

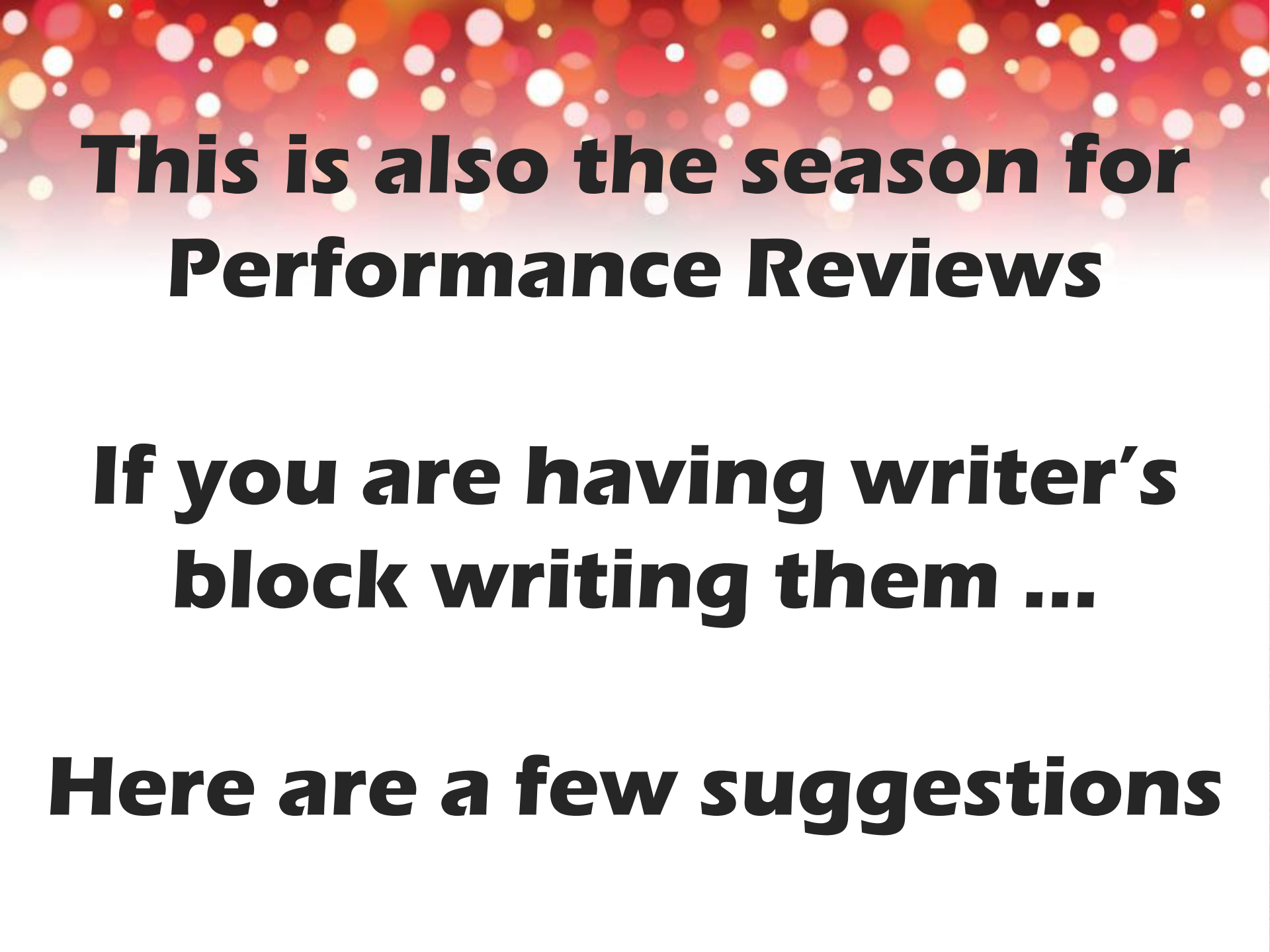
The Lost Art of Negotiation
...You don't get what you deserve ...
... you get what you ...
... negotiate ...

Mark D. Hansen, CSP, PE, CPE, CPEA, CPSA
VP, HSE

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The background of the slide features a bokeh effect with numerous out-of-focus light circles in shades of red, orange, and yellow, creating a warm and festive atmosphere.

***This is also the season for
Performance Reviews***

***If you are having writer's
block writing them ...***

Here are a few suggestions

Actual Quotes Taken from Federal Employee Performance Reviews

"Since my last report, this employee has reached rock bottom and has started to dig."

"Works well when under constant supervision and cornered like a rat in a trap."

"This young lady has delusions of adequacy."

"He sets low personal standards and then consistently fails to achieve them."

"This employee is depriving a village somewhere of an idiot."

"This employee should go far, and the sooner he starts, the better."

Actual Quotes Taken from Federal Employee Performance Reviews

"Got a full 6-pack, but lacks the plastic thing to hold it all together."

"A gross ignoramus — 144 times worse than an ordinary ignoramus."

"He doesn't have ulcers, but he's a carrier."

"I would like to go hunting with him sometime."

"He brings a lot of joy whenever he leaves the room."

"If you see two people talking and one looks bored, he's the other one."

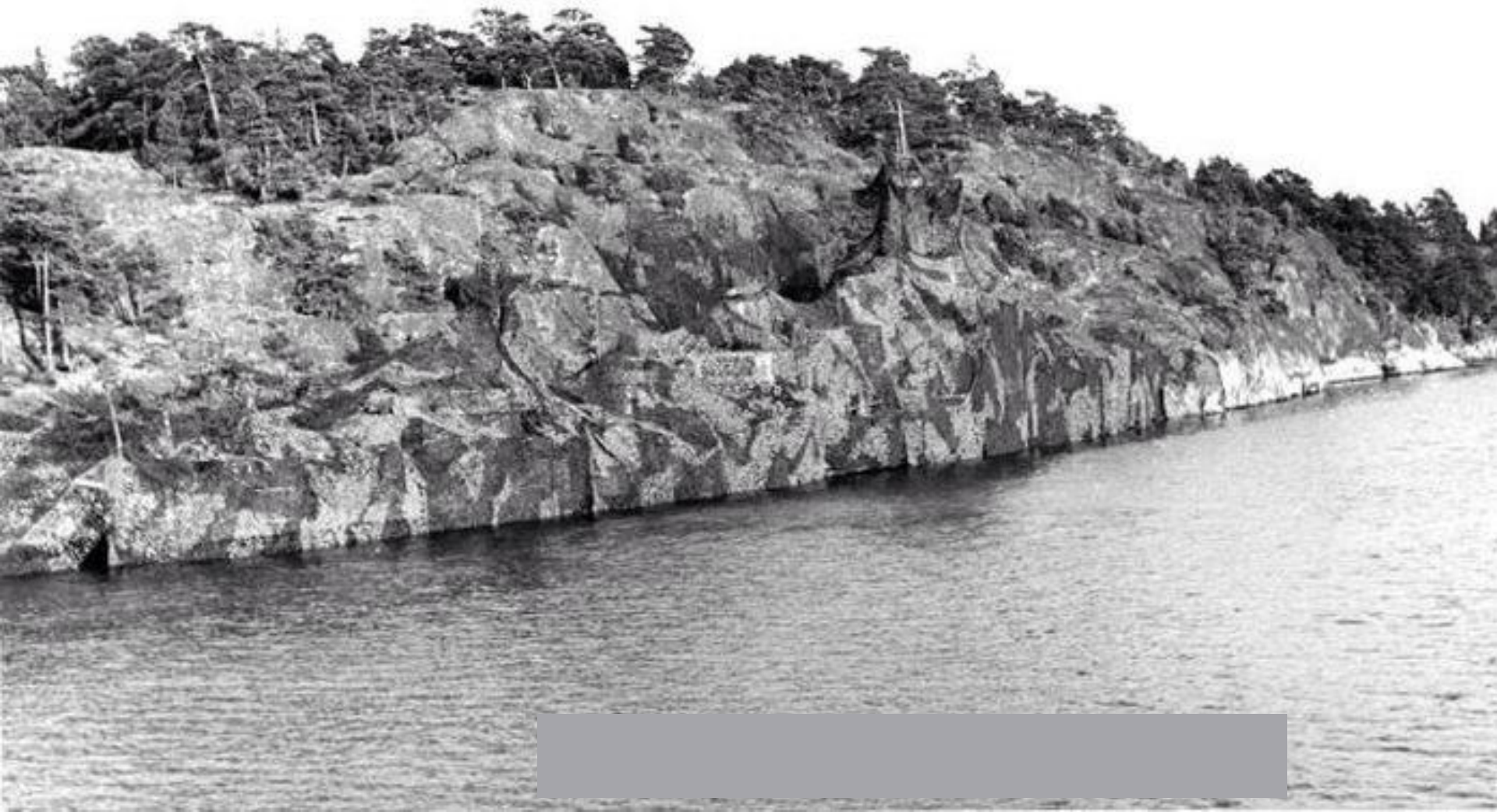


In Negotiating ...

**You have to be
confident under
pressure**



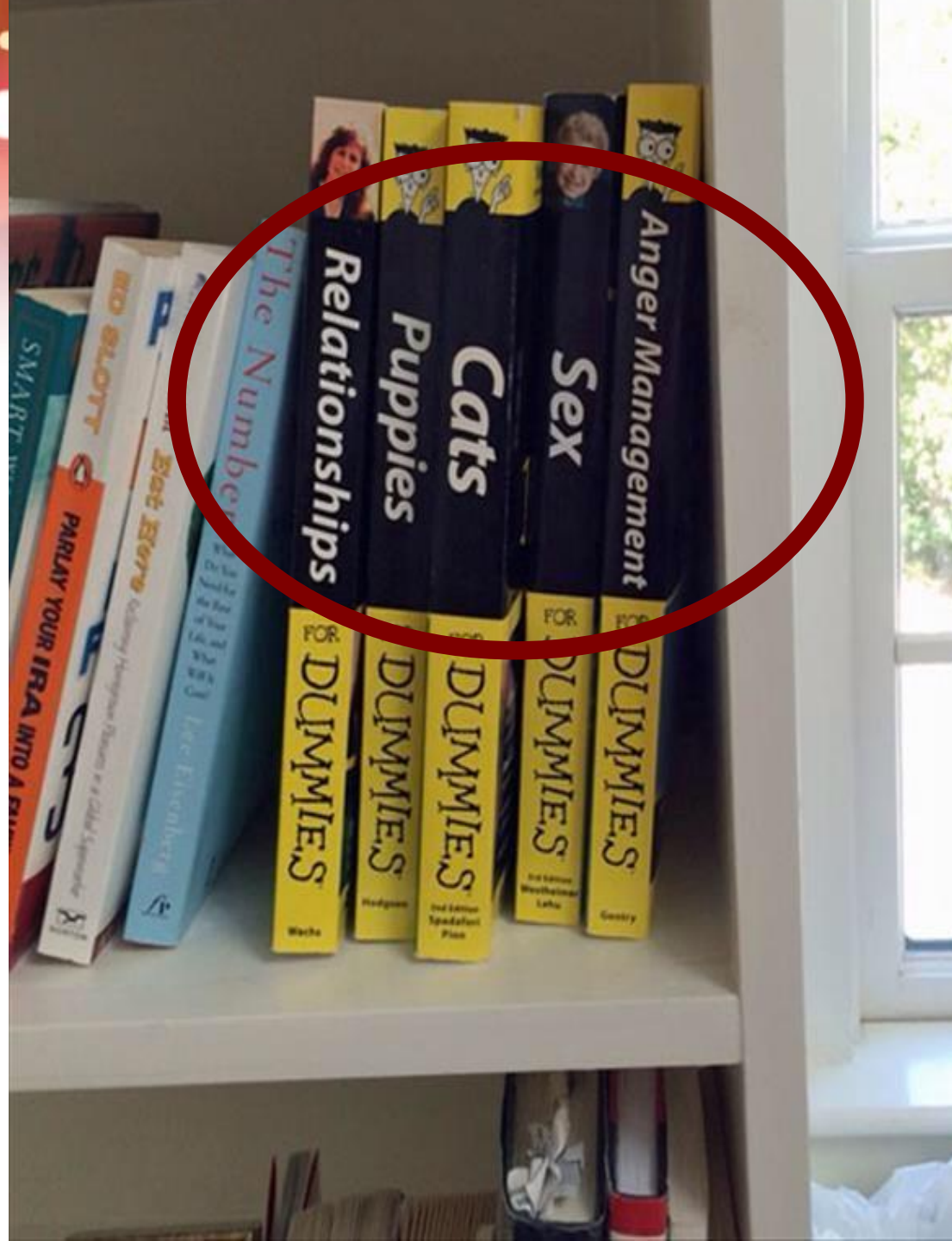
You have to hold your cards close to your vest



**You have to be
prepared for
the
unexpected**



You have to pick up
on hidden clues



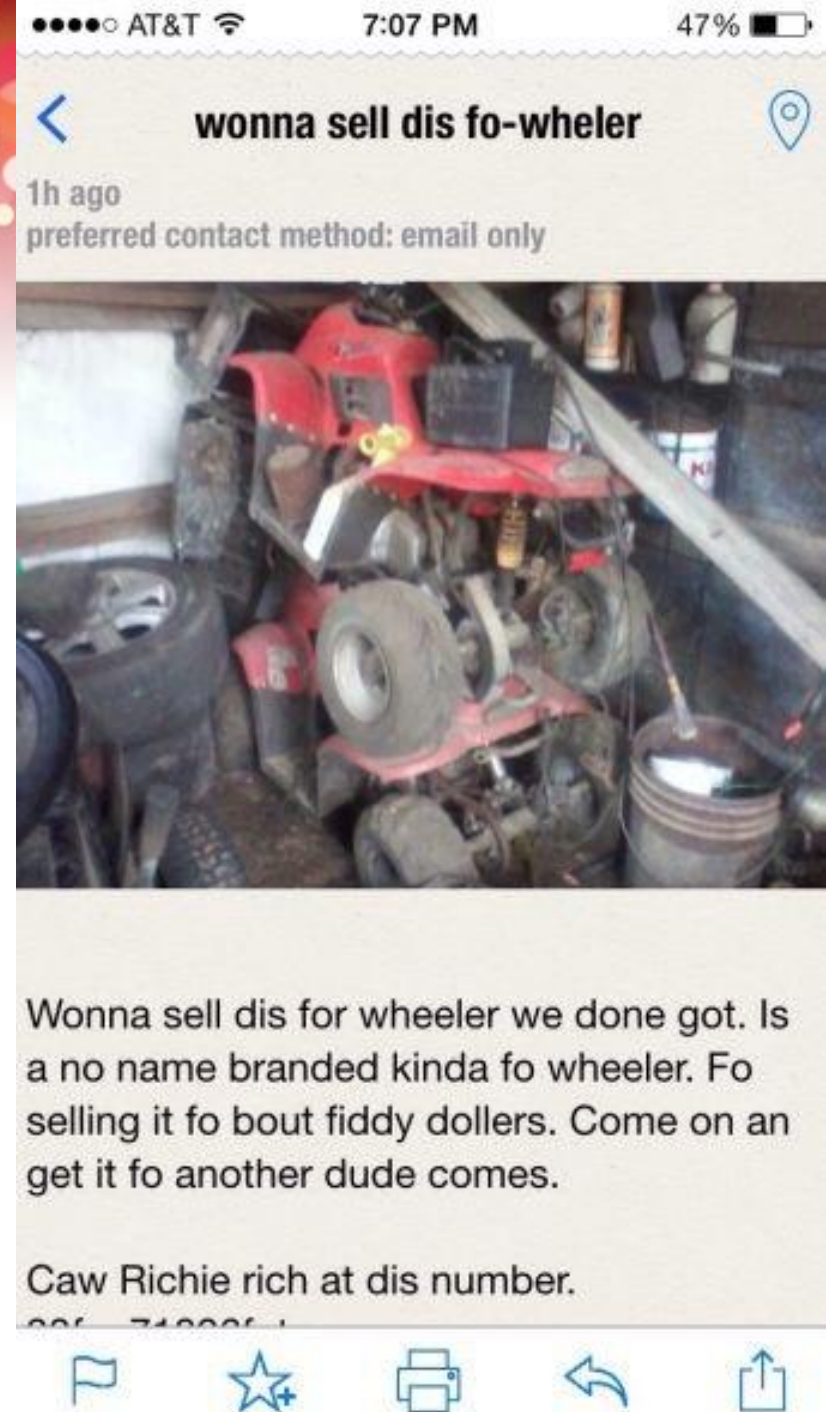
**You have to find the
obvious flaws and
inconsistencies**



You have to look closely at the details



**You have to interpret
what someone says
into what they mean**



You have to see
if it is a good
offer or not





**This is negotiation ...
where many think
that ...**

**Come to the
dark side.**

We have cookies.

[illegible]



The Lost Art of Negotiation

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... you get what you ...
... negotiate ...

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What is “Negotiation”?

- From the Latin expression, “negotius”, “to carry on business”
- It is a dialogue intended to resolve disputes, to produce an agreement upon courses of action, to bargain for individual or collective advantage, or to craft outcomes to satisfy various interests.

No regrets ...

NO REGRETS

I REGERT NOTHING

You Negotiate all the Time

- **With your kids**
- **With your spouse**
- **Agreeing on weekend activities**
- **Making consumer purchases**
- **Your employees**
- **Your peers**
- **Entering into business contracts**
- **Your boss**
- **Dispute resolution**

**There's no roadmap on how to raise a family; it's always an enormous negotiation.
Meryl Streep**

Common Barriers to Successful Negotiations

- Viewing Negotiations as a confrontation
- Trying to “Win” at all costs
 - It’s a solution that should usually benefit both parties not a win lose confrontation
- Being Emotional
 - It’s important to maintain control
- Not trying to understand the other person’s perspective
- Blaming the other person

Let us never negotiate out of fear. But let us never fear to negotiate. JFK

What Am I

**I'm your greatest friend or your heaviest burden.
I can carry you on to success or tear you down to failure.**

Discipline

**I am not a machine, but I work with the efficiency of a machine.
And the intelligence of the human body.
Run me for profit or turn me for ruin, makes no difference to me.
Be easy with me and I'll destroy you.**

An ugly personality destroys a pretty face.



**"We must do
something, soon.
The enemy is
moving."**

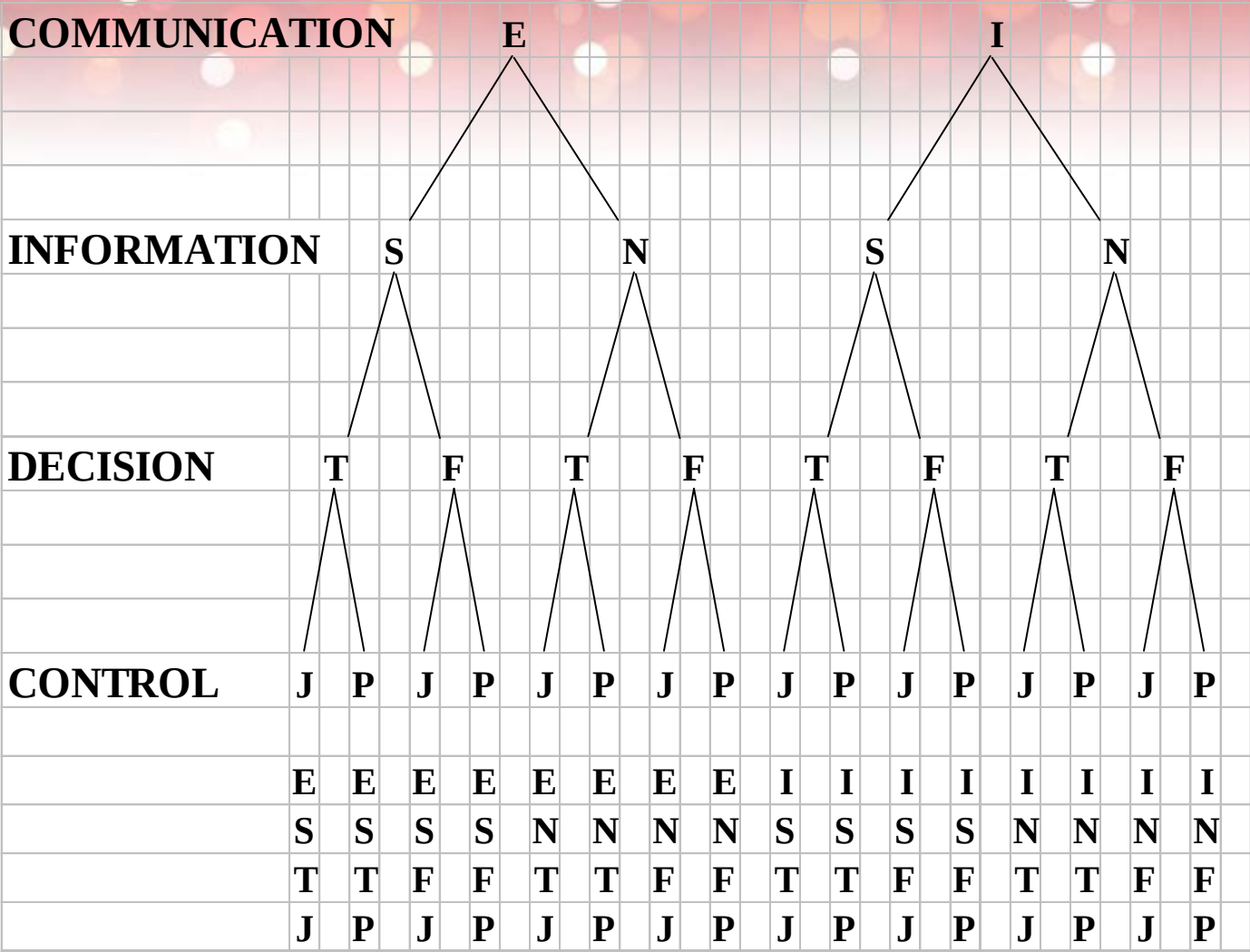
**Gandalf to Frodo,
*The Lord of the Rings***



Four General Personality Types

An ugly personality destroys a pretty face.

Personality Types / Communication Styles



Extravert / Introvert
Sensor / iNtuitior
Thinker / Feeler
Judge / Perceiver

Great minds discuss ideas; average minds discuss events; small minds discuss people. Eleanor Roosevelt

Behavioral/Communication Style Differences

- **Feeler**

- Considers people and friendships important. They are **genuinely concerned about other people's feelings** and go out of their way not to offend.
- Strength: People sense the Feeler's concern and are put at ease by them.
- Weakness: Can miss the big picture and mission by being overly concerned with others' feelings. May not give you bad news out of a desire not to hurt.
- Tips for working with Feelers:
 - Be prepared for small talk ("schmoozing") before getting to the issues needing consideration. Allow time for small talk.
 - Listen and be responsive.
 - Don't be domineering or threatening.
 - Be supportive of the Feeler's issues in seeking to accomplish your own. •

The meeting of two personalities is like the contact of two chemical substances; if there is any reaction both are transformed. Carl Jung

Behavioral/Communication Style Differences

- **Sensor**
 - Sensors are **strong, decisive, results-oriented people**. They tend to keep their emotions to themselves.
 - **Strength:** They are energetic, dynamic implementers. Highly mission-focused. They get things done!
 - **Weakness:** Can appear overly pushy or demanding at times. May not pick up on human dynamics of a situation. May make a decision before having all relevant facts
- **Tips for working with sensors:**
 - Be brief, specific and to the point.
 - Be well-prepared.
 - Provide alternative solutions with pros and cons of each.
 - Don't waste their time.

Be brief, be good, be gone.

Behavioral/Communication Style Differences

- **Thinker**
 - Thinkers are logical and organized. They deal with facts, data, logic, details. Thinkers have tendency toward perfection. They tend to keep their feelings and emotions inside, and do not usually reveal them to others.
 - Strength: The information they provide is usually very accurate.
 - Weakness: Can be overly cautious. May not pickup on human dynamics of a situation.
- **Tips for working with Thinkers:**
 - Prepare. Be as logical, practical, orderly and accurate as you can.
 - Provide tangible and practical evidence or at least be prepared to do so if asked.
 - List pros and cons of any suggestions you make.
 - Don't be disorganized.
 - Don't rush the decision-making process if at all possible.

Our life always expresses the result of our dominant thoughts. Soren Kierkegaard

Behavioral/Communication Style Differences

- **Intuitior**

- Intuitors are highly enthusiastic and creative people. They have strong conceptualization skills, and can **think outside the box**. They enjoy the world of possibilities, group activities (like parties) and feel less comfortable in restrictive environments.
- **Strength:** Think big picture. Future oriented. Long-range thinkers. Many ideas. Often see opportunities others miss.
- **Weakness:** Can often appear to be abstract or vague, unresponsive to deadlines.
- **Tips for working with Intuitors:**
 - Plan interactions that support their dream.
 - Allow time for exploring their ideas.
 - Help them focus by providing ways for implementing action.
 - Try to stay on agenda or you will take many tangents.

People don't plan to fail, they fail to plan.

5 Basic Bargaining Styles

- Competitor: win-lose
- Problem Solvers: win-win
- Compromisers: each win and lose a bit
- Accommodators: lose-win
- Conflict Avoiders: lose-lose

Eyore

You

Shark Tank



Bargaining makes you come up with the best ideas. Trey Parker

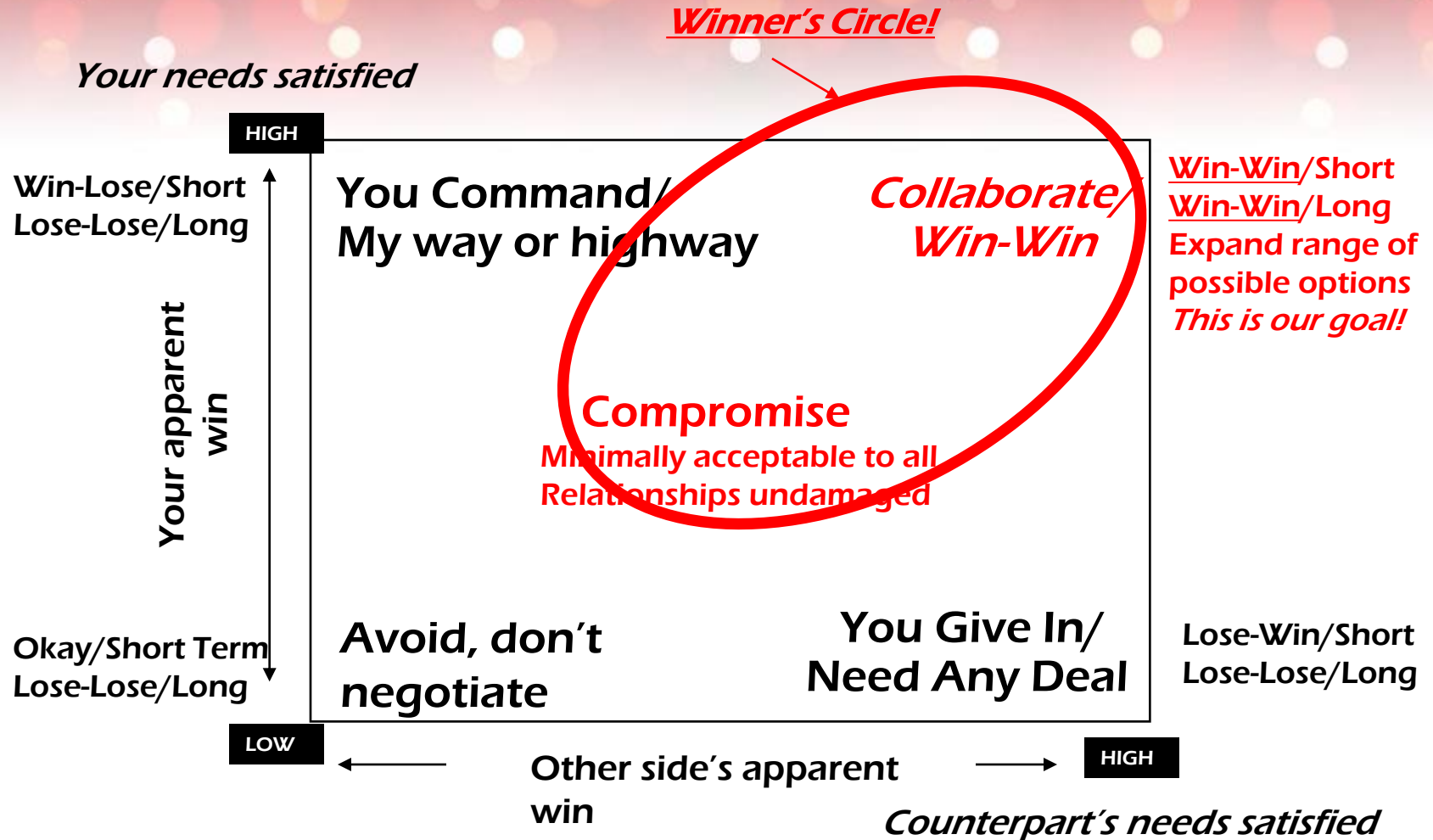
Possible Negotiating Strategies

Your needs satisfied



The meeting of two personalities is like the contact of two chemical substances; if there is any reaction both are transformed. Carl Jung

Possible Negotiating Strategies



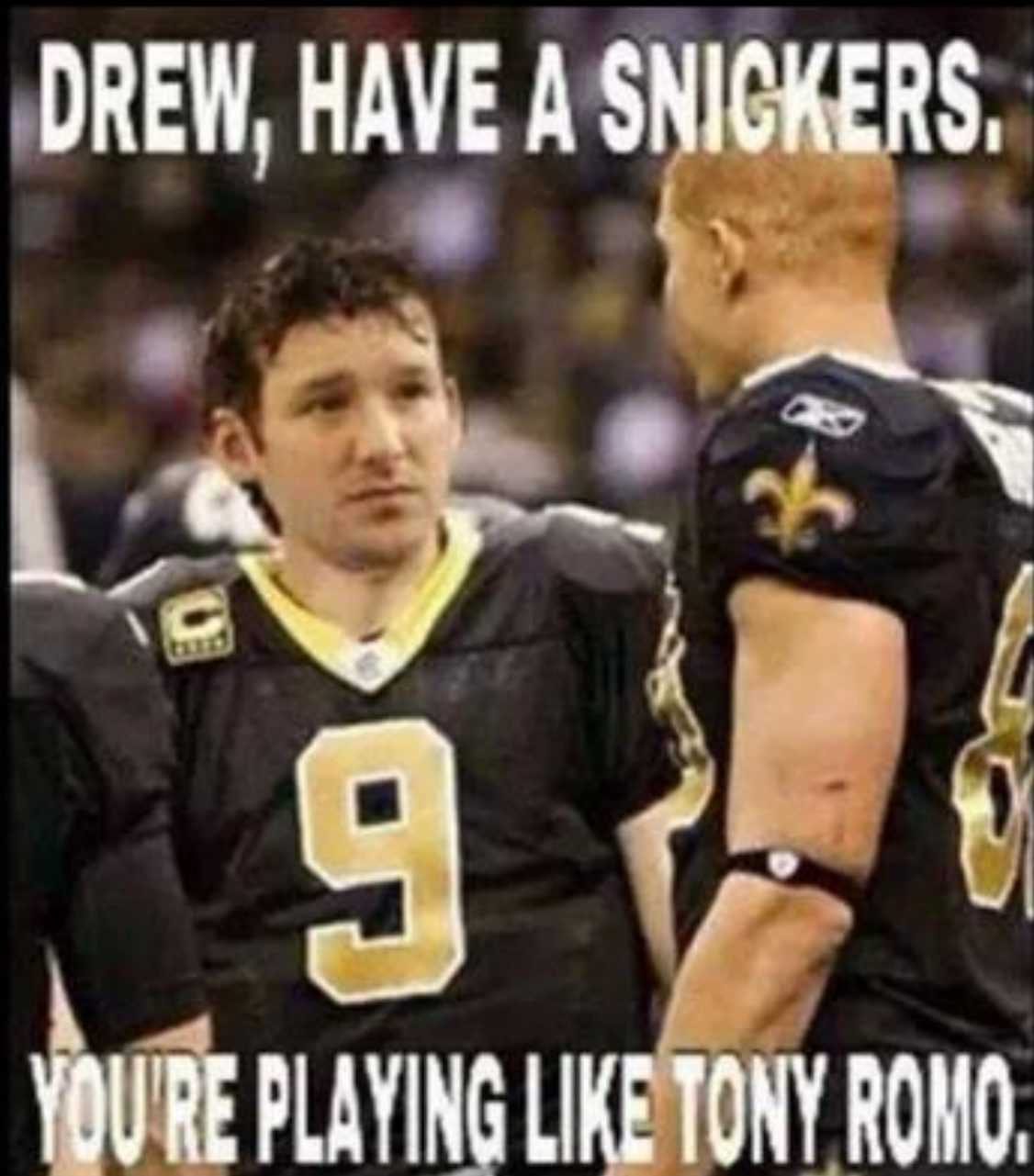
The meeting of two personalities is like the contact of two chemical substances; if there is any reaction both are transformed. Carl Jung

Four Elements of Successful Negotiations

- **People** - Separate people from the problem
- **Interests** - Focus on interests not positions
- **Options** - Invent options for mutual gains
- **Criteria** - Insist on using mutually objective criteria

Resist the impulse to get mad ...

**If you feel like you are
starting to get mad ...**



Win – Win Negotiating

Before the negotiation begins

- **Define goals for both parties**
- **List the alternatives to reaching an agreement**
- **Understand the relationship and its impact on the outcome**
- **Plot the expected outcomes based on precedent**
- **Fully understand the win-lose consequences for both**
- **Define possible solutions and willing compromises**

What is negotiation but the accumulation of small lies leading to advantage.

Felix Dennis

Information is power

- **Research the other side to determine their needs and their strengths and weaknesses**
- **Preparing supporting information for your arguments**
- **Anticipate the arguments the other side will make and have data present that support your side**
- **Anticipate why the other party may say know and low cost options that may quell the other parties rejection.**
- **Enlist expert opinions**

Calmness is the cradle of power. Josiah Gilbert Holland

Getting off to a good start

- **Express respect for the other side's experience and expertise**
- **Frame the task positively, as a joint endeavor**
- **Remain flexible**
- **Emphasize your openness to the other side's interests and concerns**
- **Be friendly**
 - **people like helping friendly people out, they don't like dealing with jerks**

Sacred cows make the best burgers.

Ask probing questions

- "What prompted you to consider a purchase of this nature?"
- "Who else have you been speaking to?"
- "What was your experience with...?"
- "What time frames are you working with?"
- "What is most important to you about this?"
- Solicit the other side's perspective
 - What do you need from me on this?
 - What are your concerns about what I am suggesting / asking?

Judge a man by his questions rather than his answers. Voltaire

Tone

- **If the other side is formal, don't be too casual (vice-versa)**
 - **Maintain a sense of humor if its appropriate**
- **Speak slowly, but with purpose**
- **Stop and listen when the other side is talking**
 - **Remember- it's a two way exchange**
- **Don't let your ego do the negotiating**

We often refuse to accept an idea merely because the tone of voice in which it has been expressed is unsympathetic to us.

Body Language



**Never ask a woman if you may kiss her. Instead, learn to read her body language.
Neil Strauss**

Elements Communicated

Method Used

Words	<u>7</u> %
Intonation	<u>38</u> %
Non-Verbal	<u>55</u> %

The most important thing in communication is hearing what isn't said.
Peter Drucker

Body Language

- **Display good body language**
 - How are you sitting?
 - What body language message are you telling the other person?
 - Matching the other person's nonverbal cues, builds rapport
- **What should you do:**
 - Maintain Eye Contact
 - Smile confidently
 - Nod in agreement when the other party is talking
 - Keep hand gestures natural
 - Sit up straight
 - Dress appropriately
- **Things to Avoid**
 - Avoid crossing arms tightly
 - Avoid putting hands on face
 - Avoid fidgeting and messing with your clothes
 - Try not to talk too fast or increase your pitch if you get nervous
 - Don't get defensive or aggressive

I see tendencies, I see body language. Michael Chang

Read your counterpart's body language

- Are his/her arms and legs crossed in a tentative manner?
- Is his eye contact inquiring and attentive or is it glaring?
- Does he cover his mouth when he speaks?
- Dominance and power cues
 - When a person leans back in the chair, makes piercing eye contact or puts his feet on a desk could be a sign of desire to show power.
 - Approach cautiously
- Submission and nervousness
 - Someone who fidgets, touches his face or excessively changes positions could be showing nervousness or irritation.

Body language is a very positive tool. We had body language before we had speech, and apparently, 80% of what you understand in the conversation is read through the body, not the words. Deborah Bull

Listening Skills

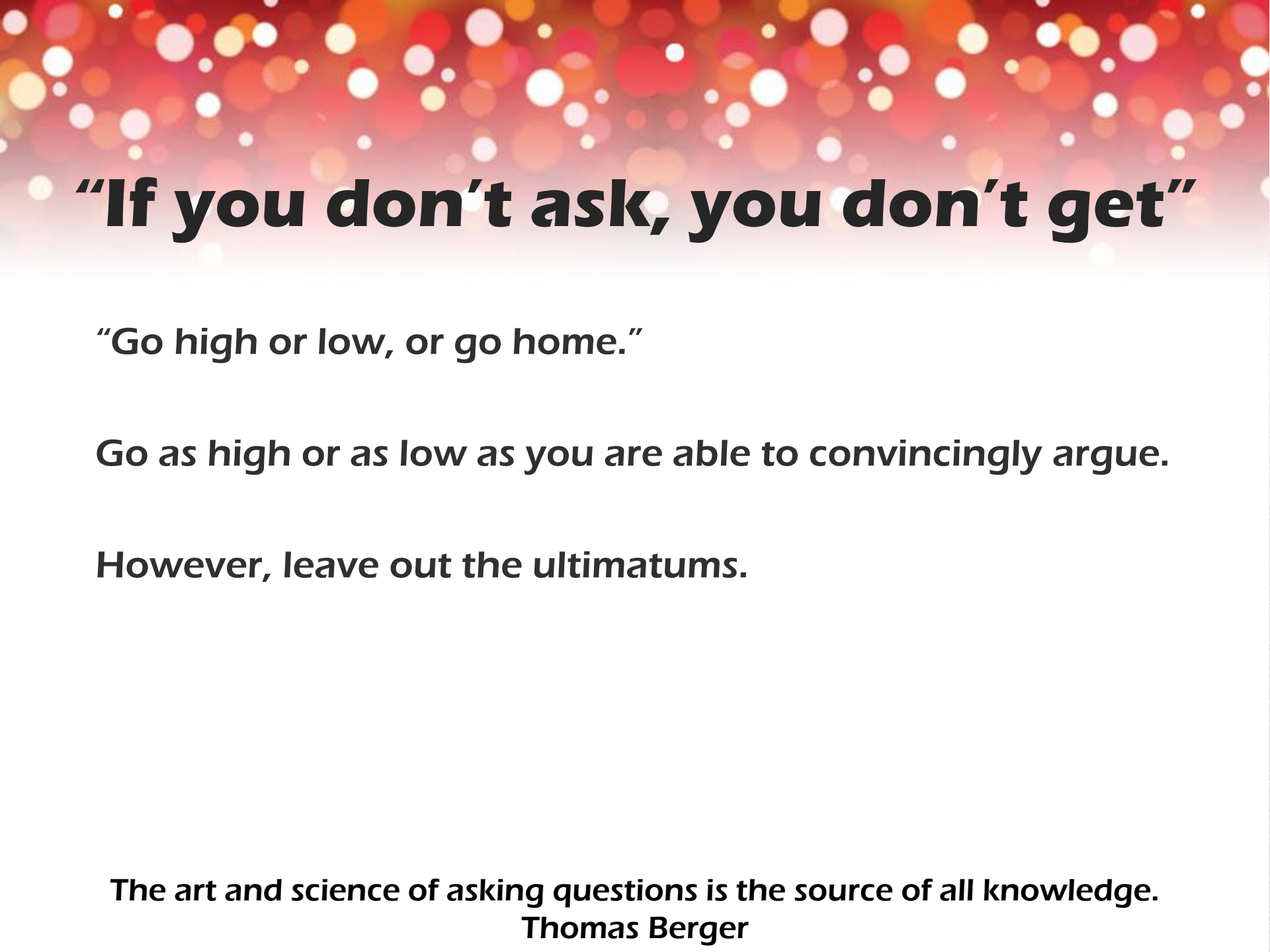
- Listen to the other side
- Never interrupt
- Let the other side speak first
- **Silence is Golden**
- Don't jump to an offer/rejection → Take your time to respond

God gave us two ears and one mouth for a reason.



**Never interrupt
your enemy when
he is making a
mistake.**

~ Napoleon Bonaparte



“If you don’t ask, you don’t get”

“Go high or low, or go home.”

Go as high or as low as you are able to convincingly argue.

However, leave out the ultimatums.

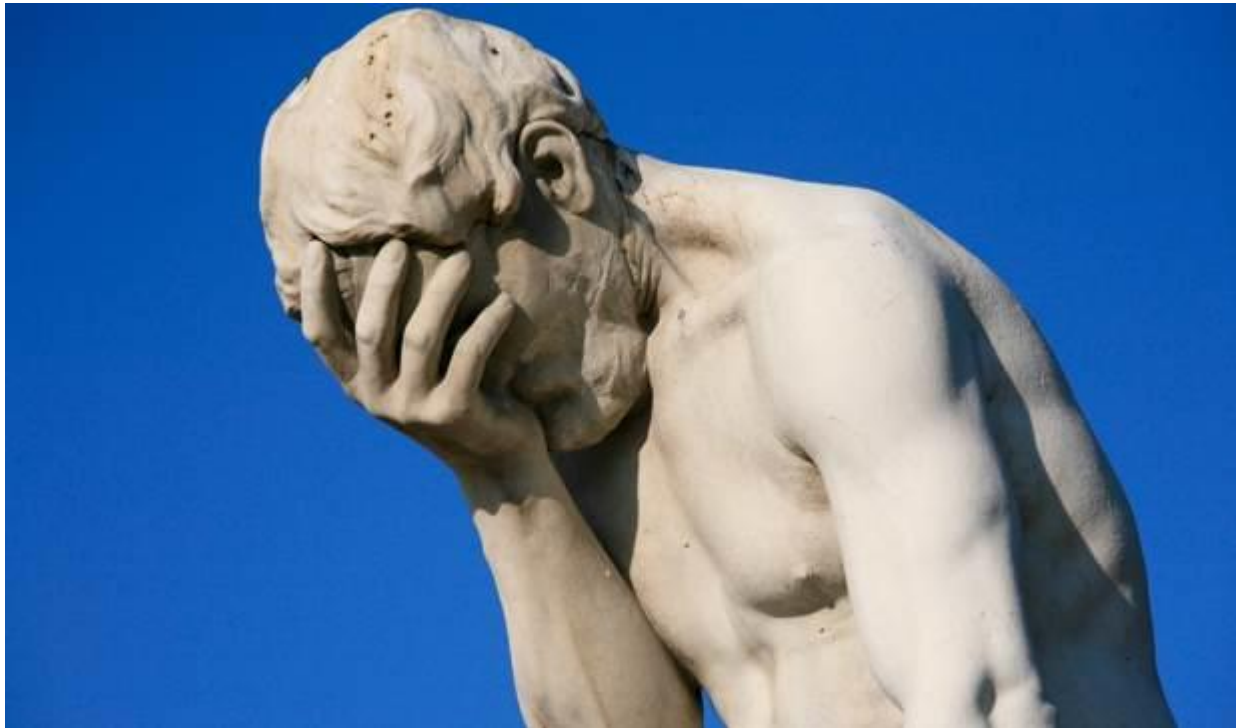
The art and science of asking questions is the source of all knowledge.

Thomas Berger

Anticipate Compromise

Never take the first offer...

Practice your best look of disappointment and politely decline



I respectfully decline the invitation to join your hallucination. Scott Adams

Flinching

- **Flinching is a visible reaction to the offer**
- **Must appear shocked and how could they be so bold as to lowball, highball the offer**
 - **Flinching usually has 2 responses unless you are up against a experienced negotiator**
 - **they will become very uncomfortable and begin to try to rationalize their position**
 - **they will offer an immediate concession.**

I flinch when I see my name in the newspapers. Tom Stoppard

Don't Absorb Their Problems

- **The other side will come up with excuses they can't meet your requirements**
- **Just anticipate each problem and try to solve them**
- **Look for creative solutions**

**He that is a good maker of excuses is seldom good for anything else.
Benjamin Franklin**

Stick to your Principles

**Write out the values that you just won't compromise...
and then don't.**

**The reason they use rats rather than lawyers in behavioral psychology
experiments ...
There are some things rats just won't do.**

Strive to be a success, but rather to be of value. Albert Einstein

Close with Confirmation

- **At the close of the meeting**
 - **Recap the points covered and any areas of agreement**
 - **Get confirmation and in writing**



Get it in writing. A verbal contract isn't worth the paper it is written on.

Don't be Afraid to Walk Away

- This often times gives the party who walks away the most leverage as the other party has put time and effort into the negotiations
- In street markets, when you walk away many times the seller will chase after you and lower their demands.

There's no crying in baseball. Tom Hanks in, "A League of Their Own"



The courage to succeed. The sea is dangerous and storms terrible, but these obstacles have never been sufficient reason to remain ashore ... unlike the mediocre, intrepid spirits seek victory over those things that seem impossible ... it is with an iron will that they embark on the most daring of endeavors ... to meet the shadowy future without fear and conquer the unknown.
Ferdinand Magellan c1520

18 Rules of Negotiation

- 1. Assume everything is negotiable**
- 2. Aim your aspirations high**
- 3. Never accept the first offer**
- 4. Deal from strength or the appearance of strength**
- 5. Put what you have agreed to in writing**
- 6. Recognize the other party is holding back valuable information**
- 7. Create doubt in the opponents mind**
- 8. Find out what your counterpart wants early**
- 9. Concede slowly and call a concession a concession**

Everything is negotiable. Whether or not the negotiation is easy is another thing.
Carrie Fisher

18 Rules of Negotiation

- 10. Keep your counterpart in the dark re: your strategy**
- 11. Try to get your opponent to lower their expectations**
- 12. Clarify everything being stated**
- 13. Answer questions with a question to avoid concessions**
- 14. Invoke the higher authority to buy time**
- 15. Information is power...arm yourself**
- 16. Verify anything not known as fact**
- 17. Be cooperative and friendly**
- 18. Use the power of competition**

So much of life is a negotiation – so even if you're not in business, you have opportunities to practice all around you. Kevin O'Leary

Scenario

- 2 partners, Tom and Sarah, are working on a team project that has a **midnight deadline**, and must finish so they can present it at work the next morning. It's **2 PM now**.
- Tom's parents from out of town are flying in that evening to visit.
- Sarah has dinner reservations to **celebrate her 10 year anniversary** with her husband. Neither want to work late - how do they get the work done?
- The outcome varies depending on their bargaining style:

Cry havoc! Let slip the dogs of war. William Shakespeare, "Julius Caesar"

Approach: Competitor

- Tom wont budge, he absolutely will not miss a minute of his parents visit.
- He argues that either Sarah stays late and finishes it by herself , or it doesn't get done at all, which he knows Sarah won't allow.
- Result:
 - Tom wins, Sarah Loses



I've been up against tough competition all my life. I wouldn't know how to get along without it. Walt Disney

Approach: Problem Solvers

- Ideal situation where both get what they want (I win, you win)
- Tom and Sarah are able to work out a deal with their boss who gives them an extension so they can both go home on time, and neither misses out on any plans that evening
- Result:
 - Both Tom and Sarah win

I changed my password to “incorrect” so whenever I forget what it is, the computer tells me, “your password is incorrect.”



PROBLEM SOLVING

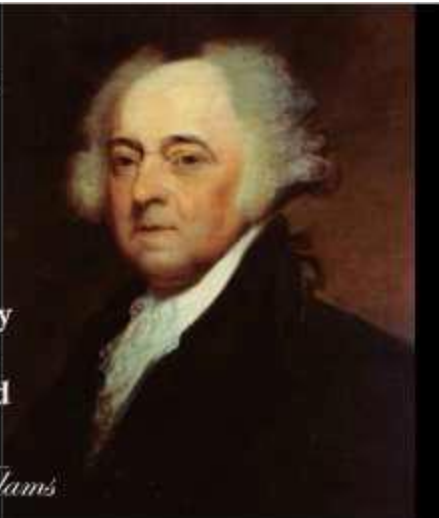
There are few of life's problems that cannot be solved with the proper application of a high explosive projectile

Approach: Compromisers

- Balance of consideration for both self and others (I win/lose some- you win/lose some)
- Tom and Sarah each agree to stay until 7pm to finish it together, each misses a little bit of their evening plans and neither has to cancel any plan
- Result:
 - Both Tom and Sarah win and lose a little, but neither totally concedes

"Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence."

John Adams



**"A lie doesn't
become truth, wrong
doesn't become
right & evil doesn't
become good, just
because it's
accepted by a
majority."**

Approach: Accommodator

- If I give in, you'll get what you want (I lose- you win)
- Tom agrees to bail on his parents so Sarah can go to dinner
- **Result:**
 - **Tom Loses, Sarah Wins**

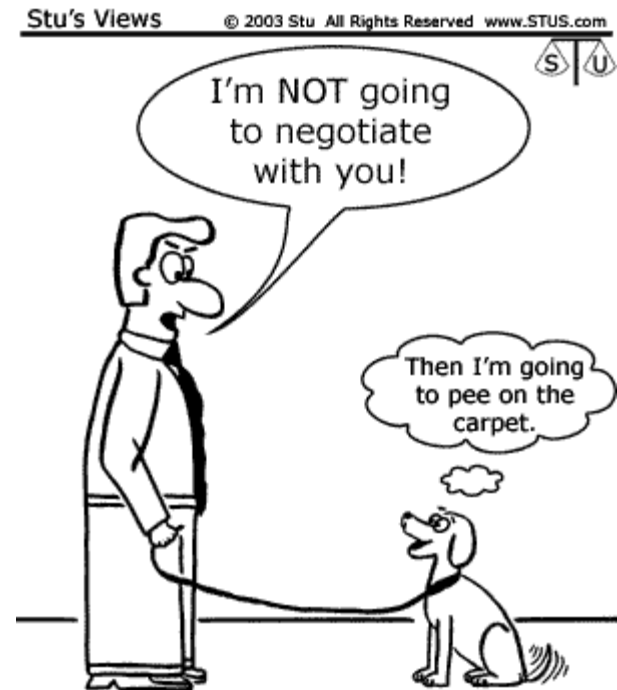
Lord give me patience . . .
Because, if you give
me strength, I'm
gonna need bail
money to go
with it.



Approach: Conflict Avoiders

- Both Concede (I lose- you lose)
- Tom and Sarah both stay late, not realizing that the other partner is working on the same task, and as a result of their avoidance, they both miss their plans
- Result:
 - Both Tom and Sarah lose

Creating something is all about problem-solving.
Phillip Seymour Hoffman



The background of the slide features a bokeh effect with numerous out-of-focus light circles in shades of red, orange, and white, creating a festive or celebratory atmosphere.

**Now for something
completely different**

**Negotiating with
contractors and employees**

**I want contractors to do well. I just don't want them to be able to retire from my
job assignment.**

Negotiating with Contractors

- **Start with Suppliers**
- **Negotiating the price**
- **Being the bad guy**
- **Declare freezes and cuts**
- **Go to bid frequently**
- **When suppliers say no, hit them again**
- **Budget 15% savings for purchased products and 30% for purchased services**
- **Find out what your competitors pay**
- **Accounts payable**
- **Deplete inventory**

Negotiating with Employees



It's all in the delivery of bad news in a good way.

Negotiating with Employees

- **Never apologize for focusing on profits**
- **Don't over or under delegate**
- **Don't over quantify things**
- **No cost is too small to worry about**
- **Every cost is up for grabs**
- **Cut costs first, ask questions later**
- **Set arbitrary, non-negotiable budgets**
- **Make them come ask you**

Everything is negotiable ... Everything.

Negotiating with Employees

- If you never fire employees, you can't have an excellent business
- Keep HR scarce
- Setting Salaries
- Benefits
- Never give regular bonuses
- Motivating employees
- Emergency and remedial headcount reduction
- Run lean and mean
- Close the outside contractor loop

Keep it secret, Keep it safe. Gandalf to Frodo, "Lord of the Rings: The Fellowship of the Ring"

Common Latin Phrases to Use During Negotiation

- Summus quod summus
- Status quo
- Sans
- Auribus teneo lupum
- Brutum fulmen
- Quid pro quo
- Ex nihilo nihil fit
- Ignotum per ignotus
- Bona fide
- Veni, vidi, vici
- We are what we are (whatever)
- I get what I want ... you don't
- Without
- You are holding a tiger by the tail
- An empty threat
- Something in exchange for something
- Nothing comes from nothing
- Making the obscure more obscure
- In good faith
- I came, I saw, I conquered

Cogito ergo sum. I think Therefore I am. Rene Descartes



Common Words to Use During Negotiation

- Penultimate
- Superannuated
- Parsimonious
- Cogitate
- Quixotic
- Brobingnagian
- Conundrum
- Unsubstantiated conjecture
- Acrimony
- Vituperative
- Supercilious
- Excoriate
- Contumelious
- Maleficient
- Second to the last
- Should have been retired last year
- Frugal
- To think
- Foolishly impractical
- Marked by tremendous size
- Problem with only a conjectural answer
- Caustic or biting language or manner
- Given to censure
- Patronizingly haughty
- To censure scathingly
- Insolently abusive
- Producing harm or evil

People may hear your words, but they feel your attitude. John Maxwell

Shakespearean Quotes About Negotiation

- Cry havoc! Let slip the dogs of war. Julius Caesar
- Let every eye negotiate for itself and trust no agent
- All that glitters is not gold – The Merchant of Venice
- All's well that ends well
- As merry as the day is long – Much Ado About Nothing (King John)
- Bated breath – The Merchant of Venice
- Be-all and the end-all -Macbeth
- Brevity is the soul of wit – Hamlet
- Dead as a doornail - Henry VI
- Devil Incarnate – Titus Andronicus
- Dog will have his day – Hamlet
- The game is afoot – Cymbeline
- In a pickle – The Tempest
- In my book of memory – Henry VI
- Kill with kindness – Taming of the Shrew

This above all: to thine own self be true. William Shakespeare - Hamlet

Conclusions

- Good negotiating skills demonstrates business acumen
- Forming a strategy is a key to success
- Reading all the clues can help you navigate the process
- Negotiating with contractors is *totally* different
- When negotiating with employees remember that **YOU** are the boss

Stick a fork in me, I'm ... almost done ...

The Father of the Nuclear Navy

**You have to learn from the
mistakes of others.**

**You won't live long enough
to make them all yourself.**

Adm. Hyman Rickover (1900-1986)



**Navy Distinguished Service Medal, Legion of Merit,
Congressional Gold Medal, Presidential Medal of Freedom,
Enrico Fermi Award**

Now for something a little Christmas-y ...



I hope your Christmas shopping is done or ...



**KEEP CALM
AND**



SANTA!



dear santa,
define "GOOD"

COVERJUNCTION
com





"Santa Claus has the right idea.
Visit people once a year."

- Victor Borge

Relatable Post #1599

Santa saw your Facebook
and this year, he's getting you
clothes for christmas.

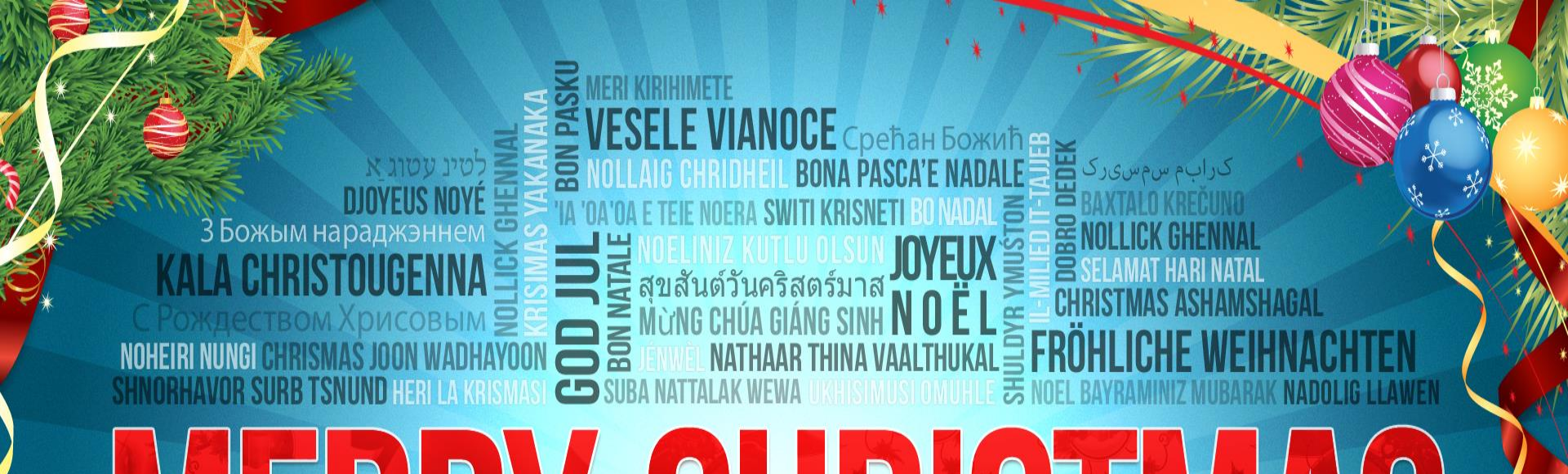
Dear Santa

- ☐ I've been good this year
- ☐ Ok, most of the time
- ☐ Once in awhile
- ☐ Never mind,
I'll get my own gifts.



Four Stages of Life

- 1. You believe in Santa Claus.**
- 2. You don't believe in Santa Claus.**
- 3. You are Santa Claus.**
- 4. You look like Santa Claus.**



3 Божым нараджэннем
С Рождеством Христовым
NOHEIRI NUNGI CHRISTMAS JOON WADHAYOON
SHNORHAVOR SURB TSNUND HERI LA KRISMASI
DJJOYEUS NOYÉ
NOLICK GHENNAL
KRISMAS YAKANAKA
BON PASKU
MERI KIRIHIMETE
VESELE VIANOCE
Срећан Божић
NOLLAIG CHRIDHEIL BONA PASCA'E NADALE
'IA 'DA'OA E TEIE NOERA SWITI KRISNETI BO NADAL
NOELINIZ KUTLU OLSUN JOYEUX
สุขสันต์วันคริสต์มาส
MŪNG CHÚA GIÁNG SINH NOËL
JĒNWĒL NATHAAR THINA VAALTHUKAL
SUBA NATTALAK WEWA UKHISIMUSI OMUHLE
SHULDYR YMUŠTON
IL-MILIED IT-TAJJEB
DO BRO DEDEK
BAXTALO KREČUNO
NOLICK GHENNAL
SELAMAT HARI NATAL
CHRISTMAS ASHAMSHAGAL
FRÖHLICHE WEIHNACHTEN
NOEL BAYRAMINIZ MUBARAK NADOLIG LLAWEN

A Final Christmas Story



MALIGAYANG PASKO PRIEČĪGUS ZIEMASSVĒTKUS
LINKSMŪ KALĒDŪ UN CRĀCIUN FERICIT
BOLDOG KARÁCSONYT!
SEUN-TAN CHU-KA-HAE-YO
VESELE BOŽIČNE PRAZNIKE
IA MANUIA LE KERISIMASI
TRATRY NY KRISMASY
NOELA WE PĪROZ BE
GOJAN KRISTNASKON
BŌN NATĀLE
NOLLAIG SHONA
ASSEGASS AMEGASS
FELIX DIES NATIVITATIS
GIOIOSO NATALE
SUGENG NATAL
ULIHELISDI DANISDAYOHIVHI SOUKSAN VAN CHRISTMAS
SCHÉI CHRĚŠČTDEEG
MERII KURISUMASU
GEZUAR KRISHTLINDJA
VESELE VÁNOCE
З Різдом Христовим
NAY HMA MUE PYAW PA
HĀID JOULE SRETAN BOŽIČ
KRISMAS KI SUBHKAMNA
NADELEK LOWEN
BON NADAL
ANNURI EKERESIMESI
GESEĒDE KERSFEES
NEDELEG LAQUEN
GILETSAVT SHOBAS
GLEDILIG JOL
WESOLYCH ŚWIĄT JWAYE
HYVÄÄ JOULUA
NOWEL
SELAMAT NATAL
SUBHO BARADIN
VROLIJK KERSTFEEST
EGUBERRI ON
BON NADAL
FELIZ NAVIDAD
MELE KALIKIMAKA
среќен Божиќ
SRETAN BOŽIČ
GLEĐILEG JOL
GLÆDELIG JUL
NOHELI NZIZA
NARAGSAK A PASKUA
NOFLIKE KRYSTDAGEN
VROLIK KERSFEES
BON NADAL
FELIZ NATAL
BON NADĀL
חמשה דלומה
دي جم دالي

Maybe Christmas, the Grinch thought, doesn't come from a store. Dr. Seuss