

The West Wing Weekly
5.17: "The Supremes"
Guest: Debora Cahn

[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 "The Supremes". It's Season 5, Episode 17.

JOSH: It was written by Debora Cahn, it was directed by Jessica Yu, and it first aired on March 24th, 2004.

HRISHI: Here's a synopsis from Warner Bros, "When a Republican Supreme Court Justice suddenly dies, the Bartlet administration scrambles to find a worthy replacement and the halls are filled with candidates. But the president senses that the process is a political minefield, until Josh devises a wild plan that could also create an opening for Evelyn Baker Lang, a liberal who would be an unthinkable choice. Potential judicial nominees visit the West Wing offices and are interviewed; some serving only as decoys to confuse the press. But everyone gets curious when the president meets with Christopher Mulready, a bright but conservative judge."

JOSH: That sounds good.

HRISHI: It was good. And our guest today...

JOSH: Ha! I didn't realize we had a guest.

HRISHI: ...A very special guest. The writer of this episode, Debora Cahn.

JOSH: Yay!

HRISHI: Wooh!

DEBORA: Hi guys.

JOSH: Hi, thanks for joining us.

DEBORA: It's a pleasure.

HRISHI: And thanks for being the first guest ever to bring wine.

DEBORA: It's not bad too.

JOSH: No, it's a fine Cabernet.

DEBORA: It is a nice Cabernet.

JOSH: Got a nice nose. I'm enjoying it.

DEBORA: Hrishi's driving, so he's not having any.

HRISHI: Exactly.

JOSH: Yeah, that's right.

HRISHI: That's OK, I'm the designated host.

JOSH: You'll keep things, yeah, on track.

HRISHI: Mmm hmm. How did you end up on the *West Wing* writing staff?

JOSH: What's your *West Wing* origin story?

DEBORA: So, I came to Los Angeles, I had been an actor in my younger days.

JOSH: Me too. [laughing]

DEBORA: [laughing] I was not as good as you...

JOSH: Me either.

DEBORA: [laughing] I started writing plays for me and my friends to do when we were unemployed, which happened with some regularity. And, it rather quickly became clear that when I was looking for acting work, I was looking for work, and when I was writing, work was looking for me, which, when you've been an actor for a few years, that's pretty compelling. And people said that my writing sounded like television, and I was like, adapting *Electra*, so I found this really insulting.

HRISHI: The *Daredevil* arch-nemesis

JOSH: [laughing] That's right. This is before Netflix, you had no place to go with him.

DEBORA: Exactly, exactly! So I decided to come out to L.A. and check things out and see if I could get work. I worked as a writer's assistant on a very short-lived comedy.

JOSH: What was that?

DEBORA: It was called *Inside Schwartz*.

JOSH: I remember [crosstalk] that.

DEBORA: [crosstalk] Do you?

JOSH: Breckin Meyer? No?

DEBORA: Breckin Meyer, yeah!

JOSH: I probably read for it.

DEBORA: It was on for, I think, five weeks, it was one of many shows that were trying to get into that slot between *Friends* and *Will and Grace*, where nothing popped in that slot. And neither did this. But I was the person who sat in the writers' room and took notes, I was called Computer Number Two, 'cause there was another guy who did it half the time, and he was Computer Number One. And I was writing spec scripts and trying to get work, and at the end of that staffing season I had two job offers.

JOSH: Wow.

DEBORA: One was for *Baby Bob*, the talking baby show, and the other was for *The West Wing*. I had interviewed for *The West Wing*. *The West Wing* was looking to... Aaron had reached the point where he really understood after a couple of years, this was season four, he had understood that he wanted to do most of the final scriptwriting himself, and that what he wanted was people who could do a ton of research and generate a lot of story ideas, to just kind of feed the beast, and throw one story after another into his, what he himself referred to as the maw. So he hired a lot of, what are called, baby writers, lower level writers, staff writers, all at the same time. He hired seven of us at the same time, and wanted to hire a female writer. The whole point of this large group of baby writers was that they all had Washington experience, and so he was looking for a female writer who had Washington experience, and I was the only breathing human in Los Angeles who fit in both of those categories at the same time. [Josh laughs] So I had Washington experience because, when I was in college, my boyfriend was a theatre director, and he got an internship over the summer in Washington D.C., and I felt that I needed to get a job in Washington D.C. so that I didn't have to be away from him for those three long months.

JOSH: Ha! It's very romantic.

DEBORA: It was very romantic. And so I got a job working for my congressman on Capitol Hill.

HRISHI: Wow!

DEBORA: And, sorted a lot of mail, and got his breakfast every morning. He always wanted a grapefruit juice and dry, rye toast.

JOSH: Who was he?

DEBORA: Congressman Ted Weiss, Democrat of the Upper West Side of Manhattan, and occasionally, I would draft a speech. And that was the Washington experience that I brought to *The West Wing* at the beginning of season four. And so it was me and these guys, and you'd go around the table and it was Yale, Yale, Harvard, Yale, Harvard, and I'd gone for Harvard for acting school...

JOSH: Like the Supreme Court!

DEBORA: Exactly, but nobody on the Supreme Court went to get their MFA in Acting at Harvard.

JOSH: And we're the worse for it.

DEBORA: It's true. That's true. So, I always felt like the moron in the room, but I was one of the few people that had a similar background really to Aaron's, who studied musical theatre in college.

HRISHI: Right.

DEBORA: We both came from theatre and loved theatre, and there were a lot of really bright guys in that room, who really wanted to prove that they were smart enough to be on *The West Wing*, which a little bit turned into trying to prove they were smarter than Aaron, and there was definitely no question that I was gonna win in that game, or even try and play, and I think it made things easier between he and me, and he taught me how to write. He gave me a lot of opportunity to do great stuff in that first year, in the system that he had developed at that time, which was using the writing staff to flesh out stories that we then fed to him and he did with as he pleased and then at the end of that year, he and Tommy left, John Wells took over, and I was there for the pivot into Season Five.

JOSH: What was that like? What was the transition like?

DEBORA: At the time, it was really traumatic. I just remember sobbing and sobbing. I listened to when Lauren Schmidt was on the podcast, and she talks about sobbing, we were all just... well, me and Lauren and Paula were sobbing the day that Aaron announced he was leaving. I was just desperately in love with Aaron Sorkin's writing and Aaron Sorkin's work, and I mean I love him as a person. I was in love with Aaron Sorkin! I just couldn't believe that he was leaving us!

JOSH: [laughing]

DEBORA: And couldn't imagine what was coming next, but what turned out was coming next was John Wells, and he's a force of nature, he's the best showrunner I've ever worked with, and I've worked subsequently with some really, really great ones. He has an incredible sense of a mandate for training writers and training showrunners. Training writers how to be

producers, which they are on television. I often think of it as I started out working out for Dionysus, and then I went to work for Apollo.

JOSH: [laughing]

DEBORA: They brought very different things to the table, but I would have not have traded either experience away, but I feel very fortunate to have had those two very, very different experiences.

HRISHI: Before you started writing this episode, did you know sort of, way in advance that you were going to be the one who ends up writing the Supreme Court Justice nomination episode?

DEBORA: Absolutely not. The idea that I would write the Supreme Court episode was completely, completely absurd. Eli Attie was in that writers' room, Lawrence O'Donnell was in that writers' room, Paul Redford was in that writers' room; there were a lot of people who knew a lot about the court. I was not among them. I had written an episode called "Abu Bhanat", which is one of Hrishi's favorite episodes...

HRISHI: [laughing]

JOSH: Here we go.

DEBORA: ...really in the history of the show. For those of you who may have missed an episode here or there of *The West Wing Weekly*, Hrishi was concerned that all those of us who tried to keep the show going, in the wake of Aaron going, would just destroy it, and then he started watching season five, and was so delighted to learn that that wasn't the case, until one episode called "Abu Bhanat", that he so thoroughly despised, [Hrishi laughs] and it was the first episode of television I've ever written, start to finish, on my own. So I have to say that I have such respect for you, because you feel about it the way I feel about it.

HRISHI: [laughing] I'm sorry, I'm very sorry!

DEBORA: But, it really is OK, you should not apologize. However, there are other people who did not feel that way about that episode, and one of them surprisingly was John. And so John liked that episode, a lot, and because of it, decided to give me the Supreme Court episode. He'd come up with this idea that he wanted to do something about the court, he had come up with this idea of the greatest thing that you could do for the Supreme Court was make sure that there were two people holding down the opposite ends of the political spectrum, on the court, both making the best arguments possible for the far ends of the ideological spectrum. And that if there was an empty seat on the court, if there were some way to orchestrate what came to be known as 'the swap', that that would be kind of a magical *West Wing* moment.

HRISHI: Was there any kind of historical precedent for that, or anything that was discussed by some of the folks that you mentioned that were familiar with the court that they could point to and say “yeah, there’s something that happened”, or was it just total John Wells...

JOSH: Pixie Dust.

HRISHI: Yeah. [laughing]

DEBORA: Well we obviously were looking at the Scalia/Ginsburg relationship as a model. And the story is about the two of them giggling together and going to the opera together, and enjoying each other’s company so much and enjoying arguing with each other so much, as we’ve learned recently, drinking together a lot.

JOSH: Mmm.

DEBORA: That was the inspiration, and apparently Clinton, at a certain point, tried to do this on the Federal Bench, and it didn’t work, but I think that was part of the genesis of the idea

HRISHI: Hmm, that’s cool. I didn’t know that about Ginsburg and Scalia

JOSH: They were pals

DEBORA: Oh yeah, they were buddies.

HRISHI: Kinda creeps me out a little bit.

JOSH: They played a lot of one on one, at least in my mind.

HRISHI: [laughing]

DEBORA: [laughing]

JOSH: Don’t they have a special court?

HRISHI: Oh, Josh!

JOSH: No, I they do. I think the Supreme Court has the highest court in the land. It’s a basketball court... Where’s Nick? Don’t shake your head. Research it, it’s true. There’s a basketball court...

HRISHI: There’s a Supreme Basketball Court?

JOSH: Yes. I’m going to google it as I drink my wine and you guys chat.

HRISHI: As I think you probably know, this is a beloved episode. Did you know when you were setting off to write it that this could be a big hit of an episode? Did you have expectations as to what the reception for this episode might be?

DEBORA: I thought that it would be an unmitigated disaster.

HRISH: Really?

DEBORA: Absolutely.

JOSH: Let me just say, Sports Illustrated article by Stanley Kaye: "Directly above the nation's most important tribunal is another type of court, where victors emerge not with five votes and a majority opinion, but with 21 points and a margin of at least two, and that's the basketball court above the Supreme Court." [crosstalk] It is in fact, the highest court in the land.

DEBORA: [crosstalk] I'm so impressed.

JOSH: Thank you.

DEBORA: That was nicely done.

HRISHI: OK.

JOSH: Carry on.

DEBORA: Cheers sir.

JOSH: Cheers.

HRISHI: Well there's a couple of things. So generally when I'm writing, I think when any writer is writing, it's very difficult to tell what's the great idea. A great idea in a moment can seem great, but then you have to pitch it to so many people, that by the time you're done it just sound idiotic. And then there are ideas that you're not sure about that you're gonna try them, and there isn't an obvious way to tell how it's gonna go. And there are ideas that you're sure are bad, and will be a nightmare, and you're wrong. You spend all day every day saying, "Is this stupid thing that I came up with magical or really gonna bring shame on my family?"

HRISHI: [laughing]

JOSH: Like the idea of excluding Will Bailey from the episode.

DEBORA: For example. Exactly! There had been I think a year before we did this, two shows about the Supreme Court. I don't know if either of them ever made it to air, but there were two shows in development at the same time, and it was just widely agreed upon that writing about the Supreme Court was impossible, and a fool's errand, and it never worked

out, and we all think about these rich questions, but you try and write about them and they are just deathly boring.

HRISHI: Because nobody thought of framing it around a basketball court - *Space Jam 3*.

JOSH: Boom.

DEBORA: Oh my god.

JOSH: That's kinda brilliant.

HRISHI: Yeah.

JOSH: With LeBron.

DEBORA: Now it's gonna be a series.

JOSH: Associate Justice LeBron James.

HRISHI: Bugs Bunny: Chief Justice.

JOSH: Boom.

[*Space Jam* excerpt]

TWEETIE PIE: I tawt I taw... I did! I did see Michael Jordan.

[end excerpt]

DEBORA: So there was both the fact that it was impenetrable material, impossible to enliven, and then there was the fact that I was writing it, and of all the people in the room, really bright minds in that room, I was not the one who understood this material.

JOSH: Were you provided, as Aaron would be, with raw material? Were you provided with the [crosstalk] tools and ammo you needed?

DEBORA: [crosstalk] Yes. So I was able to go through the kind of process that he went through, which is where, as a group, we hammered out the basic idea of the story. I tried to break it down into beats and brought it back to the team, and got help fixing them, improving them, and then had a lot of help from Josh Singer who had just started out on the staff at that point. It was his first year, and he had been to law school, and knew a lot of people who knew a lot about con law, and was incredibly helpful with putting together those arguments. Most importantly the arguments between the two Justices that make us really fall in love with both of them, and make us feel like this is the best idea ever.

[West Wing episode 5.17 excerpt]

LANG: *It's enumerated powers. He'll have an easier time knocking down DOMA than I will.*

MULREADY: *Lack of imagination on your part, if I may be so bold.*

[end excerpt]

JOSH: How about casting? When did you guys come up with the big idea? The Glenn Close of it all.

DEBORA: I looked back at my notes, and apparently the way that we originally thought of it was Susan Sarandon and Bork, like what if you had Susan Sarandon and Bork? And those were the two that you were trying to... So at a certain point we were thinking about who this would be and...

JOSH: Whom to get for the Susan Sarandon role?

DEBORA: For the Susan Sarandon role! [laughing]

JOSH: [laughing]

DEBORA: I think Susan Sarandon was busy, and we had this dream list and we were aiming really high, and it seemed to me absurdly high. So one of the things that we did because of that... We wanted to make it a juicy opportunity for someone who was perhaps a huge movie star, to condescend to come and do television for a couple of days.

HRISHI: Pre-Golden Age of TV.

DEBORA: Right. This was long before peak TV. This was not...

JOSH: Back in the days when we TV actors had a lock on TV jobs.

DEBORA: Yeah. So I was sent off to write really, really, really long speeches for this character. And we were so excited and shocked when Glenn Close said yes, and y'know, the Susan Sarandon thing was the way we joked about it in the room, but she really was the very top of the list, Glenn Close. We were just beside ourselves with joy and for good reason. She turned this thing into a magical dream episode.

JOSH: She is one of those faces, I was noticing, there's something ineffable about certain movie stars; you're just drawn in. She's compelling at rest. Just from the get-go when we first see her, there's sort of like a light emanating from her. There's just a life and an animation to her that's kind of cool.

HRISHI: And how about on the other side, Christopher Mulready - you got William Fichtner, looking like he's stepped straight off the *American Psycho* set.

JOSH: [laughing]

DEBORA: Yes, indeed. I think Alex Graves had worked with him before, and was a big fan of his work.

JOSH: [cross talk] He's a good actor.

DEBORA: [cross talk] I didn't really know him, and when he came in, I remember looking at some clips of his and thinking, "I don't know about this." And then when he showed up, it was just such a joy. He was wonderful.

JOSH: They're both great and they were great together. They have good chemistry.

DEBORA: Yeah.

HRISHI: Yeah, I thought it was a really smart pairing. Should we get into the actual episode?

JOSH: Do let's!

HRISHI: OK.

DEBORA: So I wrote *The Supremes* while my mother was dying in the hospital.

JOSH: Oh!

DEBORA: But with this episode, I wanted to do that thing that I enjoy doing, which is finding the lightness and the entertainment in really dense material, but also my mother was dying, and this is not because John is a slave driver. They very generously offered to just let me go and do my thing, and they would take care of the script. But of course, I was young and insecure, and I was like, "No, no, no, I'm gonna do it, I want to do the whole thing." A little bit of control freak. So I wanted to keep doing it and it was also a good distraction, for when you've had enough of the whole death and grieving business. So I think that I had an extra incentive to try and inject as much farce into this as I possibly could. At certain points in the episode, particularly towards the end, it goes straight into drawing room farce, and I think I was so excited to be at that time in my life, to be able to dive into high farce, as a way to escape what was happening everywhere else in my life, that I was really prepared to shovel it on, and at least some of it worked.

JOSH: That's impressive, because I do feel like, watching this episode, and I've enjoyed plenty of this season, but this episode feels to me, overall, like the magic is back. There's something very special about this episode, and the tone, and the feel of it, and the optimism of it, and the humor of it. It's amazing that you were able to inject that in the midst of personal hard times.

HRISHI: One of my favorite things about this episode and part of what I think gives it so much life and effervescence, is something that basically happens off of the page, which is

C.J.'s whole love life. We don't really get much explicit reference to it, but she's having a grand time, throughout this whole thing.

JOSH: I liked the way that was written, and that even, I think our first exposure to just where she is personally, she's apparently writing an email, and you can just see in the look on her face, we know exactly to whom this email is being written.

[West Wing episode 5.17 excerpt]

TOBY: What's going on?

JOSH: C.J. has the giggles.

C.J.: [laughing] It's your deal! I find it elating!

TOBY: Is she stoned?

C.J.: I'm fine. I just didn't get enough sleep.

[end excerpt]

JOSH: I liked that it was written in a way where we didn't know the specifics of it, just that things seem to be cooking for C.J. and the personal friend.

HRISHI: Yeah.

DEBORA: I was looking back at my notes and there are endless notes about C.J. and the guy, and what the story can be, and we just threw all of that out, and just went with this very simple notion that things were going well and she was having a good time and it was going to kind of play in the background. And it was the early days of I guess IM-ing, and she's supposed to be IM-ing...

JOSH: Ah right, IM-ing.

DEBORA: And she's supposed to be IM-ing, but we couldn't get permission to use the little AOL bleep sound

HRISHI: Right, right.

JOSH: That's funny.

DEBORA: So we couldn't put the bleeps... Like "bleep, bleep, bleep" is in the script, and we couldn't use it. But friggin' Allison Janney, you don't need it!

JOSH: Right.

DEBORA: You can see that there's this whole conversation happening. She's brilliant.

JOSH: I forgot about IM-ing.

DEBORA: Yeah.

JOSH: Oh! Those were the days. So quaint.

HRISHI: There's another thing that I like that happens really quickly, there's so much to tackle in this episode about the Supreme Court plotline, and the nomination process and all of that. But there are these little things like C.J.'s love life off-screen, and then there's a little moment that happens where Donna is going through messages for Josh.

[West Wing episode 5.17 excerpt]

DONNA: Byrth and McNull not a snowball's chance... Oh, that's not about Lang, that's about the highways bill.

[end excerpt]

HRISHI: It's just a little, little thing peppered in that reminds us that while this huge process is going on, there are actually all these other issues that still require their attention, even though our focus is on this one storyline, the rest of the business of the West Wing is still happening, and the rest of their personal lives are still happening too.

DEBORA: Yeah.

JOSH: Indeed.

HRISHI: I also loved at the beginning when Josh is talking to Donna over the phone. Donna's move to just put the receiver down, while he's in the middle of the conversation, which he then has to realize that she's done when she comes to greet him as he walks in that he's been talking to nobody for the last minutes. Then he offers her his uneaten something wrapped in plastic.

JOSH: It looks like a muffin.

HRISHI: Yeah.

JOSH: It's not the finest muffin in the land.

HRISHI: Apparently not. Then the teaser ends with the seal of the president.

DEBORA: I didn't help Jessica in that teaser. I just didn't help her, there's no button, there's no...

JOSH: The cold open bomb-swell. The moment that leads into the swell of the main title theme. Is that missing? I didn't notice that.

DEBORA: It's not a great teaser.

JOSH: Did you work with Jessica? Were you around on set?

DEBORA: I was on set a bunch, yeah. Not the whole, whole time, but quite a lot. She was super pregnant, and waddling around the set, and she was like the Energizer bunny.

JOSH: That would be a hard thing to do, very pregnant: directing takes, boundless energy.

DEBORA: Yeah.

HRISHI: Actually, I like how the teaser ends. There's a nice thing I think that Jessica does where he hands the Evelyn Baker Lang file to Donna, Josh does, and tells her that it's a no, and she walks off-screen out of the hallway just as Evelyn Baker Lang walks past him and walks out of the West Wing, and then we go to the music.

DEBORA: Into the light.

HRISHI: Yeah.

JOSH: Yeah.

DEBORA: The glow on her hair.

JOSH: It's all very well-choreographed.

HRISHI: I thought that was nice. You get two visual moments to underscore this opportunity slipping out of Josh's hands. From the beginning though, when we first meet Evelyn Baker Lang, she does not miss a trick, she knows every single move.

[West Wing episode 5.17 excerpt]

LANG: Three reporters have walked by since we started. I'm window dressing. That's fine. I'm happy to help. But let's just chat about the weather.

[end excerpt]

JOSH: Which I love. And she's OK with it.

HRISHI: And she's OK with it.

JOSH: She's a team player. [cross talk] She gets it that she has a role to play.

DEBORA: [cross talk] Yeah, yeah. She's happy to help.

HRISHI: Did you have to do research on Ruth Bader Ginsburg as the inspiration for this?

DEBORA: No, I mean that relationship was certainly the basis for the idea of the way that these two characters got along, but we just looked into what the shape of a confirmation process was, back then, and the intense level of scrutiny. Which I guess we should say perhaps today what today was?

JOSH: Yeah, I've been waiting for somebody to bring that up! This is an odd day to be having this conversation.

DEBORA: It's a very intense day to be having this conversation.

JOSH: We're speaking on the day of the Senate Judiciary Committee's questioning of both Brett Kavanaugh and Dr. Christine Blasey Ford. I watched far more of it maybe than I should have, as it was ultimately pretty enervating and depressing. But we've talked before about how *The West Wing*, the show itself, there's an evergreen nature to the issues it explores, and we frequently find that an episode we're discussing - the podcast also seems to link up with real life, and we seem to be discussing things that are particularly germane to what's happening.

HRISHI: Yeah, the timing is insane!

JOSH: It is. It's eerie.

DEBORA: It was kind of painful this week, going back and watching the episode. So one of the people we talked to, to get some information about how to put together the episode was Ken Duberstein, who was Chief of Staff for Ronald Reagan. And I think worked on the Clarence Thomas confirmation? Worked very closely on one of the confirmations. We were looking for what's going to be the one thing that she can say that once we have fallen in love with her, will really, really kill her as a candidate, and he said, the one thing, the one red line that nobody would ever be able to cross was the idea of a nominee who'd had an abortion. At that time, I don't think anyone would have imagined the idea of a nominee who had potentially raped someone, so it was just different times. [laughs]

JOSH: [laughs]

DEBORA: Just different times!

JOSH: Indeed.

DEBORA: Oh my god, she had a pot plant.

JOSH: I love also how you wrote President Bartlet and his response.

[West Wing episode 5.17 excerpt]

BARTLET: When'd she have an abortion?

TOBY: Law school?

BARTLET: Before or after...?

C.J.: After '73, it was legal.

BARTLET: We discarding anybody else for legal activities?

[end excerpt]

JOSH: The idea of disqualifying a potential appointee for having done something legal is anathema to him, and the way that he just puts it very plainly, and it's a great moment.

HRISHI: Another thing that's unsaid in that moment, but we know very well, is that the president is Catholic, and at some personal level, probably has feelings about abortion that run contrary to what the law allows, but he's saying, "Alright, it's legal, so what's the big deal?"

JOSH: Right, without hesitation.

HRISHI: Yeah. That detail that she had an abortion, I think has so much weight in this episode, because of the decision that she had made about striking down parental consent in an abortion case.

[West Wing episode 5.17 excerpt]

JOSH: No. Really, nominees live or die by Roe v Wade.

[end excerpt]

HRISHI: Did you already have that figured out before you had this idea that oh, she had also had an abortion in her backstory?

DEBORA: I think that it was the other way around. I think we wanted to start with something that was going to be immediately disqualifying for her, on a personal level, and then find a way to bolster it and make it more complicated based on how that issue had crossed her bench.

HRISHI: That's so cool. I love the way that all ties together.

JOSH: I have a question. You're saying that you have spirited conversations in the writers' room about the politics as it pertains to the show. Did it ever devolve into arguments about personal politics? Did that ever happen in the writers' room?

DEBORA: Not really. There were a lot of Democrats in that room, and there were some centrist Democrats, and some far lefty Democrats. There was a writer on the staff named Mark Goffman, fantastic guy, he is a Republican.

JOSH: I didn't know that!

DEBORA: [cross talk] He is a centrist Republican.

JOSH: [cross talk] I still like him.

DEBORA: He is a fiscal Republican.

HRISHI: A *West Wing* Republican.

DEBORA: A *West Wing* Republican. So he was there to help us represent and three-dimensionalise a Republican point of view. And then there was Lawrence. Lawrence O'Donnell was always there to provide the contrary point of view, and a lot of the attitude that colored Mulready, the way that Mulready was drawn as someone who is happy wind you up, on one side of the argument, and then flip to the other, was my homage to Lawrence. Lawrence would do that in the writers' room and he would always be able to do that thing: "No, no-no, you just lost that point, let me tell you how to win that point. Here's what you should have said to me. When I say this, you say this, and then I look like an idiot." So he was good for representing the Republican point of view because he understood it and he was conversant in it and familiar with it and able to fight it as well as his own.

HRISHI: And was that instructive, or endearing, or frustrating?

DEBORA: It was great! It was great.

JOSH: How was Glenn Close to work with?

DEBORA: Glenn was amazing. So there was one really incredible night, where, like I said, we wanted a star, we wanted a big star, and so we wrote a big role, and the simplest way to do that was just words. Just more words. So I wrote just long speech after long speech after long speech, and god bless her, Glenn was excited to come in, or was willing to come in. We ended up with these big juicy scenes with her and Mulready, and particularly with her and Toby and Josh. There were these two big scenes.

JOSH: I love the scene where she knocks out, bullet point by bullet point, how she would respond to [cross talk] each question.

HRISHI: [cross talk] The three different members?

[West Wing episode 5.17 excerpt]

LANG: If you're Davies, the question is 'how would you approach a D and X case?' because he's the drum banger on partial birth. And the answer is 'I don't comment on hypotheticals.' If you're Malkin, you're from Virginia, so you're asking Drury. I'll take you point by point from the doctor to the father to Casey to undue burden to equal protection back to Roe, at which point you can't remember the question, and I drink my water for a minute while you regroup.

[end excerpt]

JOSH: And it's brilliantly written, it's brilliantly performed, and just also the content of it, and her facility with it, and both the substance of what she's saying, and the politics of it. How she could deflect or how she can engage. That's a great scene!

DEBORA: And she played it incredibly!

HRISHI: And our young research assistant Nick nearly pulled a muscle trying to connect the dots between everything she was saying.

JOSH: [laughs]

DEBORA: [laughs]

HRISHI: He has not gone to law school.

JOSH: He's good.

HRISHI: But he still looked up all those cases.

DEBORA: Oh my god! You're a good man, Nick.

HRISHI: [laughing]

DEBORA: The directors were always trying to be sensitive to actors who were coming into *The West Wing's* set for the first time, and really, really, really great actors come onto that set and are 1) incredibly intimidated, and 2) struggling to catch up. Glenn Close is one of the greatest actresses of my lifetime, and one of my favorite actresses, and is so damn good at it, and came in, and it was a mouthful.

JOSH: Sure.

DEBORA: I did not make her life any easier by those massive hunks of text, so we start on Josh and Toby in order to give her some time to get going, and then we turn around and we do her coverage, and it takes her a few tries, and we're used to a certain pace. I think it was a choice on her part to give herself a different tone so that she was a person coming from a

different place into this space which I think was a correct character/acting choice. But it was also just a lot - a lot of words - so it took a long time, and then it was followed by another scene in the same room, with a lot of text, that took a long time. Add to that, the fact that the set has a lot of very harsh lighting that comes directly down, which doesn't necessarily do favors to the ladies. Now I think it was still Tom Del Ruth at that time, was not going to do that to Glenn Close, so he was also taking a little bit of extra time to make sure that she was beautifully luminous.

HRISHI: She does have an old-school kind of lighting.

DEBORA: Right?

JOSH: This is *West Wing* by way of *Sunset Boulevard*.

DEBORA: Yes, exactly. So we were shooting three scenes that day. We were shooting her two massive scenes in the Roosevelt Room, and then tacked on at the end of the day was this little scene in C.J.'s office, with Toby and Josh, where Allison has a two-page monologue, and Toby and Josh each say four words. The day was going long. Glenn needed a little bit of extra time to get her mouth around all that language, and Tom was taking a little bit of extra time to light her.

JOSH: As befits a star.

DEBORA: We were three and a half hours late by the end of the day.

JOSH: Oh boy!

DEBORA: And Allison Janney had a stomach flu and a 103 fever, and had been for those extra three and a half hours, vomiting in her trailer.

HRISHI: Ugh!

JOSH: Oh dear!

DEBORA: She then comes out of the trailer, marches into her office, takes a napkin and wipes the vomit off the corner of her mouth, the camera rolls, and she blazes through these two pages of text!

[West Wing episode 5.17 excerpt]

C.J.: You been outside today? We don't hand someone to the madding crowd so they can take the heat off some guy from Indiana.

[end excerpt]

JOSH: Allison Janney!

DEBORA: And Jessica calls 'cut', and we all just stand there for a minute, and it's really obvious that after we have now done, I think, 78 takes of this previous scene, we're one and done with Allison.

JOSH: Wow!

HRISHI: Wow!

DEBORA: And we did one more take just so that it wouldn't be quite so glaring! [laughing]

JOSH: [cross talk] That's a great story.

DEBORA: [cross talk] She's a rockstar.

HRISHI: She's like, 'I'm going to use this stomach flu.'

DEBORA: Yeah, well it just didn't slow her down at all. She can do the magic that she does in her sleep.

JOSH: She's one of a kind.

DEBORA: Yeah.

HRISHI: That's impressive. I really loved the little bit about Ryan sending condolence flowers to a still-living justice, [Debora laughs] because it reminded me of our own Josh Malina, who once...

DEBORA: What did he do?

HRISHI: He once sent our condolences to the still-living actor Paxton Whitehead.

JOSH: That's true.

DEBORA: Did you really?

JOSH: Yeah. Look, I was supposed to have a support team here that doesn't let those things... Yeah, I said it on mic, it's not supposed to make it to air! Someone else is supposed to go "Wait a minute, he's still alive..."

DEBORA: [laughing]

JOSH: I have a love of Paxton Whitehead too.

DEBORA: Did he... how did he take it?

JOSH: He took it very well actually.

HRISHI: Yeah.

JOSH: I could have at least sent flowers.

HRISHI: OK, we're going to take a quite break, and when we come back, we'll have more with Debora Cahn.

[ad break]

JOSH: Ryan has a good episode.

HRISHI: He does!

JOSH: This is a fun episode for Ryan.

HRISHI: So I've had a shifting relationship with Ryan Pierce throughout this episode [cross talk] because I think...

JOSH: [cross talk] I like my Ryan Pierce.

HRISHI: Because ya' know...

DEBORA: You hated him.

HRISHI: As I think I was supposed to.

DEBORA: Yeah.

HRISHI: And then slowly, I have been...

DEBORA: But you hated a little bit the idea... Not just because you were supposed to, but because it was a little bit of a... There were a bunch of things that we were trying to do, and I know that you've had other guests who have talked about this. There were things that we were trying to do that that were there, in Season Five, in the wake of Aaron and Tommy's departure, there were things that we wanted to try and spice things up, and give it new life, and inject a class fraction that had not been represented in *The West Wing* previously. We threw a bunch of spaghetti at the wall, and a lot of it did not stick, but Ryan was part of that effort.

HRISHI: I just realized, you said the class fraction thing, and immediately I thought of Rina, and having someone who is not coming from a posh background, like most of the characters are. But then I realized that Ryan really represents that as well, because he is coming from an upper strata that most of our characters also don't really belong to. Except for maybe the president.

DEBORA: Well that was looking to bring in kind of a different color, which is someone who doesn't perhaps have the reverence for this place that all of our characters do.

HRISHI: But then you even kind of undercut that, which I love, because he does seem to be cavalier about the whole thing, and you just want to shake him and tell him to take it seriously, but then you find out from his uncle:

[West Wing episode 5.17 excerpt]

SENATOR PIERCE: Bugged me for two years to get him a job in this place.

[end excerpt]

JOSH: Also, I like the introduction of this bottle of scotch which Josh kind of waves off, and then it really pays off comically, and plot-wise, it actually pays off. Josh goes to it in a moment of panic, and drinking ensues, and things get done.

HRISHI: Yeah. I think what I love about him now, is that it turns out that he is a pretty complicated character, and I think that that has been emerging a little bit in the last couple of episodes, but I think we get it the most here, because we find out from the Senator, from his uncle, that he begged him to get him this job. But then also, you want to see him as this guy who doesn't care, and then you find out that he does, but then, with the things that he actually cares about, he actually only cares about the things that matter.

[West Wing episode 5.17 excerpt]

JOSH: I was a little brusque with you before, I'm sorry about that.

RYAN: OK.

JOSH: Your feelings a little hurt?

RYAN: Not at all.

JOSH: Really? Why not?

RYAN: Um, would this be easier if they were?

[end excerpt]

JOSH: As he himself says, he's a big picture guy.

DEBORA: [laughing]

HRISHI: Yeah. And it's infuriating but also admirable.

DEBORA: Yeah.

HRISHI: And all that stuff coming out in this episode, he's kind of dancing around the periphery. It's a great episode, as Josh said, for Ryan.

DEBORA: Yeah.

JOSH: How about the plot device of Donna's mother's cookies and the cover and the cats?

HRISHI: Yeah.

JOSH: Love it. Love it!

HRISHI: It's great.

JOSH: Where'd that come from?

HRISHI: First of all, your personal take on black eyed susan cookies - is that a dry cookie in your opinion?

DEBORA: No, it's not. It's a great cookie.

JOSH: [cross talk] No, she must have baked the hell out of 'em, yeah.

DEBORA: [cross talk] She's not good with the cookies.

JOSH: I have made those.

DEBORA: They're great.

JOSH: I don't remember that name.

HRISHI: Is the problem with Donna's mother's baking? Or is it with Josh's understanding of the cookie?

DEBORA: It's Donna's mother's baking, is the problem.

HRISHI: So Josh is right, it is a dry cookie. In this particular instance.

DEBORA: Yeah, I believe Allison Janney's mother would bake cookies and send masses of cookies to the set, and some of them would come to the writers in the writers' room, and they were really, really good.

HRISHI: Except they would cause stomach flu.

JOSH: Ha!

DEBORA: Unrelated. Unrelated to the cookies, probably related to like a salad at crafty. But she would send these amazing cookies, but that's where the idea for the cookies came from, that she had sent the cookies, and then my friend's mother has two cats named Shadrach and Meshach, [cross talk] who I think are two of the three kings?

JOSH: [cross talk] Oh true? And then Abednego would be the third.

DEBORA: Abednego, exactly.

HRISHI: I figured that was the cat that died.

JOSH: I was kind of thinking that too.

HRISHI: Yeah, that's what I thought.

JOSH: I was also felt that there was a kitty callback. Outside of the Oval Office, when Fiderer sprays Josh with the [cross talk] water bottle...

HRISHI: [cross talk] I thought that too!

JOSH: That's what I do to keep the cats off the counter.

HRISHI: Yeah!

DEBORA: I had a dog at the time, and I was trying to get him to stop eating the furniture, so I would spray him in the face with the water.

JOSH: [laughing] It's a fantastic moment, made all the more fantastic by a little stutter step that Toby does, like "I don't wanna get sprayed by water." It's a really funny reaction shot.

DEBORA: [laughing]

HRISHI: There's a line in this episode that I thought if we go back we could insert it in previous episodes so many times.

[West Wing episode 5.17 excerpt]

LANG: Josh Lyman is gesticulating wildly.

[excerpt ends]

JOSH: Yes! [laughing]

HRISHI: Applies to so many moments from the show.

JOSH: Yes!

DEBORA: And it makes me laugh out loud every time I see him, I mean it really is an absurd gesture that he does.

JOSH: It's ridiculous. It's very Brad.

DEBORA: He has just the most...The drunkest arms.

JOSH: [laughing]

HRISHI: [laughing]

JOSH: Brad Whitford drunk arm.

HRISHI: He played a pretty good drunk.

JOSH: Yeah, he did a good job.

DEBORA: Yeah, he did.

JOSH: He's talented, ultimately, that guy.

HRISHI: [laughing] One thing I appreciate is how all of the judges that we hear from are straight-shooters.

JOSH: I like Shelton!

HRISHI: Yeah, Shelton. I think he makes a great argument for a moderate judge. It doesn't sound very exciting when he says it, and I think that's part of what he's supposed to be doing, but really his argument is so sound. He says:

[West Wing episode 5.17 excerpt]

SHELTON: I'm not trying to be cagey, but I don't position myself on issues, and I don't know what I think about a case until I hear it. There are moderates who are called that because they are not activists. And there are moderates who are called that because sometimes they wind up on the left, and sometimes the right. But my allegiance to the eccentricities of a case will reliably outweigh my allegiance to any position you might wish I held.

[end excerpt]

JOSH: I know, I kept thinking, he's not a bad choice actually!

DEBORA: Right? Yeah!

HRISHI: Yeah, and I think that that gives so much power to that argument that Josh and Toby are having when Josh gets sprayed in the face, because it isn't like there is an obvious winning choice. I mean they are both making really salient points. Toby says:

[West Wing episode 5.17 excerpt]

TOBY: Moderate means temperate. It means responsible. It means thoughtful.

JOSH: It means cautious. It means unimaginative.

TOBY: It means being more concerned about making decisions than making history.

FIDERER: Indoor voices...

[end excerpt]

HRISHI: I just think the whole argument wouldn't be so weighty if we hadn't already heard from Shelton articulating his position and, at least for me, finding it really convincing, and compelling.

DEBORA: One of the things that was satisfying about this episode is being able to build so many arguments for different characters that all really made sense. And it was often the case but not always the case in *The West Wing* where you really... There was often some sort of outside villain, and then there was our West Wing crew. We had a point of view and it was about how are we going to strategically approach this problem. But here was really an opportunity to give so many different people a really smart, relatable stance on the same question.

JOSH: Mmm hmm.

DEBORA: And that I really felt like was the show at its best.

HRISHI: The one main argument I think that does ultimately puncture Shelton for me, was the one from Mulready, where he says, if you don't get Shelton then these other five Justices will still take care of centre, and then it felt like, OK, yeah, there are five centrist Justices on the bench, at least according to this conservative...

DEBORA: Those were the days! [laughing] Fun times!

HRISHI: Yeah. So why not make the big play here instead.

JOSH: There's some great dialogue in that scene between Mulready and Bartlet.

[West Wing episode 5.17 excerpt]

BARTLET: Plenty of good law written by the voices of moderation.

MULREADY: Who writes the extraordinary dissent? The man minority opinion whose time hasn't come, but twenty years later, some circuit court clerk digs it up at three in the morning. Brennan railing against censorship. Harlan's Jeremiad on Jim Crowe.

BARTLET: Maybe you some day?

[end excerpt]

JOSH: That's kind of brilliant.

HRISHI: Yeah. I was wondering if today we were watching the extraordinary descent of Brett Kavanaugh.

DEBORA: I don't know.

HRISHI: Sorry.

DEBORA: Railing about the Clinton conspiracy...

JOSH: Oh yeah

HRISHI: [laughing]

DEBORA: ...I'm not really sure that counts [cross talk] as the extraordinary dissent.

JOSH: [cross talk] That was a weird opening, of his statement, to be so nakedly plunged into politics.

HRISHI: For revenge on behalf of the Clintons.

JOSH: Yeah.

DEBORA: It sounded psychotic.

JOSH: Just you wait! There were elements to today that regardless on how you came down, not to minimize the importance of the accusations against him, but if you separated that entirely and just looked at the way he conducted himself, that was cause for concern.

DEBORA: That guy shouldn't be a judge! You take away the whole thing, and it's just, I can't remember the name of the senator who... the woman in the hot pink?

JOSH: Maizie Hirono, the senator from Hawaii.

DEBORA: Correct. She said to Kavanaugh, “Do you think that temperament is a quality we should be interested in, in a judge?” And he went “Wah wah wah wah wah.” And she went, “Just one more time, yes or no? Should we be interested in your temperament?”

HRISHI: I think that’s what I was trying to say about these judges is that they all present themselves as, despite their different ideological positions, left, right and center, people seem to be basing everything on the merits of a case. They aren’t bringing preconceived ideological ideas. One of my favorite parts is this moment, when Mulready is yanking Toby’s chain over DOMA, and Evelyn Baker Lang comes in and says, “He would defeat it faster than I would.” And he says, “It’s only because you’re lacking imagination.” But it’s because of the enumerated powers, and not because of his personal opinion about homosexuality. And in that opening statement from Brett Kavanaugh, I thought that certainly seems to be missing.

JOSH: Forget about how he actually feels, no sense that he has to couch...

HRISHI: Right!

JOSH: ...or hide naked political leanings.

HRISHI: Right! Yeah, for his own sake, or for the people on the judiciary committee.

JOSH: Right!

HRISHI: If anything, it maybe it was applauded because a lot of people agree.

JOSH: I suspect so.

HRISHI: One thing I was wondering about was if you all talked about Mendoza. He never comes up in this episode, but we already know that Mendoza has been put on the bench by the president. There’s only one sidelong reference where the president says:

[West Wing episode 5.17 excerpt]

BARTLET: Filling another seat on the court may be the only lasting thing I do in this office.

[end excerpt]

HRISHI: And just that one word, ‘another’, is really the only nod to the idea that we had the Mendoza storyline. Was there a decision to try and keep that out, like don’t make too many callbacks to past episodes?

JOSH: You’re already spending Glenn Close money, you don’t want to add Edward James Olmos money.

HRISHI: But hey, we had Crosby, Stills & Nash not appearing on camera, you can at least [cross talk] invoke the character.

JOSH: [cross talk] That's right, you can get the big guest stars and refer to them as off-camera presences.

DEBORA: I think we talked about it, I think we talked about if it added value to the story, or if it didn't. I don't completely remember but I think that there were some attempts to bring it in and it just didn't seem all that germane.

HRISHI: The main reason that I was thinking about it was just about this moment where the president talks about his legacy, and I thought "Wow, in one day he has upped his Supreme Court seats from one to three." He's now put three justices on the Supreme Court, which is...

JOSH: It's a lot.

DEBORA: A lot.

HRISHI: Yeah. What do you think about the move overall? Do you think that he should have gone with Shelton? As we discussed, he's certainly still a fine choice. [cross talk] Or do you prefer...

JOSH: [cross talk] I think I'm a Shelton man. I mean, I like the magic of the ending.

HRISHI: Yeah.

JOSH: I'm a sucker for the romance and magic of this episode and that final scene of the press conference and just very "Can't we all just get along?" It's a great moment. I love it. Yeah, and the practicality of it, I kept thinking, "Shelton's not bad."

DEBORA: [laughing]

HRISHI: Yeah. But Ashton very well could die before...

JOSH: Right, right. Milo O'Shea's on his...

HRISHI: Right. And so then they would have had, Toby's point is, they would have had a chance to get another, get two justices of their choosing in there. But again, in order to get somebody past, they might have to find somebody who cleaves a little closer to the middle.

JOSH: Well I guess one of the things I liked about the message of this episode, in these super polarized, bipartisan days, is that in a macro sense, they were almost doing the right thing. It's a nod towards what you found in the writers' room, which is occasional disagreement, but in the spirit of trying to get to the best of it, and I liked that about the whole Lang/Mulready plotline.

HRISHI: I'm not entirely sure I think that it is for the best to have two opposing viewpoints on opposite sides of the spectrum, clashing.

JOSH: I guess what I got from them, and you see it more in Mulready, but I guess you hope Lang would meet him in the same spirit, is that they were both, regardless of where they come from personally or political, that they're intent, and are fascinated by the idea of each case on its merits, and that they will argue in good spirit.

HRISHI: That's true. I have to take the spirit of this all the way through, in *The West Wing*, so that when they get a case, you might get a 5-4 decision where you've got Mulready and Lang on the [cross talk] same side.

JOSH: [cross talk] Right. That's how I took it.

HRISHI: Yeah. OK. Right, in the context of *The West Wing*, I think it's pretty cool.

DEBORA: And in the fantasy land of having five moderates, six moderates on the bench, then you can say, "Yes, this is a moment for the greatest minds of our generation to find their voice, on the court, either making decisions for their generation, or planting ideas for future generations." That's a glorious thing, it's not the far lefties, and far righties that we see today.

HRISHI: Yeah, that's well said.

JOSH: Yeah, very good point.

HRISHI: At one point you invoke through C.J. - evil twin Skippy? You're talking about Mulready, and he's Lang's evil twin Skippy. And I know evil twin Skippy from *Doonesbury*.

JOSH: Mmm.

DEBORA: I have no idea why I know evil twin Skippy. I only know it as a phrase, and I don't have any context for it.

HRISHI: I think one line from this episode that's pretty famous, Josh's take on Evelyn Baker Lang.

[West Wing episode 5.17 excerpt]

JOSH: I love her. I love her mind. I love her shoes.

[end excerpt]

JOSH: [laughing] That's a good line. A couplet.

DEBORA: You know it's one of those things you write and you have no sense of how it can metastasize, and I didn't have any sense of it until I found myself in a meeting with the costumers, and a row of shoes that Glenn had already approved.

JOSH: [laughing] Like, we gotta knock 'em out with these shoes!

DEBORA: And they were the most beautiful shoes that had ever appeared on *The West Wing*, and to me, it was one of those things that Josh was saying like, 'I love her from her nose to her toes', but suddenly she was a lady with really great footwear, and a big footwear budget.

JOSH: [laughing]

HRISHI: [laughing]

JOSH: Oh my god, that's hilarious.

DEBORA: I think there was a similar issue in the beginning of the episode when I think I wrote in the script that Josh is coming to work through a throng of protestors with hand-painted signs, and there was a 40-minute discussion on the meaning of the word 'throng', and was ten people a throng? Was a hundred people a throng? So I did not anticipate the way that that line would stick in the universe.

JOSH: Do you have a sense of the extent to which this episode is a fan favorite? Because it is.

DEBORA: I have some sense of it. There was a thread that showed up on the internet. It's my only internet thread that exists. Back in the day when Television Without Pity was...

JOSH: Yes!

DEBORA: ...the place. Before the blogosphere exploded, Television Without Pity was this very surprising place where people would talk about television, and who could imagine? And Aaron very famously got into fights...

JOSH: Benjamin!

DEBORA: ...which he regretted, with someone at Television Without Pity! And then there came this thread that was the Debora Cahn thread that was 'Love Her, Love Her Shoes.' [laughter] And I was like, hang on, it was about her mind!

HRISHI: Do you remember which shoes ended up being the ones chosen for her?

JOSH: And are they ever seen? You don't see a lot of shoes on TV.

DEBORA: Oh yeah, you see them.

JOSH: Oh, you do?

DEBORA: You see them, yeah. They were toe pumps.

JOSH: You know there's a great Allison Janney shoe gaffe, in the movie *The Big Night*.

DEBORA: A great movie.

JOSH: A great movie, and Allison of course is great in it. And if you google it, or maybe we'll link to it on the website, there's just a scene in which Allison has clearly changed into slippers, because they'll be more comfortable, and 'they'll never see my shoes', and you can see them.

HRISHI: [laughing]

DEBORA: That's great.

JOSH: It's pretty funny.

HRISHI: I also want to give a brief mention to something that Margaret Miller, another one of our editors on the show, mentioned, which is another C.J. choice. She took issue with the idea, this is not in this episode, but in the episode previous, C.J. wears White Shoulders, and Margaret, who is a perfume aficionado, wrote in a note to us: "C.J. would never wear a down market, aldehydic floral like White Shoulders. It's like they just spun a dial with perfume names on it and picked whatever one came up first."

JOSH: As indeed they probably did.

DEBORA: That probably was the case.

HRISHI: So I asked her, what would be your perfume choice for C.J.? And here's what Margaret said.

MARGARET: So this episode takes place in the early aughts, so for work I would think C.J. would be wearing something light and fresh, like Light Blue or L'eau D'issey, then today she's trying to be sexy, and I think she's someone who's pretty on trend usually. So Chanel's Coco Mademoiselle came out in 2001, and it is a lot sexier than White Shoulders. Which is basically the kind of thing you would wear if you wanted your suitor to think you'd never known the touch of human hands. Then of course, Toby would lose his chance to make a joke about his piano teacher, so if you wanted something a little bit older, I think C.J. would probably pick a classic, like good old Shalimar, or Mitsouko.

JOSH: Nice. Maybe we could put out a *West Wing* scent. I'm always looking to make some money off this thing.

DEBORA: [laughing] Musty Book, they call it.

HRISHI: We could call it Drawing Room Farce.

JOSH: Drawing Room Farts?

HRISHI: [laughing]

DEBORA: Oh!

JOSH: Wow! I like that. Oh, I like that.

HRISHI: I love when Toby has his own reaction to Mulready, it was sort of similar to Josh's reaction to Lang, I was kind of hoping it would really parallel. He says:

[West Wing episode 5.17 excerpt]

TOBY: I hate him! I hate him, but he's brilliant.

[excerpt ends]

HRISHI: I really wanted him to say "I hate his shoes."

DEBORA: [laughing] His shoes! That would have been so good!

JOSH: And then cut to him wearing just [cross talk] ridiculously, Mario and Luigi slippers.

DEBORA: [cross talk] That would have been so great! Those super pointy ones, that men wear that go on way past their toes.

JOSH: Right.

HRISHI: OK, this, I thought, was *West Wing* fantasy, though. Mulready cites Brennan as a model. I mean it's on censorship, but still, doesn't it seem like, "I get it, you're an even-handed guy, but now you're going to say, oh, of all the Chief Justices, he's going to be like, Brennan." It was cool though. I also loved the moment, I think the decisive moment that Mulready has to play, where he says...

JOSH: [sung to tune of "Let's Call the Whole Thing Off"] You say Mul-reedy, and I say Mul-raydy.

HRISHI: ...I like the moment where William Fichtner says to Martin Sheen:

[West Wing episode 5.17 excerpt]

MULREADY: We all have our roles to play, sir. Yours is to nominate someone who doesn't alienate people.

[end excerpt]

HRISHI: I think this, on top of what Ashland had already said to the president, about not stepping down because of the ambulance chasers that he could get confirmed. This is really the moment, I think you can see the president looks wounded in his reaction that, although it's said sort of benignly. I think he takes real...

DEBORA: Oh, I don't think it's said benignly. I think he knows that it's crushing.

HRISHI: Oh really?

DEBORA: Ah! He's devastated by how... It's this moment of honesty. He's been so, well not obsequious, but respectful, of even Toby in his own way, although he has very little patience for him in a way that's really fantastic. He's been respectful all the way through this process. And then he has this moment, where he really says what he thinks of this president.

HRISHI: So he doesn't think... It's what that he thinks of this president in particular, not of the nomination process?

DEBORA: No. I think it's his comments on what he knows this guy's going to do.

HRISHI: And certainly Ashland's comments were really pointed and personal, but this is, I think, the decisive moment for the president too. It is, I think, what helps him make up his mind that he's going to take the big swing.

DEBORA: So there was this thing that I'd completely forgotten, in *The West Wing* commentary, which you can go back and listen to. Bill Fichtner, when he first had his scenes with Toby, the two of them were so excited as actors, they were so excited to be in a room with each other.

JOSH: Ha! That's sweet.

DEBORA: That they were both really respectful of each other, and at a certain point Jessica walked over to Bill and whispered in his ear, "You're a lot smarter than this guy. And that's something that we almost never see on the series. You're smarter than him, and you know it. And this conversation takes about 4% of your brain, and it takes about 80% of his."

JOSH: Wow!

DEBORA: And then, Bill Fichtner starts checking his watch, and he's looking over Toby's shoulder, and suddenly the whole thing comes to life, and you see Richard fighting, then he's really in there, he's engaged, and he's trying to make his point, and he's frustrated and it's just fantastic.

JOSH: Great piece of direction!

HRISHI: Wow, that's great.

DEBORA: Jessica Yu.

HRISHI: I did think that in the moment with Charlie's confrontation with Mulready, I was like, "Oh, this is a real bit of education for Charlie." He thinks that he works in a building with the smartest people in the country, and then to have this person who he finds so distasteful, school him like that. I thought...

JOSH: In just a few lines.

HRISHI: Yeah, you can see the lightbulb turn on in Charlie's eyes.

DEBORA: You know, it was such a great interaction between the two of them, and then the line at the end where Charlie goes:

[West Wing episode 5.17 excerpt]

CHARLIE: Hang on, I gotta write this down.

[end excerpt]

DEBORA: It was just like, "Debora, why did you have to do that?" It's just so on the nose, and so over the top.

JOSH: I liked it!

DEBORA: We really should have just gotten out of the scene a little bit earlier. It was just too cheap.

JOSH: Interesting. I liked it when I watched it. Now I feel bad for liking it.

HRISHI: I want to talk about this one moment of predicting the future that you have. Toby says:

[West Wing episode 5.17 excerpt]

TOBY: We go out on some limb here, and alienate the Senate, they'll tread water for three years, and we get nobody. The next guy gets to fill Brady's seat.

[end excerpt]

JOSH: Yeah.

DEBORA: Yeah. Yeah. And it seemed absurd at the time.

JOSH: Right.

HRISHI: "Thought we were exaggerating." For *West Wing* fans, there are all these reminders, all the time in the news where we're like, "It's like that episode, or it's like this moment from that episode." When Merrick Garland had his nomination stalled out, did you think, "Well this is just like that line that I wrote?"

DEBORA: I did not remember that line that I wrote. Because it was a long time ago. It was always difficult to look at *The West Wing* and look at the world but there was a period of time where *The West Wing* was sort of a salve for that, and then we reached a period where it was just too painful to go back and look at it. And it started to feel tragically naive, and that was one of those moments.

HRISHI: I want to make sure we talk about one other thing we haven't touched on yet, which is the scene between Andi and Toby, which is not a huge part of the episode, which but has so much in it, and I thought was so well written and sharp. My wife and I actually paused to have a whole discussion about Andi's first comment to Toby when he comes into the office.

[West Wing episode 5.17 excerpt]

RINA: I thought it was your ex-wife.

TOBY: You didn't want to warn me about that?

RINA: You asked her to come in.

ANDI: She's cute.

[end excerpt]

HRISHI: And I paused, and I thought, I feel a little disappointed in Andi, that she would read something into the situation, that maybe there's something less than professional between Toby and Rina, and Lindsey said that she agreed, but she also... Then we just started talking about how even to the best of us, even to the most high-minded people, when things are that fraught, when you're coming in to see your ex-husband, and your ex-husband hasn't been paying attention to your kids, how it can just poison your judgement. I just loved that whole scene, and that exchange. It's a dynamic, we've seen them back and forth with each other, but there's always been a nice, Hepburn and Tracy kind of playfulness to it, but here it's just dark.

JOSH: It was also dark, I thought, and touching, or painful, that sort of suggestion that Toby's been a little bit of an absent father. Because we haven't really seen or really thought about them much.

[West Wing episode 5.17 excerpt]

ANDI: Is that all you've got? There's no 'what about the kids?'

TOBY: Did something happen?

ANDI: I'm going away for two weeks.

TOBY: Will they be...

ANDI: At my mother's.

TOBY: Good.

ANDI: Would you have asked?

[end excerpt]

JOSH: The last image I have of Toby and the kids is they're on the bed, and he's talking to them, and he's been so sweet, and seems to get everything about being a father. But of course a lot of being a parent is just being present, and maybe the job doesn't allow for it, or he hasn't prioritised it, but just a little hint, a little taste of that, in their conversation, I thought was very painful.

HRISHI: Yeah, he's slipped back a little bit.

JOSH: Mmm hmm.

DEBORA: When I went back and watched it, I was so impressed with Richard and the struggle that he goes through silently, looking for a way to answer that question.

JOSH: Yeah.

DEBORA: It was an extraordinary cast, and everybody knows that it was an extraordinary cast, but Peter Noah is one of the writers who came in in Season Five, and we got to be good friends, and he had been in the business for a long time, and he leaned over to me one day in the writers' room, and he said, "This is the best experience you'll ever have in your career." And it was my first job, it was the second year of my first job. And I was like "[expletive deleted] you, old man! I'm going to have a lot of great experiences in this industry. This is great, and I know it's great, but other good things will come." I have never seen or heard of a cast like that, again. And there were many incredible things about *The West Wing*, but primarily that you could be spending your day talking about the most important things in the world, but holy moly, that cast was breathtaking! You were breathtaking, Josh Malina. You were the new kid OK, and to me you're still the new kid.

JOSH: I like that!

DEBORA: And I remember the first time I heard about The West Wing Weekly, and I was like “Why is the new kid doing the podcast?” But then I realized that he was there for actually a number of years!

HRISHI: He was on the show pretty much as long as you were, starting from season four.

DEBORA: Almost exactly. And that was why it was funny, because...

JOSH: I’ll be honest though, I think throughout the entire experience I felt a little bit like the new kid.

DEBORA: Yeah.

JOSH: If you weren’t there at day one... But I also had moments too. I feel like someone else must have said something similar to me. I feel like I had that moment too, where I was like “Remember this, because I don’t think most jobs are like this.”

DEBORA: Well you and McCormack came in and just dove in the pool and just could swim as fast as everybody else. We may have given you crap for years, about being the new kid, or the outsider or whatever it was. But it was very, very clear that the two of you were of this place, and that caliber.

JOSH: I felt very welcome from the get-go too, I must say. Is this your favorite of your episodes?

DEBORA: “Drought Conditions” is my favorite of my episodes

JOSH: That’s a really good episode.

DEBORA: No, I liked this, I loved this episode. I mean, are you kidding me? So this episode changed my whole life.

JOSH: How?

DEBORA: It’s possible that my life was changing before then and I didn’t know it, but this episode changed my life. It gave me the confidence that I was supposed to be in this job, even though it was not obvious from the get-go that that was the case. It was a piece of writing that then became a calling card for me in the industry. I have continued to work since then, I became a person who you could bring impenetrable material to, and I would turn it into something that was hopefully entertaining, and that is what I have then spent my career largely doing.

JOSH: Is that how you would describe some of what you do on *Homeland*?

DEBORA: Uh yeah, absolutely. It's definitely dense. And it's very much the same kind of job. It doesn't have an interest, in the same way, in the lightness and the comedy that this show had, and I certainly miss that, but it does have that characteristic which I have really missed in many of the intervening years, of, talking about the most important things in the world.

HRISHI: Is it too hard to pick a favorite scene or favorite moment from this episode?

DEBORA: The things that I hate are the only things that I remember.

HRISHI: But rewatching?

DEBORA: So, rewatching, I love the conversation outside of Bartlet's office between Josh and Toby. I love when they talk about the pros and cons of a moderate and what that really means. I feel like it's the two of them at their best and at their smartest. The timing of the spraying with the water is a little bit off, and it makes me crazy.

JOSH: Ah, is it?

DEBORA: Josh, she sprays him in the face and he keeps speaking for like four more words. And I'm like, we've gotta do it again, so he's at the end of the line before the first spritz. And for whatever reason, I don't know if we just didn't get it, or we didn't want to use that take, but he keeps speaking, you don't keep speaking when somebody sprays you in the freaking face!

[West Wing episode 5.17 excerpt]

JOSH: Hagen's position, but he's a visionary. Blew the whole thing open, he changed the whole argument!

[end excerpt]

DEBORA: So I had a little bit of difficulty with that, but I do love that interchange between the two of them. Donna and the description of... really all of the references to the cats, I really like.

[West Wing episode 5.17 excerpt]

DONNA: After what was deemed an appropriate mourning period, they went to get a new one, and my mother liked the Abyssinian, and my father liked the grey, and they claimed that after 39 years of marriage they've outgrown compromise so they got both. That doesn't make them cat people. The house doesn't smell.

[end excerpt]

DEBORA: I love how Josh delivers the thing about how he starts to explain that Donna and her mother's cats gave him the idea, and then he decides that he thought it up in the shower.

HRISHI: [laughing] That's great!

JOSH: [laughing] That's a funny moment.

DEBORA: I like how Bartlet... Martin was so disciplined about having so little interest in this idea, that it's raised, it's brought up before him a number of times, and he's completely not into it. It's not even that he's not into it, he's just so dismissive of anything other than the pragmatic road forward. I love that every time it comes up, and you think, oh it's going to be a *West Wing* moment where he gets wind of it, and then he's just going to be taken with the whole idea, and then he's just not. He knows what he has to do, he doesn't have time for it. And Allison, that speech that Allison does.

[West Wing episode 5.17 excerpt]

C.J.: You think I like this? Keep this up, someone's going to take it to the press, and this bright woman's going to be a checkout counter spectacle. Get her out of the building.

[end excerpt]

DEBORA: And now that you know that she was just puking and feverish while she's giving it, and she just blazes through it, and it's so nuanced. Yeah.

HRISHI: Debora, thanks so much for joining us.

DEBORA: It was so fun hanging out with you guys.

HRISHI: That's it for this episode. Thanks to all of you for listening, thanks to our guest Debora Cahn; you can follow her on Twitter, although she's a reluctant Twitter user, @deboracahn. You can follow Josh @joshmalina, I'm @hrishihirway, and The West Wing Weekly is @westwingweekly.

JOSH: We haven't plugged your now-L.A. Times-written-up-for-the-umpteenth-time podcast Song Exploder - you can listen to that between West Wing Weekly episodes. West Wing Weekly remains a proud member of Radiotopia, a collection of fabulous podcast, about which you can find out more information at radiotopia.fm

HRISHI: Thanks so much to Zach McNeese, Margaret Miller, and Nick Song, for helping us make this episode. OK.

JOSH: OK.

DEBORA: What's next?

[Outro music]