## THE NIGHTINGALE'S SONG[1]

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With a journalist's terse prose and a novelist's sense of intrigue, Robert Timberg's *The Nightingale's Song* reveals the stories of five men—all of them graduates of the United States Naval Academy, former military officers, Vietnam War veterans, and American political notables. Timberg, a seasoned newspaper reporter,[3] scrutinizes the lives of John Poindexter, John McCain, Robert McFarlane, James Webb, and Oliver North. Thousands of hours of personal interviews allow Timberg, also a Naval Academy graduate and Vietnam veteran, to engage the reader with anecdotes and quotations that capture the essence of each protagonist. Timberg deftly weaves personal psychological portraits with expositions on foreign policy. Blending biography, psychology, history, politics, foreign affairs, and military art, *The Nightingale's Song* draws the reader into the lives of these five men whose stories "illuminate a generation or a portion of a generation—those who went [to Vietnam]."[4] In all, *The Nightingale's Song* is fast-moving, informative, and incisive.

*The Nightingale's Song* also provides sharp insights about military leadership in America in the twentieth century. Although Timberg never intended *Nightingale* to be a management manual, the work has much to offer military officers and other students of leadership. Timberg exposes the personal traits and values that define military leaders. He uncovers common characteristics, documents diversity, and highlights three unambiguously positive traits: competence, caring, and courage. The author also raises leadership issues which bedevil military officers: when to defer to authority and when to refuse, and when to be loyal to a person and when to be loyal to a principle.

From his observations of character traits, Timberg develops a model to explain his subjects' actions and motivations. Ultimately, he tries to

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1. ROBERT TIMBERG, THE NIGHTINGALE'S SONG (1995).
2. Judge Advocate General's Corps, United States Army. Written while assigned as a student in the 46th Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.
3. Timberg graduated from the United States Naval Academy in 1964. He served as a Marine in South Vietnam from March 1966 to February 1967. He has been a newspaper reporter since 1973. TIMBERG, *supra* note 1, at 544.
4. *Id.* at 15.

explain how three of these men became involved in the Iran-Contra scandal. He suggests that three interrelated concepts account for Iran-Contra: deference to authority, loyalty to Ronald Reagan, and a Vietnam "filter" through which each character views the world. Timberg's behavior models are thought-provoking but ultimately unpersuasive.

*The Nightingale's Song* astutely discusses those qualities that make leaders great and those that bring leaders down—and often they are the same qualities. Timberg's biographies chronicle the protagonists' strengths and flaws, their characters and personalities. Each man possesses magnificent qualities and loathsome foibles. The characters gain the reader's sympathy, spark ire, ignite curiosity, and, at times, inspire awe and incredulity.

Timberg looks at leadership traits at several levels, and he masterfully reveals the diverse personality types that succeed in the military. In this regard, no two persons differ more strikingly than Poindexter and McCain, both 1968 Academy graduates.

> The two Johns had little in common beyond their first names, McCain rowdy, raunchy, a classic underachiever ambivalent about his presence at Annapolis; Poindexter cool, contained, a young man at the top of his game who knew from the start that he belonged at the Academy . . . . There was one important similarity. Both McCain and Poindexter were leaders in the class, the former in a manic, intuitive highly idiosyncratic way, the latter in a cerebral, understated manner that was no less forceful in its subtlety.[5]

Timberg fully develops the other subjects as well. McFarlane is "a man of uncommon decency,"[6] but profoundly vulnerable and troubled. Webb is principled, if somewhat erratic. North is manipulative and opportunistic, but always gets the mission accomplished. Knowing that all five succeeded in the military demonstrates that officers need not fit into a tra-

5. *Id.* at 31.
6. *Id.* at 110.

ditional mold. Timberg helps to dispel any myth of a monolithic "military type."

While Timberg notes personality differences, he also highlights three qualities common to the protagonists that characterize successful military leaders—technical competence, care for troops, and courage.

A prerequisite to effective leadership is technical competence. Timberg captures this in his description of the military prowess of James Webb as a platoon leader in Vietnam:

> His military skills resulted from more than books and maps. Like an athlete, he relied on his instincts. He knew the school solution for any situation, and usually he employed it, but he also knew when to throw the book out the window. He came to think of his mind as a computer programmed for war, sorting out the chaos of the battlefield to provide him with a continuously updated readout of rapidly changing combat conditions.[7]

In a different milieu, *Nightingale* extols the skillfulness of John Poindexter at sea. "Nothing seemed to catch him by surprise because . . . he had thought through every possible eventuality, worked out the responses, and stored them away in his mind until he needed them."[8]

Beyond competence, great leaders respect and care for their subordinates. Timberg's subjects are no exceptions.

> McFarlane did not insulate himself from their [his men's] troubles . . . . He tutored troops in algebra and other subjects so they could pass high school equivalency tests, counseled men on their drinking and marital problems. His efforts were more than exercises in leadership. He was trying to live up to the belief, spawned in childhood and reinforced at Annapolis, that he had an obligation to help others, whatever their station.[9]

Both Webb and North, as Vietnam platoon leaders, devoted themselves to the personal and professional problems of their troops. Even as secretary of the Navy, Webb never forgot about sailors. During Webb's

7. *Id.* at 156.
8. *Id.* at 170.
9. *Id.* at 110.

tenure, budget cuts threatened to reduce the number of Navy ships. Webb realized that "[f]ewer ships meant longer sea tours, which stood to brutalize sailors and their families, a throwback to the seventies when the hollow joke among younger officers was, make commander and get your divorce."[10] Webb ultimately resigned over the issue.

A work about warriors must discuss physical courage. The lives of Timberg's subjects provide ample examples. Webb threw himself between a comrade and a live Vietnamese grenade, "sustaining serious fragmentation wounds that left him with a limp."[11] North "repeatedly expos[ed] himself to hostile fire"[12] and more than once refused to report his own injuries for fear he would be taken out of combat. The most awe-inspiring passages recount John McCain's valiant defiance as a prisoner of war. Twice the Vietnamese offered to let McCain go home. Twice he refused, basing his decision on the "Code of Conduct that said that prisoners could accept release only in order of capture."[13] One refusal led to particularly abusive treatment:

> [T]he guards . . . drove fists and knees and boots into McCain. Amid laughter and muttered oaths, he was slammed from one guard to another, bounced from wall to wall, knocked down, kicked, dragged to his feet, knocked back down, punched again and again in the face. When the beating was over, he lay on the floor, bloody, arms and legs throbbing, ribs cracked, several teeth broken off at the gumline.[14]

In addition to these positive qualities, Timberg addresses two ambiguous leadership issues that military officers frequently face. One of the recurring dilemmas in *Nightingale* is the tension between obedience to orders and the need to question or ultimately to disobey orders. The protagonists wrestle with the choice of deferring to authority or defying it, of expressing independent thought or keeping quiet. Timberg recognizes the need for discipline in the military and the great presumption that orders

10. *Id.* at 407.
11. *Id.* at 158.
12. *Id.* at 144.
13. *Id.* at 133.
14. *Id.* at 135.

should be obeyed. He approvingly quoted Captain Paul Goodwin, one of the few officers who was able to control the volatile Oliver North:

> He wasted no time in molding Kilo Company to his personal specifications. I want you to shave, he told his lieutenants. I want you to have haircuts. Not because we're going to make you pretty, but because to me personal appearance is an extension of discipline . . . . It doesn't have to make sense, just do it. I want you to get used to doing what I say, when I say it, just because I say it. One day it's going to save your ass. This is not a debating club. I'm in charge and you execute my orders.[15]

Timberg, however, takes a dim view of slavish obedience. Oliver North's peers criticize him for "pandering to his bosses, telling them what they wanted to hear."[16] Timberg respected the ability to question authority, even in a wartime scenario. In Vietnam, Webb received an order to take a defensive position which would have put his troops in undue peril. Webb refused and took up an alternate position. The platoon accomplished the mission, taking no casualties. "Webb later explained that challenging superiors had value even when it did not cause them to change course: 'To me it was like a safety valve. I wanted to make sure these people were thinking before they sent us off to do something weird.'"[17]

Finally, Timberg recognizes an ironic process that affects some officers. The longer an officer stays in the military, the more accustomed to deferring to the system the officer becomes; yet, as that officer becomes more and more senior, the need to question or perhaps to refuse orders gains importance. In 1983, President Reagan dispatched McFarlane, then the Middle East envoy, to the Middle East to broker a peace agreement in Lebanon. The initiative involved the deployment of U.S. Marines. From the start, McFarlane knew that the mission was doomed to fail. The initiative resulted in the bombing deaths of over 200 Marines. Timberg suggests that had McFarlane strenuously told President Reagan about the dangers and futility of the mission, perhaps the tragedy could have been averted.

> But even McFarlane, by then more foreign policy intellectual than soldier, was not immune to the teachings of Annapolis and the Marine Corps. And in that theology, and it is little short of

15. *Id.* at 142-43.
16. *Id.* at 274.
17. *Id*. at 159.

> that, it is unheard of to say to your superior, in this case the President of the United States, Sir, you know that thing you asked me to do? Well, I can't do it. Forget that it may be impossible, genuinely impossible; it is equally impossible for a man like McFarlane—or North or Webb or McCain or Poindexter—to say, Mr. President, I couldn't [complete the mission].[18]

Ultimately, Timberg blames unthinking obedience to superiors and overzealous dedication to mission for North's, McFarlane's, and Poindexter's Iran-Contra involvement. Timberg pointedly cites *Reef Points*:[19]

> "THE ORDER: Juniors are required to obey lawful orders of seniors smartly and without question. An expressed wish or request of a senior to a junior is tantamount to an order if the request or wish is lawful". . . . As the scandal unfolded, it became clear that the Academy training that had helped propel North, McFarlane, and Poindexter into the White House had played a powerful role in landing them in the dock. At Annapolis and throughout their military careers, they had been ingrained with the dictum that the wish of a superior was their command. Somewhere along the line, though, probably at the White House, a venue that has turned lesser men to fools, their common sense deserted them. They knew there were times when a subordinate must say no to a superior, but as the Iran-Contra affair makes clear, their threshold was appallingly high.[20]

Academy training, however, did not quash either Webb's or McCain's ability to say no. Webb, as secretary of the Navy, drew a line in the sand—the Navy needs 600 ships. Despite pressure from the secretaries of defense and state, Webb remained obstinate. Ultimately, he resigned rather than concede.

Officers have a duty to obey *lawful* orders. At the same time, quality officers expect their subordinate officers to provide independent and candid advice. The professional officer questions unwise orders, suggests alternatives, and, as a last resort, disobeys an unlawful order. Timberg offers no magic formula. Goodwin was correct in demanding absolute

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18. *Id.* at 344.

19. *Reef Points: The Annual Handbook of the Brigade of Midshipmen* is a "pocket-sized handbook" that is the "plebe's bible. It contained nearly three hundred pages of naval lore that new midshipmen were required to master." *Id.* at 24.

20. *Id.* at 415-16.

obedience from his subordinate lieutenants in Vietnam, but Webb was also right in questioning foolish orders. North, Poindexter, and McFarlane were wrong to support the Contras, even if the President of the United States approved their actions.

An issue related to obedience is loyalty. Loyalty to subordinates, peers, and superiors is an admirable quality. Frequently, however, loyalty to superiors conflicts with adherence to moral or ethical principles. Personal bonds of loyalty merit a high premium in the military. The United States Naval Academy captures the essence of this principle while simultaneously defining one of its clearest limits: "'Never bilge a classmate' may be the most enduring of the Academy's unwritten rules, though it didn't apply to matters of honor. In other words, you were neither expected nor permitted to affirm a classmate's lie or to cover up his cheating or stealing."[21]

Displays of loyalty abound in *The Nightingale's Song*. The author quotes Poindexter as saying, "Beyond loyalty to the country, which I put at the top, I'm loyal to who it is I'm working for . . . . And if I can't be loyal to them, I shouldn't be there."[22] North, having returned to the United States from Vietnam, learned that the Marine Corps was prosecuting a former member of his platoon in Vietnam, Randy Herrod. Herrod had twice saved North's life. North paid his own way back to Vietnam, "aware that his efforts were not likely to endear him to his superiors."[23] North not only served as a character witness, he also assisted Herrod's defense team. The panel acquitted Herrod.[24]

Loyalty and principle collided during North's campaign for governor of Virginia. Poindexter remained loyal to North and campaigned on his behalf. Webb, reluctant to speak out against his former classmate, remained silent for many months. However, when North falsely impugned his opponent's, Chuck Robb's, Marine record, Webb could not keep silent:

> Few strictures hold as much sway over Annapolis men as the unwritten rule from Academy days: never bilge a classmate. [But] North crossed the line . . . . [Webb and six others] took turns accusing North of habitual lying and sullying his oath of

21. *Id*. at 26.
22. *Id.* at 372.
23. *Id*. at 188-92.
24. *Id*.

> office by misleading Congress . . . . Webb then spoke of the Brigade of Midshipmen . . . . "What message are we sending them by this sort of equivalence? That you don't lie, cheat, or steal, or tolerate among you anyone who does—unless you need to gain control of the Senate."[25]

Timberg does not purport to have all of the answers. His work, however, forces the reader to recognize the ambiguous nature of "obedience" and "loyalty."

Drawing on his in-depth character sketches, Timberg develops themes to explain the motivations behind his subjects' actions. Ultimately, he tries to explain how three of these men became involved in the Iran-Contra scandal. First, Timberg suggests that the protagonists' common Naval Academy and military experiences molded their character developments similarly. As discussed earlier, the author discerns traits that are common to the protagonists, such as loyalty and deference to authority. In addition, Timberg views the Vietnam War as a "filter" through which all of the protagonists, to one degree or another, interpret the world. According to the author, the Vietnam War indelibly marred these men's intellects, souls, and psyches. Timberg believes that the experience of Vietnam goes a long way towards explaining the deeds, and more so the misdeeds, of the protagonists long after the war ended. Timberg "became convinced that Vietnam and its aftermath lay at the heart of the [Iran-Contra scandal], that absent Vietnam there would have been no Iran-Contra."[26] Timberg's analysis was fascinating, but his theories were not convincing. In particular, his analysis was over-simplified and perhaps overly kind to the three Iran-Contra offenders, North, Poindexter, and McFarlane.

Timberg invoked the Vietnam War for so many policy propositions that there was no clear unifying theme. He mentioned the most well-known Vietnam syndrome, "a deeply ingrained wariness of deploying American troops without a national consensus,"[27] but Timberg also believed that "North's zeal to supply the Nicaraguan Contras . . . had its roots in Vietnam."[28] Further, in 1983, McFarlane, as the U.S. Middle East envoy, "like Oliver North and Jim Webb shipping out after the Tet Offensive of 1968, . . . readied himself to march off in pursuit of another lost, if

25. *Id.* at 473.
26. *Id.* at 18-19.
27. *Id.* at 343.
28. *Id.* at 149.

arguably noble cause."[29] Timberg never cogently explains how the Contra scenario or the Middle East scenario resemble the Vietnam War experience.

Timberg admits that veterans "reacted in different ways" emotionally to the war.[30] Some became "ticking time bombs;" others, "derelicts, street people, drains on society;" still others "turned against the war," but the protagonists, Timberg asserts, "went to ground . . . waiting patiently for America to 'come to its senses.' No less angry, bitter, and confused, these men were, above all, survivors."[31] This is true, but Timberg erred when he imposed a common reaction on the five men's lives. Each man reacted to Vietnam, but in his own way. The five followed different paths.

Just as each of the protagonists reacted to the war differently, each man *experienced* Vietnam differently. Only Webb and North had similar experiences as Marine infantry platoon leaders, and their similar experiences yielded vastly different results. Yet, Timberg paints Webb as the most independent thinker of the five and the most defiant of authority. North, on the other hand, is not a thinker, but rather an obedient, though resourceful, automaton. McFarlane served as a Marine artillery officer. McCain was a Navy pilot and a six-year prisoner of war. Poindexter served at sea during the war, but did not experience combat. He admitted that "Vietnam 'didn't have much impact on [me] . . . . [I] viewed it as 'just another mission to be performed.'"[32] Since the five men lack a common "Vietnam experience," Timberg's theory falters.

Timberg, the reporter, disproved the theses of Timberg, the theorist. The diversity of the protagonists' characters and life choices belies Timberg's theories. Timberg showed the reader that the subjects entered the Naval Academy with different backgrounds, ideas, and ideals. They departed the Academy with common experiences, but not with common values and ideals. From the start, at the Academy, Poindexter and McFarlane believed in "the system." McCain and Webb rebelled. North was unpredictable. The United States Naval Academy and the military may

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29. *Id.* at 319.
30. *Id*. at 86.
31. *Id*.
32. *Id.* at 163.

have reinforced a sense of deference, but military training did not embed it in these men, nor does the military desire unquestioned authority.

Undoubtedly, an event as traumatic as the Vietnam War will impact on the psyche of a human being. The question, however, is *how* will the event affect the individual? McCain drew strength. Webb gained confidence. Would McCain or Webb have succumbed to abandoning their principles? No. Timberg's desire to attribute actions and motivations to outside sources (the Academy, the military, the war) is insulting to the institutions that he indirectly "blames." Further, Timberg's reasoning belittles each human being's free will and personal responsibility.

*The Nightingale's Song* is a powerful work that chronicles the lives of five American patriots. Timberg's reporting invites the reader to delve into the lives of men who have greatly influenced the American military and American society over the last thirty years. The book is a must read for anyone who is interested in leadership, contemporary U.S. history, or politics. While not everyone will agree with Timberg's underlying theories, no one will be disappointed with his work.