

The West Wing Weekly
5.11: "The Benign Prerogative"
Guest: Janel Moloney

[Intro Music]

HRISHI: You're listening to *The West Wing Weekly*. I'm Hrishikesh Hirway.

JOSH: And I'm Joshua Malina.

HRISHI: And today we're talking about episode 11 from season five. The title of this episode is

[West Wing Episode 5.11 excerpt]

PRESIDENT BARTLET: The Benign Prerogative.

[end excerpt]

JOSH: It was written by Carol Flint. It was directed by Christopher Misiano. It first aired on January 14th in the year 2004. A mere three days before my birthday. My 38th birthday.

HRISHI: And this title, "The Benign Prerogative," much like "The Stormy Present," comes from America's past, this one is from *Hamilton* talking about the role of the President in the pardoning process.

JOSH: Yes. That number was dropped from the musical *Hamilton* when it was still out of town.

HRISHI: [laughing]

JOSH: I was going to say, actually, Lin couldn't come up with anything to rhyme with prerogative. But, I gotta give...actually, it's easy. Never mind.

HRISHI: Go for it. Let's hear it.

JOSH: No. The pardon that I gotta give. It's easy enough.

HRISHI: It's great. Could you put it to a melody please?

JOSH: No. But, thank you for asking. [laughing]

HRISHI: [laughing] Here is the full quote read just for us by the voice of Alexander Hamilton, Mr. Lin-Manuel Miranda.

LIN-MANUEL MIRANDA: "Humanity and good policy conspire to dictate that the benign prerogative of pardoning should be, as little as possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel. As a sense of responsibility is always strongest in proportion as it is undivided, it may be inferred that a single man would be most ready to attend to the force of those motives which might plead from mitigation of the rigor of the law. And least apt to yield to considerations which were calculated to shelter a fit object of its vengeance.

HRISHI: You know what another song that was dropped from *Hamilton*?

JOSH: [laughing] Yes.

HRISHI: "Run-On Sentences."

JOSH: [laughing] Wow!

HRISHI: Whew!

JOSH: You listen to that and you think, "What a [expletive deleted] genius Lin-Manuel was."

HRISHI: Oh my God.

JOSH: To make...to turn that [expletive deleted] into the most successful theatrical endeavor in the history of playwriting.

HRISHI: Alexander Hamilton, why do you write like you're running out of periods?

JOSH: [laughing]

HRISHI: Well, in this episode, the State of the Union is drawing near. And, well, we actually see it in two timelines: the night of the address itself, and also a flashback that begins three weeks earlier. The President is pondering a list of prisoners eligible for pardon.

JOSH: Oh. Nice alliteration!

HRISHI: Mmm-hmm. But, he also has to weigh the politics of pardoning prisoners.

JOSH: Ooh!

HRISHI: With his prerogative.

JOSH: [laughing] Well done.

HRISHI: Donna is taking point on this pardoning process. [laughing]

JOSH: [laughing] Now you're just showing off.

HRISHI: [laughing] And has to grapple with the grim realities of the injustice in this part of the justice system.

JOSH: Well put.

HRISHI: Toby is working with Joey Lucas, who returns on trying to test the State of the Union of which he is the architect of, both in terms of its language and its policies. And the first lady decides to get in on the mix about this debate, as well. Separately, Charlie has his first romantic encounter that we've seen - we've heard mention, but the first one that we've seen - with the guest star Gabrielle Union.

JOSH: First post-Zoey.

HRISHI: Post-Zoey. Exactly.

JOSH: And a quick addendum: Will is getting paid too much for doing as little as he does.

HRISHI: [laughing]

JOSH: All I really do in this episode is stand there and look, to me, vaguely David Byrne-like in a jacket that's a couple sizes too big.

HRISHI: [laughing] Since we're speaking about your appearance, Linda Holmes from NPR's *Pop Culture Happy Hour* was a re-capper for *Television Without Pity*. Did you know that?

JOSH: No!

HRISHI: She wrote under the name Miss Alli. And she wrote extensively about *The West Wing*, including this episode. And she didn't like the way you looked in this episode.

JOSH: What did she say?

HRISHI: Let me see if I can find it...I believe she said she didn't like your hair, and that you were cute in *Sports Night*, but not as cute here.

JOSH: Well, I can't speak to the *Sports Night* cuteness of it all, but I agree with her. I didn't love the way I looked in this episode, either. To me it looked like I was in an ill-fitting suit. And the other thing I noted was that I really had nothing to do.

HRISHI: [laughing]

JOSH: I remember at the time feeling like they were having a little trouble writing for me or finding much to give me to do. But, again, I was happy to take the whopping check home at the end of the week. [laughing]

HRISHI: [laughing]

JOSH: 'You want me to be there less frequently? You got it.'

HRISHI: It's funny, Will's role here is kind of like a Charlie role, where, really, you're showing up to tell people that other people are doing a thing, or other people have shown up, or other people have made a call.

JOSH: Yeah, that's true. A strictly utilitarian role for me.

HRISHI: Yeah. Often Charlie ends up with that, you know, where he just shows up and says 'this person's here for their meeting, this person...' you know, 'I'm gonna let this person in.' And it feels like an underutilization of Dulé Hill's talents. But, at the same time, that is the role of Charlie Young in the day-to-day of this White House. So, it makes a little bit more sense. But here you'd think that Will's got more stuff going on.

JOSH: It's happening on...yeah, on another un-produced television series...

HRISHI: [laughing]

JOSH: ...of which I'm the star. I should note actually...maybe we should put ears, somebody on Twitter...I was actually touched by this and Tweeted about it: someone took a section of a conversation you and I had had about when John Wells first approached me and said 'here's what we're going to do with Will and his storyline,' and my sharing the memory of not questioning it at all, and just going out there and saying the words that I had been given. He took kind of a little life lesson out of it, and I'll link to it. I thought it was sweet. Of course, I was

just talking about my approach to acting and a specific memory. But he extrapolated something more meaningful out of it, which I liked.

HRISHI: Awesome. I'm looking forward to that.

JOSH: I tend to dig in more often than you into what people are saying about the show. I like to read it all, and occasionally, on a very, very surface level, interact with people on the website. But there was a funny interaction...now what seems to be happening after each podcast that you and I put out, there tend to be a couple people who will say 'Oh, it's another one where they compared it to the Sorkin years', or a couple people are always [expletive deleted] and borching about that and their disappointment on what the podcast has become. And a couple of things occurred to me: one is that we're in the fifth season of a television series, and so the only thing...when we approach when we watch an episode, or when I watch an episode, and I think about it and I think about where it stands and the whole flow of the series and how it compares, the only thing we can compare it to are the previous four seasons. And those were written, save one, by the same person. So, I don't know what it is...those people that complain, I don't know what it is exactly they want us to do to avoid occasionally comparing it to Aaron's work. It would mean, I guess, never looking at anything in the context of the greater series. And then someone else, and I want to give a shout out to him or her, Jay King wrote: 'there is something ironic about complaining over and over again that the podcast isn't what it used to be when it was covering the Sorkin years, and registering that complaint as a demand that people stop talking about how *The West Wing* isn't what it used to be during the Sorkin years.'

HRISHI: [laughing]

JOSH: So, hat tip to Jay King for articulating it so well.

HRISHI: That's pretty good.

Alright, lets jump into the episode.

JOSH: Why not. How do you think it compared to Aaron's episodes? [laughing]

HRISHI: [laughing] At the beginning of this episode, we get, I think, what we've discovered is a lot of people's favorite dynamic, which is the Toby-C.J....

JOSH: Yes

HRISHI: ...romantic. Well, no, the Toby-C.J....

JOSH: Not overtly romantic, but.

HRISHI: Sorry, the Toby-C.J. flirty mode. The two of them are pretty cute here. And Toby's doing a little light flirting. And then, Rina, the overly friendly ghost, interrupts. and does this...the weirdest [expletive deleted] block of all time by just putting gum in his pocket - reaching into his pocket and putting gum in there, and then saying:

[West Wing Episode 5.11 excerpt]

RINA: It's ok. We all get oral when we're nervous.

[end excerpt]

JOSH: Woofa!

HRISHI: Such a weird thing to say. And nothing like a third wheel being weirdly sexually suggestive to ruin a good flirt.

JOSH: A dirty, dirty third wheel. Yeah.

HRISHI: Yes.

JOSH: Yeah, well, the Rina of it all is perplexing to me. There is some discussion of that, as well. Some people, in what I consider to be a tremendous reach, opined that Toby's... 'that's a walking lawsuit,' which we get in the 'previously on' for this episode, was about the fact that she was working during when workers should be furloughed and so hence, there could be a lawsuit because she's not getting paid. [laughing]

HRISHI: No. No, because we already know that she was cleared to work.

JOSH: Right, exactly. By the way, also some people...and then I'll get off of the website of it all...some people were disappointed that we didn't draw a parallel between Rina and Monica Lewinsky. Monica Lewinsky came to work in the Clinton White House during the 1995 shutdown because interns were allowed to work because they don't get paid. So, while other workers were furloughed, interns came in. But to me...that had occurred to me, but really the storyline doesn't support that [crosstalk] comparison.

HRISHI: [crosstalk] ...comparison. Yeah.

JOSH: Yeah, that's right. Monica Lewinsky was also an intern who came to work during a shut down. That's it.

HRISHI: Yeah.

JOSH: That said, I think it's weird, especially having seen Toby whisper that line again about her being a walking lawsuit, to find out that he has hired her and she's making kind of dirty word play jokes to him.

HRISHI: Yes, I agree. I didn't understand, except for the fact that it hadn't been established that a lot of the research assistants this season have been quitting, you know. There's a moment in an earlier episode that the third research assistant has now quit because they couldn't handle Toby after Will leaves for the Vice-President's office. And Margaret doesn't approve, and she makes it semi-clear when she says:

[West Wing Episode 5.11 excerpt]

MARGARET: Just know if she doesn't work out...

[end excerpt]

HRISHI: Dot, dot, dot. I don't know what comes after the dot, dot, dot, though.

JOSH: No, I didn't quite get that, either. I wasn't sure...was Margaret's concern about the walking lawsuit of it all? I didn't quite get what was bubbling what was underneath there, either.

HRISHI: Yeah. I was also surprised that Margaret was talking to Toby about the details of his itinerary. She has more than a full-time job handling just Leo's office. Where is Bonnie and where is Ginger?

JOSH: Hmmm. Getting the popcorn?

HRISHI: [laughing] I guess so.

JOSH: Perhaps

HRISHI: Well, anyway, the most important take away for me is that...okay, everyone can see Rina.

JOSH: Yes.

HRISHI: She is a corporeal entity.

JOSH: Yeah, right, and I was happy for her.

HRISHI: I mean, that just cleared things up.

JOSH: That is a big day for a ghost.

HRISHI: [laughing] Then we go into C.J.'s office and we see Donna come in, and she has a really serious look on her face. It kind of interrupts C.J.'s joking demeanor. And we don't know what's happened, in the cold open at least. But something bad has happened. I actually thought in that moment that it might have been something about Leo's divorce. Not his divorce so much, but that his ex-wife is getting re-married. And I thought maybe he had started drinking, or something like that. And we later find out what the real story is: that this is...that Donna has just found out the news of Donovan, the Kaehlers' son, but we won't find that out until much later in the actual episode.

JOSH: It's effective, it's a provocative little morsel. Again, getting ahead of the audience. That said, *The West Wing* often uses that device, and a hundred percent of the time, I forget that there's something to come back to [laughing] as I'm watching. I forget that something went bad and I'm waiting to hear what it is. So, it must pay off bigger when your brain is not like a sieve, and you're listening and watching, wondering what that initial moment is going to turn out to be about.

HRISHI: [laughing] I liked it because, I felt misdirected by the Leo thing, and I had a sense of dread while watching the episode because of it.

JOSH: Yes. And I did until I forgot that there was something like that. It's usually supplanted by a sense of hunger.

HRISHI: [laughing] Something *bad* is going to happen. *Ooh!* Is that a cracker?

JOSH: [laughing] That is not a bad encapsulation of how I watch this show.

HRISHI: [laughing] Then the last thing that we see before we get to the credits, the last part of the, at the moment, present tense, is Charlie getting slapped by Gabrielle Union.

JOSH: It's a heck of a slap, too.

HRISHI: Yeah, it's a big one. We find out that they were together for three weeks, which is a bombshell in of itself. And then he gets slapped outside of the Oval Office, just as the President walks out. And even the President is a little embarrassed about having seen it.

JOSH: Yes. And of course, I realized only at this moment that it was the moment Tommy Schlamme had talked about at our Boston live event. Did you put that together?

HRISHI: I did not. What was that moment?

JOSH: Yeah, so here's...in response to a question about Tommy's involvement at the beginning of season five...

HRISHI: Yeah...

JOSH: He had this to say:

[The West Wing Weekly Episode 4.25 excerpt]

TOMMY: John Wells, who then went on and ran the show. You know, what happened was, at first, I said, 'Sure John, if you want to send me cuts, I'll take a look at them.' I was busy doing other stuff at that point, but my offices were still at Warner Brothers, and I was like, 'yeah, that would seem to be okay to do.' And I remember looking at a cut, and it was The State of the Union. And this is not to badmouth season five in any way, but it was the State of the Union episode, and the President was busy, and Dulé was in the office, in Mrs. Landingham's office, and apparently had had a date the night before, or something, I'm not quite sure what it was. But, the date showed up and slapped him as the President opened the door, and the President went "ooh!" and then closed the door and went back in. And I thought, 'I don't think I can watch the show.' And not because I thought...honestly not because I thought there was anything wrong with the scene, but it was so against the grain of the sort of Bible that was only in our own heads, not a Bible that was ever published, but that the work that you were doing, while you were doing it on The West Wing, was the most important work you could do. And if you did get the personal life coming bombarding in, someone had to sort of go, 'excuse me, there's a more important thing that you need to do right now than worry about your date last night.' And so for the President not to call him on it, the President go, 'ooh! Dulé's having some emotional problems,' on the day of the State of the Union just felt like, whatever my notes are, they are going to be contrary to what you're trying to do here. So, you should go try to do it.

[end excerpt]

JOSH: So, yeah, this is it. This is the episode, clearly, that he was talking about. Two moments of revelation for me: one it suggests that Tommy might have been more involved in the beginning of season five than I had considered before. Because when he told us this story in Boston, I thought he was talking about a very early episode in season five, and then I just forgot about it because it never came up.

HRISHI: Yeah, a cracker.

JOSH: So, what are we...eleven episodes in now?

HRISHI: Yeah.

JOSH: So, he's talking about a cut that was shown to him of episode eleven, season five, where he said, you know, 'I can't be involved anymore.' So, that's interesting. And two, I think he articulated what I was feeling as I watched it.

HRISHI: Yeah, the level of inappropriateness was presented as shocking, and it was supposed to be shocking, but it did feel tonally jarring.

JOSH: Yeah, and I did feel like that both the President and Charlie did not react how I would have anticipated. Charlie, I think, would have been *aghast*. Like, 'I *can't* believe this just happened here...' like, 'this *cannot* happen.' He would have been mortified. And I think the President also would have expected more of Charlie: 'what? Are you kidding me? This is not... this *can't* be happening.'

HRISHI: I also feel like, though we don't know Meeshell very well, that I can't imagine she would do that.

JOSH: Well, yeah. Now you're speaking to the credibility of the moment all together. In even as you say, in the little bit that we have been exposed to, or are subsequently exposed to the character, I didn't particularly buy it. Nor did I find the sort of instigating moment, the fact that he called her Ms. Anders. And she doesn't even say...it's not even...I had to watch it two more times to kind of figure it out. She doesn't even say like "You're not calling me by my first name. You're calling me Ms. Anders. Ms.?" It's like the 'Ms.' is pissing her off.

HRISHI: [cross talk] Right. Exactly, yeah. Right. Ms. Anders. Right. Exactly. Like, you can't call me my full name? I know.

JOSH: It's an odd moment.

HRISHI: It's an odd beat. In every other moment, she seems quite professional, actually. I mean, it's questionable because, from Charlie's point of view, he thinks that she ought to have revealed that she was coming to work in the White House press corps earlier. The three weeks that they were dating started off hot and heavy, and then it turned out during that time she found out that she was going to be working in the White House. And he feels betrayed that she didn't make that clear right away. Which I think is fair, you know. Like, 'I'm coming to work in the place where you work.' But, she just didn't see it the same way. It's a matter of miscommunication. In any case it just, yeah, it just didn't feel like all of those...when you add all those ingredients into the pot, I still didn't think that you'd come up with a slap stew.

JOSH: Yeah, well, I [laughing] will also say that standing on the set of the anteroom just outside the Oval, you can almost feel the power of the office. In the actual White House, just outside the door leading to the President's office, even on a subconscious level, you'd be unlikely to just let loose with physical assault [laughing], and in a super emotional response to something that is all about your own, just, personal life. It's hard to imagine that moment taking place the way it did. While we're on slaps, stage slaps, and screen slaps, I will say that this one seems to have been executed very well. She really seems to haul off and belt him, I thought.

HRISHI: Yeah, and the sound design is a good contributor.

[West Wing Episode 5.11 excerpt]

MEESHEL: You sorry son of a [sound of a face slap]

BARTLET: Charlie, are we...

[end excerpt]

JOSH: The sound design is right on. And I have been the victim of a poorly planned slap. When I was in college, I took a literature course, and at one point, the professor said: 'if we have any thespians in the room, instead of the coming paper, you can do a scene.' And I was like, "D'oh! I will do a scene instead of writing a paper!"

HRISHI: [laughing]

JOSH: And with a woman who was also in the class who was a friend of mine in the theatre program with me, we rehearsed a scene from Julius Caesar. I can't even remember which scene it was. Why we decided to add a slap into the scene [laughing], I also cannot imagine. But in rehearsing it, she sort of misfired and cupped her hand over my ear. And it was one of those things where...those inner ear things where I completely lost my balance. I had to sit down. And this was thirty some odd years ago. I have tinnitus in my ear, which is high-pitched ringing, most of the time. And I lost a certain amount of hearing over certain frequencies, certain higher frequencies. As of about a year ago, I actually wear a hearing aid in my left ear, as a result of this ridiculous slap interpolated into Julius Caesar done for a literature class in place of paper. All things considered, what I'm saying is, I should have written the damn paper.

HRISHI: [laughing] But this gives you your perennial excuse to as to why you only listen to half of what I say.

JOSH: That is true. When you're on a...when you're, like, on a really good roll, I'll give you my right ear. But, most of the time I listen to you with my left ear.

HRISHI: That's why it was Julius Caesar: 'friends, Romans, countrymen, lend me your ears, 'cause I've only got one working one.

JOSH: Boom! [laughing]

HRISHI: [laughing]

JOSH: That was good. [laughing]

HRISHI: Let's get back to Charlie and Meeshell for a second. So, we get a flashback after we return from the credits to a New Year's Eve party at Angela Blake's. And this is where Charlie first meets Meeshell.

[West Wing Episode 5.11 excerpt]

MEESHEL: Got that something-for-everyone feel?

SOMEONE: And it's coming from Congressman Drake.

CHARLIE: Drake didn't propose a bill. He floated a notion. Probably because he took heat over sponsoring D.C. vouchers.

[end excerpt]

HRISHI: And actually, even in this moment it felt a little bit out of character for Charlie. He's leaving, he's on his way out, and I think of Charlie as a very no-nonsense guy. And I think not one to jump into conversations that he is not a part of. He's not a guy who I think will offer his opinion when it's not asked for. I think that even when he's prompted for his opinion, he will sometimes not give it. And so, there is this conversation about voting in D.C., and he just sort of interrupts, and he jumps in. And I felt maybe the only reason why he might be doing it is because he saw, you know, pretty Gabrielle Union and thought he would make a move.

JOSH: That's what I...I actually liked the moment. I liked it for the same reason I think you bumped on it. I think it was kind of out of character for Charlie, and I took it as it was his in to talk to this pretty woman he had had his eye on. That's what it felt to me. He was on his way out and thought 'ooh! I'm going to give it one last try and kind of jump in here.'

HRISHI: I did think that, you know, maybe he was showing off a little bit for her, but I guess maybe it was just the matter of the staging. For some reason, the way I saw it was: he overhears this conversation, and then he jumps in, and then he clocks Meeshell, and then they have a little bit of a moment of connection, and he gives her the card. But it isn't like he's walking by, sees this woman, and then has this realization of 'I'm going to make this move'.

JOSH: I thought maybe, you know, he had had his eye on her for a while at this party.

HRISHI: I think she'd just arrived.

JOSH: Oh, I guess I don't remember that. Well, here's the other thing that happens in that scene that I think diminishes their subsequent story line, which is that he's actually on alert, as you would expect Charlie to be, when he finds just that she writes for the *Afro-American*.

HRISHI: Yeah.

[West Wing Episode 5.11 excerpt]

CHARLIE: I can't really give you that for attribution, Meeshell.

[end excerpt]

JOSH: And the fact that he is already...his antennae are up, or that he is a little bit on alert, makes me question why he would then show her all sorts of stuff that he feels was 'too much had I known you're going to be in the White House press corps.' He's already on alert. He knows that she's involved in the press, you know, enough where he says to her 'you can't attribute that to me, but if you want to say White House staffer, that's fine.' But then he shows her some sort of...gives her a secret tour that he wouldn't have done had he known she was coming to the White House press corps. So, it just seemed strange to me.

HRISHI: But you don't think that there's a big difference between your sense of being an intern? Like, she describes herself as a wannabe, and it's a chance for him to impress her. And then it

turns out she's actually...even at a junior level to be staffed out to the White House press corps is a huge leap from intern.

JOSH: Yeah, no...for sure. Certainly, you are correct, there is a big difference. I just thought it was close enough in the same wheelhouse that he's either come to trust her or not, by this point, and it seems that he trusts her. I...well, maybe that's what it is, then - it's a betrayal of trust because there obviously is a second piece of information. So, maybe I'm wrong. Maybe it's...maybe he's gotten over the fact that she is an intern at this periodical he reads at the barbershop, and it is a big jump to...

HRISHI: Yeah. I did like how Angela later then calls him out on it.

[West Wing Episode 5.11 excerpt]

ANGELA: If you wanna know a girl's entire history and career plan before you get involved, I have two words for you: search engine.

[end excerpt]

HRISHI: Which I thought was totally fair.

JOSH: Valid. Valid feedback.

HRISHI: Yeah, I can't...I can't believe that anyone...I just imagine that's what everyone does now. You meet someone, you think you're interested in them...is that not...is it not the first thing that you do to then Google them? I don't know.

JOSH: I've been married for twenty-one years, so I cannot answer that question.

HRISHI: I haven't had to do that in a very, very long time.

JOSH: But yeah, I would think you would.

HRISHI: Yeah. By the way...so I thought that was an appropriate and modern response from Angela, although I did like that what she said had to be two words: search engine, whereas if this show had been made more recently, it would be one word: Google. But it being 2004, the search engine wars did not yet have a clear winner. Staying with this storyline, instead of following the episode chronologically, just to make a point this stuff about the reporter. You know, Charlie talks to C.J. at one point.

[West Wing Episode 5.11 excerpt]

CHARLIE: C.J., with the press, could you ever trust a reporter?

C.J.: Is this the beginning of a joke?

CHARLIE: Never mind.

[end excerpt]

HRISHI: I don't understand how they can have a conversation about this at all, as if Danny Concannon does not exist.

JOSH: Never existed. Yeah.

HRISHI: Like, he never comes up in the episode. It's like, 'oh, somebody from the White House dating a White House reporter...what are the ethical boundaries? What's the level of trust?' I mean, he's *friends* with Danny.

JOSH: Uh...is her response 'is this a joke?' Because I thought that was maybe an oblique reference to Danny. Like, 'are you joking me? Because you' know I've been involved with...' So, I dunno.

HRISHI: Yeah, but then they didn't ultimately date because she...she trusts Danny clearly with lots of stuff. She gives him leads on things, she, you know...

JOSH: She deals with issues of trust all the time. Whether or not there's any kind of romantic underpinning to the relationship, she, you know, gives information to reporters and tells them they have to hold it until a certain time. She absolutely would be, I think, somebody who would be an expert on trust issues with the White House press corps.

HRISHI: Yeah. It just felt strange that Charlie couldn't talk to C.J. about this more. It seemed... strange.

JOSH: Yes.

HRISHI: Okay, one last thing about Gabrielle Union. We haven't seen Ryan Pierce in a few episodes, and he doesn't show up in this episode, which is too bad because I would be down with *The West Wing* bringing together a *Bring It On* reunion.

JOSH: Oh, I missed that.

HRISHI: Gabrielle Union. That was the first time I had seen her in anything was *Bring It On*, and that is a movie that I really love. I went to see it...the first time I went to see it, ironically, in the theater. The second time I went to see it in the theater, it was not ironic. [laughing]

JOSH: [laughing] That's funny. I totally get that. And you know who was co-responsible for the music of the musical version of *Bring It On*?

HRISHI: Alexander Hamilton.

JOSH: Correct. [laughing] Lin-Manuel Miranda

HRISHI: Okay. [laughing] That's why the songs are so long.

JOSH: Tom Kitt and Lin Manuel-Miranda wrote the music for the musical version of *Bring It On*, and I went and saw it. It was a lot of fun.

HRISHI: There's a musical version of *Bring It On*?

JOSH: Yes! *Bring It On*, the musical!

HRISHI: With, Lin-Manuel? Wow!

JOSH: Yeah, he did the music! Lyrics by Amanda Green and Lin. And the music by Tom Kitt and Lin. And I think the book was written by Jeff Whitty, who wrote the book of *Avenue Q*. It's a lot of

fun. The funniest...the funniest part, he was nice enough to invite me to the opening in Los Angeles. I was about five minutes away with my daughter, Isabel, at the time.

HRISHI: Name dropper.

JOSH: [laughing]

HRISHI: Sure. You know Isabel Malina, okay, we get it. [laughing]

JOSH: Isabel Manuel-Malina. So, this was in 2011, it was seven years ago. She was 13. I just thought it was funny, because we were five minutes away when she somehow in conversation... she realized we were going to a live event and not the movie.

HRISHI: [laughing]

JOSH: [laughing] I was like, 'oh no. No, we're going to a *musical*! We're going to a live musical!'

HRISHI: Was she excited or disappointed?

JOSH: No, she was delighted. She is my theater-goer child. Unlike my son, Avi, who when I talked about going back with the family to the Oregon Shakespeare festival - without missing a beat he said: 'I'd rather dig a tunnel with my mouth than go see more plays.'

HRISHI: [laughing]

JOSH: And I thought, 'whose...whose progeny are you? Whose son are you that you don't like theater?' But it's almost a physical thing with him. He is a, you know, just a frenetic ball of energy. And sitting for two hours in one place is not...not his cup of tea.'

HRISHI: Not enjoying the theater may not be like you, but 'I'd rather dig a tunnel with my mouth' is very much like you. [laughing] Clearly, your child.

JOSH: [laughing] I was impressed by that – the fact that it took him no seconds to come up with that.

HRISHI: [laughing] That's great. We should get him to co-host sometimes.

JOSH: Yeah, for about five minutes and then he'd be, like 'I've gotta get outta here.'

HRISHI: Here's another phantom in the episode, by the way: Ranger Ben.

JOSH: Yes. It's a great Carol episode. Melissa Fitz. She's cute and funny as she fields these calls from Ben, and her interactions with Allison are great.

HRISHI: Yeah, and trying to figure out what her dynamic is supposed to be, you know? She's like, 'yeah, he's my friend, he's a buddy,' you know? 'I know you've got a past with him.' And she's trying to make friends, and then: '*do not* talk with him! *Do not* engage!'

JOSH: 'I'm getting mixed messages here.'

HRISHI: Yeah. And then we also, as mentioned, we get a return of Joey Lucas. We also get a call back to the Joey Lucas special suit because when Josh finds out that she's back, Donna

says 'mmm. Nice suit.' And Josh thinks maybe he's got a shot. Donna is ahead of Josh in this moment and says, 'yeah, I don't think so.' And then it turns out Joey's pregnant.

JOSH: Yeah, I like that Donna just kind of tees him up: 'she didn't mention that she was seeing anyone, still I don't think it's necessarily the time.' And do we assume that Marlee was pregnant at this time?

HRISHI: I think so, I think so.

JOSH: As it's not made into much of a plot point, I would assume this was a Marlee situation.

HRISHI: Yeah. I thought this was another great example of a potential flirtation ruined by a third-wheel - the third-wheel in this case, being the baby. Thanks for nothing, baby.

JOSH: Right, and I assume you're just repulsed by the thought of a young Gus. Or another wretched child in that womb.

HRISHI: I would hate for people to think because of my comments about Gus that I don't like children. I don't dislike children. I just think they're boring.

JOSH: Well, let's see – if you had to watch a child or a musical for two hours, which would you choose?

HRISHI: As long as it's not children in a musical, that would be...

JOSH: So, you're saying...? Okay. Well, I got you tickets to *Annie* for your birthday.

HRISHI: [laughing] Oh, good.

JOSH: I guess I'll swap them out for a gift certificate to Tower Records.

HRISHI: I do like Quvenzhané Wallis though. I would see that.

JOSH: Oh!

HRISHI: Apologies to Marlee's real life child who I may have been referring to. Joey's there because they want to test the State of the Union. The text of it has actually been approved. Toby is disappointed with himself that he did not give it the kind of fire that's going to make the people in the back row stand up and applaud. But Joey is there to talk about style, the importance of style, in addition to the substance. They want to hire an actor to figure out how the President should deliver the speech, the tone. So, Toby goes with her, since he's done with the writing of the speech, he goes with her to go check out what these focus groups say. And we get this great sequence of three different takes of the speech being read by an actor. In this case the actor playing the actor, is Charles Howerton, who I think is great. I love this casting as a fake President who I call FOTUS. Charles Howerton has done a lot of voice acting work, which you can really understand from this.

JOSH: Yes, absolutely.

HRISHI: He's kind of like a Hollywood Bob Dole President.

JOSH: Hmm...yeah. Yeah, that's correct. I enjoyed that. I liked watching the three little snippets and I was also fascinated. I'm sure they do this, you know. That is something I never would have imagined. I imagined somehow polling or testing the text of the speech, but it would not have occurred to me that performance style and delivery would be tested as well. Makes sense.

HRISHI: Yeah, and I really liked the idea that political polling and commercial polling actually have very similar approaches, you know? She's talking about purchase intent and Toby is disgusted by the idea of thinking of the voter as a consumer.

JOSH: Yeah.

HRISHI: But, I feel like these sort of heuristic techniques that they're employing to get data – it makes sense. I mean, really, it's all human psychology, so why wouldn't it?

JOSH: Right.

HRISHI: I was also thinking about it because there's these three approaches, and behind door number one, he's sort of gentle. Behind door number three, he's more stern and stentorian. And behind door number two is the happy middle. And that's what Rina says, you know, 'I like this one.' She kind of stands in for how people might react to it. And I was thinking about the technique that gets used by stores in order to push a particular product, where they'll have a product on a shelf with two similar products on either side. One is cheaper, and one is more expensive. And the data has shown that if you want to sell a product, put it in the middle and price it in the middle. And that's the one that people will mostly go for, because they think, 'well I'm not getting the bottom of the thing, and I'm also not going, like, going for some crazy luxury thing.'

JOSH: That's interesting. You know who doesn't like this whole polling technique of the State of the Union?

HRISHI: Hit me.

JOSH: John Goodman's little brother. He gets up and walks out.

HRISHI: [laughing] Is that really...? That's not really John Goodman's little brother.

JOSH: No, but I had to check because I thought it looked so much like John Goodman's little brother. I thought there might be a little bit of a nep.

HRISHI: Yeah, especially when he's walking out.

JOSH: Boom. Yeah. What did you think of that moment?

HRISHI: I felt like it was leading me to a place I knew was coming, you know? Toby says, 'that's the guy that I write for.' And I was like, 'yeah, I know.'

JOSH: Yes. I had a similar feeling.

HRISHI: Yeah. I thought...the first time I watched the episode, I was kinda like, 'okay.' The second time I watched the episode, I thought, 'I bet Josh doesn't like this.'

JOSH: [laughing] You were correct.

HRISHI: Alright, let's go to the, I think, most interesting and the deepest - really the 'A' part of the episode, which is the...

JOSH: Pardon?.

HRISHI: The President...[snickers] Yup. The process of Presidential 'excuse me?'s [laughing]

JOSH: [laughing] Yeah, interesting.

HRISHI: Yeah, I think this is a great storyline, and I think it's on par with any of the best stuff we've seen covered in *The West Wing*, and handled with similar aplomb.

JOSH: Well said. So, we've got, then, Abbey Bartlet...we've got the First Lady who has a couple specific cases on her mind, and she's got the President's ear. And this Gabriel LeSeur character that I assume is a stand in for Leonard Peltier?

HRISHI: Yes.

JOSH: Right. A Native American who's been in jail, I guess since '77, for the raid on the Pine Ridge Reservation in 1977. Two FBI agents killed. Have you seen the documentary *Incident at Ogallala*?

HRISHI: I have not seen the documentary, but I know about the case.

JOSH: It's excellent. That's clearly what were meant to be connecting to.

HRISHI: Yeah. In some ways, it's sort of a story line that you can always count on, because he's always applying for clemency and always being denied.

JOSH: And denied most recently under President Obama.

HRISHI: Mmm-hmm. And he filed again actually, recently, in June he's filed for clemency again under President Trump. Leonard Peltier, by the way, is scheduled for parole hearing in July 2024. Barring appeals or parole, his projected release date is October 11, 2040.

JOSH: How old is he?

HRISHI: He'll be 95 at the time.

JOSH: One of the things I thought was interesting, to have the specificity of this fictional case that is in the First Lady's consciousness, and then to learn about the packing peanuts. Of course, there are any number of nameless, faceless people that would also apply or not, and have similar cases to make. And it made me think again, as the best *West Wing* episodes do, about the microcosmic element of who has the President's ear. Well, his wife has somebody particular in mind, you know. Kim Kardashian manages to get herself into the Oval Office with President Trump and somebody else gets pardoned.

HRISHI: Yeah.

JOSH: And just all the tens of thousands of people that don't have a high-profile advocate, and just the sort of happenstance of how things happen and people who have entree into great power, and those who don't.

HRISHI: Yeah. I wanted to mention the former pardon attorney Deborah Leff, who resigned while President Obama was in office. And it was because of a lack of action on the part of the President and the Attorney General. There is an article in USA Today that I'll link to that I'm going to read from a little bit. It says: 'The Obama administration instructed justice department attorneys to neglect applications for Presidential pardons, to give priority to the justice department's initiative to release low-level offenders from prison, the former pardon attorney said in her resignation letter early this year.' And the packing peanuts is what made me think of this.

JOSH: Yes.

HRISHI: That inaction was one of several issues that former pardon attorney Deborah Leff cited in her resignation letter, which USA obtained after doing a FOIA request. She resigned in January of 2016 after less than two years in the pardon attorney's role. And her letter suggests a broken and bureaucratic process at odds with President Obama's own aim to exercise his pardon power more aggressively in the final months of his presidency. We'll link to it, and you can read more about it. In the end, President Obama did, of course, exercise a lot more acts of clemency, he commuted more sentences than any other President. But he was, especially in the early parts of his tenure as the President, here in the episode talks about, he did not offer a lot of pardons.

JOSH: It's a fascinating aspect of an executive power and it almost made me think of a monarch, especially in the part of the episode when the Kaehlers send a message through Donna.

[West Wing Episode 5.11 excerpt]

DONNA: She said if it would make a difference, she'd get on her knees. She begged for your mercy.

[end excerpt]

JOSH: Just this idea, it's almost, like, it's...it's such an incredible power that the executive has to pardon and to offer clemency.

HRISHI: It is, and there's something quaint I think in this episode about the idea that the President even balks at the idea of pardoning the son of a contributor, of a major donor. That the optics of that would be too much. Of course that has devastating, tragic consequences in this episode, but that's one that maybe feels the furthest from reality. Knowing just the, you know...

JOSH: ... the history of such things

HRISHI: Yeah, exactly. Whether it's Ford pardoning Nixon, or Mark Rich pardoned by President Clinton, or you know...

JOSH: ... I think there are arguments to be made with the Ford pardon of Nixon, that on a macro level he did something for the country that had to be done. I mean, that's a particularly fascinating one, I think, rather than simply scrapping it on the pile of nepotism...'I got your back.'

HRISHI: No, I think that's true, too.

JOSH: And he did pay a price.

HRISHI: And I think there was also some possibility that there was concern about Nixon's mental health at that time, too. Something that obviously should have been a concern here with Donavon.

JOSH: Yes, indeed. Well that... one of the things that I do like, that I think is very powerful about this episode, is how I spoke earlier about how the sense is if you have an in, you have such a greater chance of getting something done on behalf of one of your loved ones, or your pet project, or whatever it is. And of course here, that whole thing has turned on its head, where the Kaehlers get in because they are these enormous donors. They make them a case that we hear spoken by Donna that is very moving and convincing. And then they're denied the pardon because of their connection. So, you know, that very thing that gets them into the Mural Room ends up...

HRISHI: ... Keeping them out.

JOSH: Right. And then leads to their son's suicide. It's a very powerful plot line. It's well done.

HRISHI: There is so much to talk about this. I...I feel like we can't do any kind of justice to the topic here. It's one of the limitations of this being a show just about *The West Wing*, and also our limited knowledge. I'm pretty sure I've shouted this out before, but I want to do it again: Deborah Leff, who was the former pardon attorney, she now works as an adviser for the Equal Justice Initiative. Which is the organization from Brian Stevenson. I talked about the interview that he did about...did with *Criminal* about the work that he does as an attorney with inmates on Death Row. The episode of *Criminal* is called "Just Mercy." *Criminal*...you should be listening to it, another Radiotopia podcast - and we'll link to that, as well. But *Just Mercy*, is also his book, and it's also being turned into a film.

JOSH: Am I right also that there's a quick mention, where Abbey asks President Bartlet whether he's concerned that this will turn into another Wallace Turner situation? I assume that is a Willie Horton reference?

HRISHI: I think so, yeah. I mean, it also just gets a passing mention, but yeah, it seems the idea the President pardoned someone who then went on to murder somebody.

JOSH: Right. Or, maybe as governor he had done this.

HRISHI: Yeah, as governor. Yes, exactly.

JOSH: Because Dukakis...well, Willie Horton wasn't a pardon situation. I think it was a...a work furlough program that Dukakis had approved or extended. And so while Willie Horton, who had been...Willie Horton then escaped during this work furlough, and committed rape and a couple other horrible crimes and became this ongoing thing. Not only by Bush in the '88 Presidential election, but I think Dukakis was hectored by Al Gore and other people vying for the Democratic candidacy...

HRISHI: Yeah.

JOSH: ...the '88 campaign.

HRISHI: Yeah, this is the liberal governor soft on crime.

JOSH: Right.

HRISHI: Yeah.

JOSH: Oh, I was going to say my favorite line of the entire episode was when we finally catch back up with real time and we catch back up with the opening of the episode, and everybody's congregated, they've gotten this horrible news of Donovan's suicide, and when C.J. is told what the situation is, she says:

[West Wing Episode 5.11 excerpt]

C.J.: Who's Donovan?

[end excerpt]

HRISHI: Yeah.

JOSH: For some reason I found that very powerful.

HRISHI: [cross talk] ...so powerful. Yeah, I agree.

JOSH: It's just the difference between that's...you know, tragedy and nothing. I don't know this...I don't even know who you're talking about. It's this thing that obviously the characters care deeply about, we as viewers have come to care deeply about, we're moved by his death. And C.J. doesn't even know. She's got nothing.

HRISHI: Yeah, I agree, I think that was great. I'm glad you mentioned that. I thought this was a tremendous episode, again, for Donna, and I think Janel did an amazing job.

JOSH: I agree.

HRISHI: Donna, is so many levels up on the pyramid at this process. The President sort of balks at the idea of Donna being sent to the meeting with the pardon attorney, because, you know, it's not Josh, it's not White House counsel. But the thing is, Donna has been at high level meetings, you know, often, and more and more often. And I feel like she's doing great. The only thing that's keeping it from being acceptable is her actual title.

JOSH: Yeah, no, that's right. It's used almost as a humorous cut-to, where the President is discussing with Leo who's been sent there. 'Is it this person? Is it this person? Well, who is it?' And then cut to Donna, then it's like, 'wah-waah'. And I like that they didn't put too fine of point on it, but again and again I think that we as viewers I think we see that she is capable of so much more than those around her are allowing her to do, or it's in little, little incremental steps she gets a little bit more responsibility. But here she is basically a punch line, and then we find, as you said, her buy-in is almost complete, and she takes the tasks she's been given very, very seriously and cares deeply about it.

HRISHI: Yeah, and I think you would *want* someone who is in that position to do that. You *want* someone to have that tremendous capacity for empathy when you're talking about what is just and what is fair.

JOSH: Yeah, unless you're really planning to punt the whole issue down the line, which is what they want to do.

HRISHI: Yeah.

JOSH: They wanted...they want to...I mean, they're kind of really trying to pull one over on the President, in a sense. Try to make him feel that he and his concerns, and his wife's concerns, are being dealt with, but not to actually deal with them at an inopportune political moment.

HRISHI: Right. Donna being sent in is part of the strategy that Josh and Leo come up with where he says, 'do you want me to move slowly on this?' and Leo says 'yes.'

JOSH: Right. I think it's very...it's a clever storyline, in a sense, that having sent her in is actually...she actually takes it seriously and gets it done.

HRISHI: Yeah, she's the one that drives it home for everyone. I did like this part where Josh is explaining that when he says 'we,' he doesn't mean 'me' - he means 'her.' And I thought, 'it's... this is the opposite of the royal 'we''.

JOSH: Hmm. Ha.

HRISHI: He is talking about the loyal 'we.'

JOSH: Very good.

HRISHI: Eh.

JOSH: I like it.

HRISHI: So, Donna has to do it instead. By the way, I think the woman who played the pardon attorney is pretty great. It's just this little bit, but I thought she was so fantastic.

JOSH: I did too. It's funny. I couldn't even articulate why, so I wrote nothing down. But I thought the same thing. Like, 'why is she so good?' There's something..

HRISHI: Something about the...the President asks her:

[West Wing Episode 5.11]

BARTLET: How do I stack up?

PORTIA: You're about at par.

[end excerpt]

HRISHI: And we know that she's been the pardon attorney for these different administrations, and there's something about it where it's just the gentlest criticism you could administer.

JOSH: We have to...what is her name?

HRISHI: Her name's Margot Rose.

JOSH: Yeah, she's excellent. Sometimes there's a certain ineffable something about a performance, and at times you notice it in very small roles where you just believe where the

person came from and where the person is going after the scene. She seems to be who she is. She is living the role, even in just a few lines.

HRISHI: Yeah, I feel like she's someone who's married the two sides of Donna's sort of empathic response to these cases, and something like Leo's, you know, hard-edged pragmatism, and sort of emotional detachment from it. Like, she's the one who presented the thirty-six cases. She's the person who's had to read all of those applications and deal with it. And so, I think what...she's admonishing the President a little bit when she says 'you're about at par,' because she has set up how few acts of clemency [crosstalk] recent Presidents have done. And you get the sense that she's, like, 'yeah, I think all of these people are worthy,' but she knows that that's probably not going to happen, that all of them will get...

JOSH: I'm seeing here that she's a graduate of the Yale School of Drama.

HRISHI: Whoo! Boola Boola!

JOSH: Well done, Margot Rose.

HRISHI: You can follow her on Twitter @MargotJRose, and Margot's with a 't' at the end. We'll link to it.

There is one thing about the Kaehlers and the Donovan part of this story that umm...that also struck me. You know, we talked about the...uh...Joey Lucas suit callback. I didn't know if this was a callback or not, but it hit me. When the President decides to take Donovan off the list, what he says is:

[West Wing Episode 5.11]

BARTLETT: Take him. Take Donovan off the list.

[end excerpt]

HRISHI: ...And the only other time we've heard the President say 'take him,' was when he gave the order to assassinate Shareef. It's a very specific two lines. And...

JOSH: Look at you and your memory.

HRISHI: It just feels like a weird way... you know, he says 'take him. Take him off the list.'

JOSH: Wow, and that *is* his death sentence.

HRISHI: And it is his death sentence.

JOSH: I wonder if that is intentional.

HRISHI: I thought...

JOSH: Ooh! You just gave me chills.

HRISHI: I felt like it had to have been an intentional callback. Also, and then this is the part where I take it too far, you know - that's at the end of season three, the same time when Simon Donovan is killed.

JOSH: Mind like a steel trap, you...you have.

HRISHI: You know, even when C.J. said, 'who's Donovan?' I mean, it just... sorry, I interrupted a thing you were...you were going to say...

JOSH: It's of miniscule importance - really of no importance at all, but the President and Mrs. Bartlet come back from seeing part of a Puccini opera, and it my ear. Leo calls it *Turandot* [tour-an-dough]. I've always heard it as 'tour-an-dott.' And I looked into it, and I can't give you a definitive answer because perhaps there isn't one. There is quite a raging controversy about the pronunciation of that particular opera.

HRISHI: Oh, wow.

JOSH: And that apparently, Puccini himself pronounced it 'tour-an-dough,' so perhaps that should be the prescriptivist approach and that's what it should be called and how it should be sung. But apparently there are different...it's based on Italian play by Gozzi, I think, but it's also Persian characters. So there's a lot of questions about how the title character should be pronounced - the title character's name, I should say.

HRISHI: The other on-screen depiction, it really isn't a depiction, but the other on-screen *Turandot* I thought of was in *Mission Impossible: Rouge Nation*. That's the opera that we see when he goes to Vienna and there is an attempted assassination on the Prime Minister of Austria, I think?

JOSH: I don't remember that. I was hoping you were going to tell me that there was a *Simpsons* episode where there was some *Turan-d'oh!*

HRISHI: [laughing]

JOSH: There should be.

HRISHI: Yes, spoken by Homer, he of the famous exclamation 'd'ot!'

JOSH: [laughing] Yes, very good.

HRISHI: [laughing]

JOSH: My favorite futuristic ice cream is Dippin' D'oh!s [laughing]

HRISHI: [laughing] Remember, if you want more of this stuff you can find us at TheWestWingWeeklyd'oh!.com.

JOSH: [laughing] Speaking of Dippin' Dots, or Dippin D'oh!s, my pet peeve is that...do you know what their slogan is?

HRISHI: No.

JOSH: And do you know what Dippin' Dots are? Yes, they're fantastic. I love them.

HRISHI: [crosstalk] Sure, yes. They're one of the few ice cream treats that you can buy at a movie theater where you might see *Mission Impossible: Rogue Nations*.

JOSH: Oh, yes, that is true. They are the ice cream of the future, and have been for twenty... twenty plus years.

HRISHI: [crosstalk] Why...why is that?

JOSH: I dunno. They've been around forever.

HRISHI: [crosstalk] That's what the slogan is? I was wondering what you meant when you said the first time 'futuristic ice cream.'

JOSH: Oh, well that's why. I blew the lead.

HRISHI: Throughout this episode, I love this dynamic between Angela and the First Lady. You know, she's not someone who has grown up in this administration. She doesn't have the same kind of parental dynamic with the President. And, she can't believe what the First Lady's doing. And she makes it known throughout the whole episode. I found it really funny when we come back at one point and C.J. is trying to figure out her messaging. She says:

[West Wing Episode 5.11]

C.J.: I'm still not clear about the pardons.

ANGELA: Maybe the First Lady could explain it.

[end excerpt]

JOSH: [laughing] [crosstalk] That's a good move.

HRISHI: [laughing] [crosstalk] Tell us how you really feel, Angela. It's great. She is not pulling punches in this episode. Later she says to Charlie, you know...Charlie's, like, 'Oh, you knew Meeshell was joining the press corps.' And Angela says 'I didn't. I'm friends with her aunt.' I love this line:

[West Wing Episode 5.11]

CHARLIE: I should've guessed. The sprawling web of District aunts that can't be avoided.

[end excerpt]

HRISHI: And I was, like, 'Ooh! That's *good!*' And then Angela comes back with:

[West Wing Episode 5.11]

ANGELA: Unless you date the President's daughter.

[end excerpt]

JOSH: Boom.

HRISHI: She got the knives out. I really [crosstalk]...I dig this episode for Angela.

JOSH: [crosstalk] Pretty great. Yeah, it is a good Angela episode. You're right.

HRISHI: Yeah. But this leads me to my...uh...the silly thing I wrote later on. There's this great scene where we find out what the real lead-up in the 'previously on'...when we hear about Leo's

ex-wife's pending new marriage. We find out what that was really laying the groundwork for, which is that the President and Abbey are not going to go to the wedding, and instead they want to hang out with Leo. And it's *really* sweet. [crosstalk] As sweet as insulting a stranger on screen might be [laughing]

JOSH: [crosstalk] It is [laughing]. Right.

HRISHI: As they trash the new guy.

JOSH: Yeah, but we love these three. That's a pretty cute scene.

HRISHI: It is pretty great. And then Abbey finishes off by saying:

[West Wing Episode 5.11]

ABBEY: But you're the one we want to spend the weekend with. To union. [clanking glasses] All states of it.

BARTLET: Hear, hear.

[end excerpt]

HRISHI: ...Meaning both the wedding and the State of the Union, and I figured also Gabrielle.

JOSH: Nice. Very nice. [laughing]

HRISHI: [laughing]

JOSH: We don't see her again, do we? Spoiler alert.

HRISHI: No, she does not come back.

JOSH: There will be no rebound for this relationship.

HRISHI: Mmm-hmm. But yeah, so we've got 'to union,' and we have Gabrielle LeSeur, so we get both sides, both parts of her name in there. A little thing, I really like [crosstalk] Rina's leopard print luggage.

JOSH: [crosstalk] Sure. Mmm-hmm.

HRISHI: I thought that was a nice character detail.

JOSH: Very stylish. Yes.

HRISHI: I mean, I thought it was crazy. But it was awesome. It's just, like...I thought that was nice...

JOSH: What made me laugh, was imagining the shooting of those scenes that were...clearly would have been back-to-back: the scene where they're leaving to go out of town and the scene where they're coming back to the White House. Because there's no reason to set up and move your lights to something, you know? You don't shoot things chronologically [crosstalk]. So, I was just thinking about how Richard and Melissa would have shot that scene, wheeling out 'okay, we're gonna go.' And then as soon as that scene was wrapped, they go 'okay, let's do the scene where you're coming back.' I just thought that was...I don't know, it made me smile.

HRISHI: [crosstalk] Right. [laughing] Just go roll around out there so your clothes are more wrinkled.

JOSH: Right, exactly. Get a little...sure, roll your suitcase back.

HRISHI: I did have an enormous Trump 'ay-ay-ay!' moment in this episode. The President says:

[West Wing Episode 5.11]

BARTLET: Yeah, war on drugs. War on crime. Somehow it turned into a war on judges.

ABBEY: Apparently we no longer need subtle minds on the bench?

[end excerpt]

JOSH: Yes, he has done quite a bit of damage as our President with the...see, forget about political stance and leanings, people who are just not qualified. Those seem to get through no problem, now.

HRISHI: And I was also just thinking the undermining of the position of judge, altogether.

JOSH: Indeed.

HRISHI: You know, a lot of...a lot of this is...a lot of this discussion is about how judges have their hands tied because of mandatory minimums and not being able to exercise their own judgment. Despite it being right there in their title.

JOSH: That's right. It's part of the job description.

HRISHI: And the idea of, you know, an activist judicial system, and all this stuff Just watching this episode made me cringe with 'ay-ay-ay!' Speaking of FLOTUS, there's also a link I'm going to put up on our website which charts some of the records of Presidential pardons. I like this new dynamic for Abbey though, too. Angela reminds us...again reminds us how Abbey even got in the game. She tells Josh, 'You missed her homecoming,' she says. In terms of how she got in the game with the shutdown, when the President was there they brought Abbey in to try and rein him in. But she did what she was going to do. She didn't just sort of follow their marching orders, and she actually got the President to go against the War Room's wishes. And I like that after this huge break at the beginning of season five between the two of them, that when they come back together, you know, their marriage, their partnership in the White House has a new dynamic. She is going to take advantage of her position, and roll up her sleeves and get in there.

JOSH: Yeah, you're right. It's a good progression.

HRISHI: I like that they allow for progression. We've seen now essentially two new dynamics in their marriage in one season after essentially four years of the same one. Between that and the Donna stuff, I really like that about season five, the way that it's demonstrating evolution.

JOSH: Mmm-hmm. Things are moving along.

HRISHI: Yeah.

JOSH: Okay, we're going to take a quick break to do some business, and when we come back, we're going to talk to Janel Moloney.

[Ad break]

JOSH: And we're back and happy to welcome to the show a dear friend of the podcast: it's Janel Moloney.

HRISHI: Thanks for joining us again.

JANEL: My pleasure.

HRISHI: So you watched the episode again last night?

JANEL: I did, yes. There were some parts, the stuff about the polling, I kind of scrolled through.

JOSH: [laughing] The stuff you're not in.

JANEL: Yeah, the stuff I'm not in. It's like the way we would read scripts when we got them.

JOSH: Exactly. [crosstalk] [expletive deleted] [expletive deleted] My line.

JANEL: [cross talk] [expletive deleted] [expletive deleted] My part, yeah.

HRISHI: [laughing] What do you remember about this episode?

JANEL: I remember really, really liking one outfit that I had on at the time.

JOSH: [laughing]

JANEL: And I remember still thinking...and when I watched it again last night, I was, like, 'God, that's a cute shirt!' And I was determined not to spend this podcast talking about my waist or my full lips. But, I was wearing an enormous amount of lip gloss for such a serious thing that we were all going through.

JOSH: [laughing]

JANEL: I mean, it must have made it a little easier.

HRISHI: Well, you know it's winter in Washington D.C., so you have to watch out for those chapped lips.

JANEL: [laughing] Yeah. I think that's true, yeah.

HRISHI: Well, what did you think when you re-watched it? Even if you didn't remember making it...

JANEL: Here's what I thought: I thought 'this is such a dense show.' This was a particularly dense episode. And it was really getting a lot of complicated information in there that was pretty...I don't even think that easy to understand, all the stuff about commuting sentences. It's complicated and there's a lot of stuff I missed. And because I'm lazy, I didn't go back to try and understand it.

HRISHI: [laughing]

JOSH: Yeah, that's what we...we've discussed that often before, that *The West Wing* is at its best when it's kind of at least half a step ahead of the viewer, and you're kind of hanging on and trying to keep up with all the issues and stuff being discussed, as well as the plot.

JANEL: Yeah, and I think that's one of the reasons why people can successfully watch it, you know? I mean, there's people I see on Twitter that've said 'I've just watched it a tenth time.'

JOSH: Yes.

JANEL: And I think, you know what, I get it. I think you could watch it ten times and still figure out a little bit more than you had before. I think it's one of the great things about the show, which I think people really appreciated, is that they didn't write down. You know, Aaron and the other writers, nobody wrote down to anybody. So they figured, you know, 'they'll catch up and they'll figure it out.' And it's kind of like Shakespeare: you might not know what exactly they're saying, but if the players are performing their work correctly, and with passion and clarity, then you get the story. So that's always really cool.

JOSH: And even if you're not keeping up with what's going on, you can admire a nice blouse.

JANEL: Exactly, exactly. And you know what's funny - I was struck by something that maybe you guys can talk about more in context with the rest of the show if you feel like it, but the position of Donna in this show was very tender.

HRISHI: Yep. She's kind of the moral center sometimes, because she's the only one who can approach some of these issues with an actual heart and without political calculations.

JANEL: Yeah. But, I mean even just the way that everybody was kind of treating Donna, was, like, this tremendous amount of respect. You know, even though it was, like, 'yeah, you have to do this work.' But then as it continued, they realized it, and I felt like everyone was very aware of how I was doing in relation to whatever my work was. I felt like people were kind of taking care of me

HRISHI: When I brought up this episode to you originally, you remembered it as the one where you gave that speech on behalf of Donovan's mother, like you remembered [crosstalk] that scene. I was wondering if you could talk about that scene. Was that a hard place to get to? You know, it feels like it must have some significance to you, because that was what you thought of first.

JANEL: [crosstalk] Yeah.

JANEL: I think that any time you go in to a group of brilliant actors, like I had walked into, and then have to deliver a speech...now by this time, I'm sure Brad was, like, checking his emails on his phone while I was acting, so I'm sure it was not so very precious at this point. But there was so much respect on this show - I'm only kidding about Brad, there was so much respect. But no, I think I just wanted to just have an honest, straightforward approach. And it was interesting because I think the whole thing, the whole kind of arc of this particular show for Donna was very earnest. It was all very kind of straightforward and earnest. And now looking back, I'm, like, 'eh? Could I have mixed it up a little? Eh...feels a little straightforward and earnest.' But I'm not sure she would have had much of a choice in that, you know? It can't be terribly emotional because

she's supposed to be just delivering information that she's not supposed to have a big stake in, right? I mean, this is supposed to be professional. So I think I kind of walked this pretty nice... nice line.

JOSH: I agree

JANEL: But she was giving information, so, I was just really touched by the positioning of the character. You guys know what I'm saying? There was a sweet positioning of Donna in the show, in general, but this was very...this one...it really showed that sweetness toward her. Who wrote this one?

HRISHI: Carol Flint

JANEL: Oh yeah, Carol, that's right. Carol's a wonderful writer. It's interesting that it was one of the few female writers on the show. I mean there was Deborah Cahn, who was a genius, and Carol, also a wonderful, wonderful writer. So yeah, I was struck by the ending of it. Do you wanna talk about that, or is that too soon?

JOSH: [crosstalk] Sure.

HRISHI: [crosstalk] No, yeah.

JANEL: I was really fascinated by the ending, because I'm not sure I knew what...it appeared in my mind she wasn't so sure about how he brave he was in that moment, the President. The very last thing I said:

[West Wing Episode 5.11]

PERSON: It must be an honor to work for him.

DONNA: It is.

[end excerpt]

JANEL: And there was a little flicker of, like, 'hmm...' in my mind, that maybe in that moment she wasn't totally a hundred percent sure. Because she had just...he had to cut loose this kid for political reasons, and he died.

HRISHI: Yeah.

JANEL: And I think she...her...still even though she...I thought it was a good moment, 'cause it was sort of complicated, even though she was honored and touched by who he was, right? Because everyone loves Bartlet. She still...there was a little flicker of doubt there, in that moment. That's just what I saw.

HRISHI: Yeah. Not a hundred percent, but 35 over 36, expressed as a fraction, which I think is, like, 97.2 percent.

JANEL: Yeah. Did you agree with that?

HRISHI: I do, yeah.

JOSH: Makes me want to go back and watch the moment again. But I would totally get that. Because it's not his finest hour, having played politics with someone's life and having lost it in the balance. See, I agree with you about Donna being beloved among this group, by this group. But I also think they, in a serial fashion, slightly underestimate her, 'cause in this episode there's almost a comic point made of 'well, who did we send to deal with the pardon stuff?' And, like, 'cut to Donna.' Like, that's the indication on what a low burner they're putting it. And then every time Donna surpasses what people are expecting...

JANEL: [crosstalk] Well, but that's the fun...that's the fun of Donna, you know? I mean, that's why everyone is rooting for her, because they always underestimate her. And the thing is, they don't - they kind of don't underestimate her. And it's kind of interesting - I didn't see it, but when they had cut to Donna in, I guess it was the Roosevelt Room, taking that meeting, I saw it more as her position, not so much as Donna. So they just had...

JOSH: [crosstalk] Oh. Yeah, no...I agree with you.

JANEL: I don't really feel like it was, like, 'oh, the dummy's there.' One thing I can tell you that I was...I was taken aback - I must say I was taken aback, I don't know if we've talked about the #metoo, you know, the Donna problem, I don't know if we've been talked about on this show, this thing that was [crosstalk] going on for a little bit.

JOSH: [crosstalk] A little bit.

JANEL: I was really struck by this young woman, who I don't know her name, the character...

JOSH: Rina.

JANEL: Yeah, whoa. That was, like...and I even saw the 'previously on *The West Wing*,' whatever, where they're 'who's that girl? A walking lawsuit.' I thought, 'ooh! Ouch, ouch!'

JOSH: And then we cut to this episode and Toby's hired her.

JANEL: He's hired her and also, she never...I mean, maybe she does get a moment I don't remember. They wouldn't bring her on the show just...they're making a point about her worth and her brains, and her intelligence. But it's just, like, such a different world now. People probably wouldn't even go there, you know?

HRISHI: Well, I wanted to ask you, did you think that in this season, with this new set of writers, with Deborah Cahn and Carol Flint, and even other writers in general - did it feel like *The West Wing*, with this evolution of Donna, the addition of Michael Hyatt's character, the new role that the First Lady starts to play in the administration - did it feel like the show was becoming more feminist, in a way, this season?

JANEL: You know, I'd have to watch the show from beginning to end. I'm very nervous about the way that people are measuring art right now, which is from a political, kind of social standpoint that I feel like is dangerous, because art is supposed to trigger people. It's supposed to make people think about things. And if it's good, if it's well done, then great. I don't need my TV show to be perfect. I felt like, you know, I don't know if you get a better female character than C.J. Cregg. From the second she walks on the [crosstalk] scene, you know?

HRISHI: [crosstalk] For sure. Yes.

JANEL: So it's, like, more feminist? Were there more women, more people of color? Yes, because the show evolved. And, you know, it was a very...it was a certain time where I just think people weren't as aware, right in the beginning, when we started the show. But then again, you know, Allison Janney's one of the leads. She was forty years old when she started, and she was, like, a totally...

JOSH: Spoiler alert.

JANEL: ...[laughing] unique individual. I don't know, I just...I didn't have any problems with the way that any of the characters were portrayed. In particular, mine.

HRISHI: I think that there is some feeling, that, yeah, that things evolved in that direction for the better as the show moved on. But, I completely understand you can't get the same kind of read on it from within the machine as you can from someone watching it from the outside.

JANEL: [crosstalk] Yeah, yeah. And also, we're so biased. It was, like...it was such a wonderful dynamic, empowering, rich experience for me as an actor, and as a person, that that's the beginning, middle, and end of it for me. I'd watch that show ten times over many of the other shows that are so politically correct.

HRISHI: Josh, did you have other questions?

JOSH: You've answered everything. Thanks, Janel - that was great, as always. We'll talk to you soon.

[Music]

JOSH: Thanks for listening to another episode of *The West Wing Weekly*, and thanks to Janel Moloney for joining us once again.

HRISHI: You can follow us on Twitter @WestWingWeekly, or on Instagram @TheWestWingWeekly. We're on Facebook, and we have our aforementioned website, TheWestWingWeeklyd'oh!.com.

JOSH: [laughing] *The West Wing Weekly* remains a proud member of Radiotopia, a glorious gallimaufry of the best podcasts available throughout the land.

HRISHI: [laughs]

JOSH: Check out the other pods at Radiotopia.fm.

HRISHI: Oh my God, you get all the points for 'gallimaufry.'

JOSH: [laughing] You don't get to use that. I hope it doesn't have a negative connotation.

HRISHI: I think it does. [laughing]

JOSH: Yeah, I think it probably does.

HRISHI: [laughing]

JOSH: It's more a beautifully, holistic, collection of things that gallimaufry suggests. It's not just a random hodgepodge. But it's a well thought out... [crosstalk]

HRISHI: [crosstalk] It's a curated collection of extraordinary podcasts.

JOSH: Yeah, that's right. That's what we usually say.

HRISHI: It's the dessert of the future. [laughing]

JOSH: [laughing] Okay. There you go.

HRISHI: Radiotopia is the ice cream of the future, and you can check it out at Radiotopia.fm. *D'oh!* fm. [laughing] Thanks again to Zach McNees and Margaret Miller who help us make this show.

JOSH: They're the best.

HRISHI: And thanks to you for listening.

JOSH: Yes, in the meantime also, go listen to *Song Exploder*, which is Hrish's other, more widely heralded podcast. Also, you can listen to an interview with our very own Hrish on *Getting Curious* with Jonathan Van Ness, and we can link to the interview. Was that fun to do?

HRISHI: It was really fun. I mean, I'm a huge fan of *Queer Eye*. I'm a fan of his especially. I like his web series *Gay of Thrones*, very much, too. So, it was great. I saw him on the plane once and Tweeted about it, which was awesome.

JOSH: Confirming what I've always said, Twitter is the golf course of the new century. Ok!

HRISHI: Ok.

JANEL: What's next?

[Outro Music]