the bank basement to hide. Whenever Joe said he wanted to talk to the hostages, the hostage-taker would stall, and make it seem like there was this frenzy of activity going on inside the bank, going to ridiculous lengths to tell us how much time and energy he and his cohorts were spending on taking good care of the hostages. Very often, the leader would use this as a reason to put Joe on hold, or to end a call. He'd say, “The girls need to go to the bathroom.” Or, “The girls want to call their families.” Or, “The girls want to get something to eat.” Joe was doing a good job keeping this guy talking, but he was slightly limited by the negotiating approach that police departments were using at the time. The approach was half MSU—Making Shit Up—and half a sort of sales approach—basically trying to persuade, coerce, or manipulate in any way possible. The problem was, we were in too much of a hurry, driving too hard toward a quick solution; trying to be a problem solver, not a people mover. Going too fast is one of the mistakes all negotiators are prone to making. If we're too much in a hurry, people can feel as if they're not being heard and we risk undermining the rapport and trust we've built. There's plenty of research that now validates the passage of time as one of the most important tools for a negotiator. When you slow the process down, you also calm it down. After all, if someone is talking, they're not shooting. We caught a break when the robbers started to make noise about food. Joe was going back and forth with them for a while on what they were going to have and how we were going to get it to them. It became a negotiation in and of itself. We got it all set up, prepared to send the food in on a kind of robot device, because that's what this guy was comfortable with, but then he did an about-face, said to forget about it. Said they'd found some food inside, so it was just one brick wall after another, one smoke screen after another. It would feel to us like we were making a little progress, then this guy would take an abrupt turn, or hang up on us, or change his mind. Meanwhile, our investigators used the time to run the registration of every one of the dozens of vehicles found nearby on the street, and managed to speak to the owners of every one of them except one—a car belonging to someone named Chris Watts. This became our one and only lead, at the time, and as our endless back-and-forth continued on the phone we sent a group of investigators to the address on Chris Watts's registration, where they found someone who knew Chris Watts and agreed to come down to the scene of the standoff to possibly identify him. We still didn't have a visual on the inside, so our eyewitness had to be more of an “earwitness”—and he was able to identify Chris Watts by his voice. We now knew more about our adversary than he thought we knew, which put us at a momentary advantage. We were putting together all the puzzle pieces, but it didn't get us any closer to our endgame, which was to determine for sure who was inside the building, to ensure the health and well-being of the hostages, and to get them all out safely—the good guys and the bad guys. THE

VOICE After five hours, we were stuck, so the lieutenant in charge asked me to take over. Joe was out; I was in. Basically, it was the only strategic play at our disposal that didn't involve an escalation in force. The man we now knew as Chris Watts had been in the habit of ending his calls abruptly, so my job was to find a way to keep him talking. I switched into my Late-Night, FM DJ Voice: deep, soft, slow, and reassuring. I had been instructed to confront Watts as soon as possible about his identity. I also came onto the phone with no warning, replacing Joe, against standard protocol. It was a shrewd move by the NYPD lieutenant to shake things up, but it easily could have backfired. This soothing voice was the key to easing the confrontation. Chris Watts heard my voice on the line and cut me off immediately—said, “Hey, what happened to Joe?” I said, “Joe’s gone. This is Chris. You’re talking to me now.” I didn’t put it like a question. I made a downward-inflecting statement, in a downward-inflecting tone of voice. The best way to describe the late-night FM DJ’s voice is as the voice of calm and reason. When deliberating on a negotiating strategy or approach, people tend to focus all their energies on what to say or do, but it’s how we are (our general demeanor and delivery) that is both the easiest thing to enact and the most immediately effective mode of influence. Our brains don’t just process and understand the actions and words of others but their feelings and intentions too, the social meaning of their behavior and their emotions. On a mostly unconscious level, we can understand the minds of others not through any kind of thinking but through quite literally grasping what the other is feeling. Think of it as a kind of involuntary neurological telepathy—each of us in every given moment signaling to the world around us whether we are ready to play or fight, laugh or cry. When we radiate warmth and acceptance, conversations just seem to flow. When we enter a room with a level of comfort and enthusiasm, we attract people toward us. Smile at someone on the street, and as a reflex they’ll smile back. Understanding that reflex and putting it into practice is critical to the success of just about every negotiating skill there is to learn. That’s why your most powerful tool in any verbal communication is your voice. You can use your voice to intentionally reach into someone’s brain and flip an emotional switch. Distrusting to trusting. Nervous to calm. In an instant, the switch will flip just like that with the right delivery. There are essentially three voice tones available to negotiators: the late-night FM DJ voice, the positive/playful voice, and the direct or assertive voice. Forget the assertive voice for now; except in very rare circumstances, using it is like slapping yourself in the face while you’re trying to make progress. You’re signaling dominance onto your counterpart, who will either aggressively, or passive-aggressively, push back against attempts to be controlled. Most of the time, you should be using the positive/playful voice. It’s the voice of an easygoing, good-natured person. Your attitude is light and encouraging. The key here is to relax and smile while you’re talking. A smile, even while talking on the phone, has an impact tonally that the other person will pick up on. The effect these voices have are cross-cultural and never lost in translation. On a vacation to Turkey with his girlfriend, one of our instructors at The Black Swan Group was befuddled—not to mention a little embarrassed—that his partner was repeatedly getting better deals in their backstreet haggling sessions at the spice markets in Istanbul. For the merchants in such markets throughout the Middle East, bargaining is an art form. Their emotional intelligence is finely honed, and they’ll use hospitality and friendliness in a powerful way to draw you in and create reciprocity that ends in an exchange of money. But it works both ways, as our instructor discovered while observing his girlfriend

in action: she approached each encounter as a fun game, so that no matter how aggressively she pushed, her smile and playful demeanor primed her merchant friends to settle on a successful outcome. When people are in a positive frame of mind, they think more quickly, and are more likely to collaborate and problem-solve (instead of fight and resist). It applies to the smile-er as much as to the smile-ee: a smile on your face, and in your voice, will increase your own mental agility. Playful wasn't the move with

Chris Watts. The way the late-night FM DJ voice works is that, when you inflect your voice in a downward way, you put it out there that you've got it covered. Talking slowly and clearly you convey one idea: I'm in control. When you inflect in an upward way, you invite a response. Why? Because you've brought in a measure of uncertainty. You've made a statement sound like a question. You've left the door open for the other guy to take the lead, so I was careful here to be quiet, self-assured. It's the same voice I might use in a contract negotiation, when an item isn't up for discussion. If I see a work-for-hire clause, for example, I might say, "We don't do work-for-hire." Just like that, plain, simple, and friendly. I don't offer up an alternative, because it would beg further discussion, so I just make a straightforward declaration. That's how I played it here. I said, "Joe's gone. You're talking to me now." Done deal. You can be very direct and to the point as long as you create safety by a tone of voice that says I'm okay, you're okay, let's figure things out. The tide was turning. Chris Watts was rattled, but he had a few moves left in him. One of the bad guys went down to the basement and collected one of the female bank tellers. She'd disappeared into the bowels of the bank at some point, but Chris Watts and his accomplice hadn't chased after her because they knew she wasn't going anywhere. Now one of the bank robbers dragged her back upstairs and put her on the phone. She said, "I'm okay." That's all. I said, "Who is this?" She said, "I'm okay." I wanted to keep her talking, so I asked her name—but then, just like that, she was gone. This was a brilliant move on Chris Watts's part. It was a threat, teasing us with the woman's voice, but subtly and indirectly. It was a way for the bad guy to let us know he was calling the shots on his end of the phone without directly escalating the situation. He'd given us a "proof of life," confirming that he did indeed have hostages with him who were in decent enough shape to talk on the phone, but stopped short of allowing us to gather any useful information. He'd managed to take .back a measure of control