

The West Wing Weekly  
3.13: Night Five  
Guests: Amy Carlson, Jamie Lynn Crofts, and Debora Verdier

[Intro Music]

JOSH: Hi ho. We're back with more *The West Wing Weekly*. I'm Joshua Malina.

HRISHI: My name's Hrishikesh Hirway. And today we're talking about Season 3 Episode 13, it's called "Night Five."

JOSH: It was written by Aaron Sorkin, it was directed by Christopher Misiano, and it first aired—here we go again—on February 6, 2002.

HRISHI: This episode was submitted for consideration for an Emmy nomination for Martin Sheen, it was submitted for a... Emmy nomination for Richard Schiff, and it was also part of the package that won *The West Wing* "Outstanding Drama."

JOSH: Huh. I wouldn't have submitted it for any of those.

HRISHI: [laughs]

JOSH: Would you have? That's a fine episode, but is it a particularly...is it the paragon of *West Wing* episodes? Is it a... an extraordinary example of Martin Sheen or Richard Schiff's work?

HRISHI: It is pretty hard to pick. I wouldn't pick this one for Toby. Maybe I'm with you on that. I did like Martin Sheen's performance in this, though.

JOSH: Oh, that, they're both great.

HRISHI: I mean, they're always great.

JOSH: Yeah.

HRISHI: But, jumping right in, I especially liked the delivery of his exchange at the beginning with Adam Arkin, who returns as Stanley Keyworth, when he says:

[West Wing Episode 3.13 excerpt]

*STANLEY: Josh was shot.*

*BARTLET: Me too.*

*STANLEY: Is that why you can't sleep?*

*BARTLET: How would I know?*

STANLEY: *It's a fair point.*

BARTLET: *Thank you.*

[end excerpt]

HRISHI: The way he says thank you at the end, I really like. Like he's cantankerous— I mean he's cranky, certainly— probably— because he hasn't slept.

JOSH: My overall takeaway from the episode was that I hope that Stanley has some clients who value his skills, who have respect for his profession. Because judging solely from the President and Josh Lyman... All right, we get it, you're gonna wrestle and wrestle and wrestle and then just vomit up your deepest and darkest...

HRISHI: [laughs] Yeah.

JOSH: I mean it's a little bit of— although again, I actually very much enjoyed their scenes— but we've seen this dynamic already.

HRISHI: A little bit. When the President says:

[West Wing Episode 3.13 excerpt]

BARTLET: *Yeah. We know you. You helped Josh out last year.*

[end excerpt]

HRISHI: He could have also added, "and so we know that you can deal with an [expletive deleted] for a client."

JOSH: [laughs] Yup. Lemme— let's go back to the cold open all together.

HRISHI: Yeah.

JOSH: There is an example of something— a Sorkinism that I like, in spite of itself— this whole thing with each person at some point asking Stanley the same question.

HRISHI: Mm hmm.

JOSH: It first comes out casually from Sam, and seems like just idle chit-chat.

[West Wing Episode 3.13 excerpt]

SAM: *Anybody you know on the plane?*

[end excerpt]

JOSH: Then, of course, we see that it's on everyone's mind, everyone's essentially posing the same question. Why do they care?

HRISHI: Why do they care?

JOSH: Yeah.

HRISHI: I think what the President says, you know, "It's an election year," he's like, "It's an election year, and with the MS thing, and everything, you know, me seeing a doctor, and you being a psychiatrist especially," I think they're worried about what it might imply if the President, in addition to having all these physical ailments, also needs a psychiatrist.

JOSH: Yes. Except that the second major thread of the cold open is that Stanley does not know why he's been brought to the White House, he thinks he's there to see Josh Lyman.

HRISHI: Right.

JOSH: So why the whole second part about "Does anyone know? Did he know?" First of all you would assume, as a professional, he's not going to reveal anything even if he does run into a friend.

HRISHI: Mm hmm.

JOSH: But second of all, and insurmountable I think in then trying to understand why they're obsessed with whether he ran into anyone he knew, he doesn't know why he's there. They've pulled the wool over his eyes. He thinks he's there to see Josh Lyman. So if he ran into a friend, and was a completely unprofessional therapist, he would say "Yeah, I'm going to see Josh Lyman, he got shot, and..." So there's no "there" there.

HRISHI: [laughs] I see that. I think that's perfectly valid. Because yeah, what kind of therapist would he be if he went around saying who his clients were?

JOSH: [laughs]. Yeah. I mean you'd think they could've also said to him, "Hey, the President would like to see you, don't tell anyone."

HRISHI: [laughs] Right.

JOSH: But having not done that, they're like, "We gotta lie to this guy altogether," and then they're still obsessively trying to figure out whether he spilled the beans about this thing he doesn't know.

HRISHI: The only person who doesn't ask him that, I think tellingly, is Josh. The person who actually has dealt with him the most. Josh says:

[West Wing Episode 3.13 excerpt]

*JOSH: Yeah, they want to know if you talked to anybody on the way here.*

*STANLEY: I didn't.*

*JOSH: I know.*

[end excerpt]

HRISHI: Like he's almost like, "Yeah, I get it, this is just everybody"— I think it's more like everybody's on edge, and less that everybody has this really—

JOSH: Well but they're all formulating the exact same question.

HRISHI: Yeah.

JOSH: It seems like they may have had a "cover your ass" conversation about like, you know— essentially it seems to me like if he said, "Yeah, I ran into a guy I went to high school with," they would then kill Stanley [laughs].

HRISHI: [laughs] Yup. No, I can't really defend that one.

JOSH: And even at the same time as I watch, and I realize it makes no sense, I still kind of [cross talk] get a kick out of it—

HRISHI: [cross talk] You like it.

JOSH: I do, yeah. In spite of itself, I still kind of like the way each iteration of the same question...

HRISHI: Mm hmm. Did you know where it was going? Did you remember this episode?

JOSH: No, no. Of course not.

HRISHI: Were you similarly surprised when it turned out that he wasn't there to see Josh?

JOSH: No. Well, I guess, I guess I couldn't tell you. Whether I think I was just clever enough to kind of figure it out pretty quickly, but maybe— I don't even know whether I've seen this before, to be honest.

HRISHI: Yeah.

JOSH: ...if I've seen this episode. I don't know. My brain is pudding. So yeah, I don't know.

HRISHI: But pretty quickly you figured out there was something else going on. That he was there to see the President.

JOSH: Yes. Actually I have to say, from the downbeat I got the sense that he was there to see the President [cross talk]. Because of where we left off last time.

HRISHI: [cross talk] Right. Yeah.

JOSH: Just the fact that I didn't know about the insomnia, or any specific thing, but the fact that we had such a significant burrowing into his psyche— into Bartlet's psyche— by Toby, I sort of off the top seeing him, and I thought, "Oh, somebody needs to have a chat."

HRISHI: Right.

JOSH: So it wasn't a huge reveal to me.

HRISHI: Mm hmm. A thing that happens in the cold open— or, rather, the transition from the cold open to the actual episode— that I don't think has ever happened before, which is it goes from the scene, into the opening titles, and then goes right back to the scene. The same scene, and just continuing—

JOSH: Right. Literally the next line of dialogue.

HRISHI: Exactly.

JOSH: Mm hmm.

HRISHI: That's something that we haven't seen before.

JOSH: Yeah, I noted that as well. That was— it's particularly enjoyable watching on Netflix without an actual commercial in between, it really kind of felt like "Where were we? Oh yeah, that's where we were."

HRISHI: Yeah.

JOSH: I did notice during the tour— and I wanted to throw out because it's been a while since I've given a book recommendation, or you have— during the also weird charade of giving Stanley a tour, just in case I guess they walk by someone else who knows who Stanley is, and that person surmises that he's there to see the President, on his little faux tour— or, I guess it's a real tour, for faux purposes— Josh Lyman mentions the Resolute Desk in the Oval Office.

HRISHI: Yeah. Yeah.

JOSH: And I did read an incredibly great book about how that desk came to be donated to the United States. To Rutherford B. Hayes, as Josh points out. There's a book called *Resolute: The Epic Search for the Northwest Passage and John Franklin, and the Discovery of the Queen's Ghost Ship*, by Martin W. Sandler. For some reason I love reading books about Arctic exploration and the search throughout the 1800s and on for the Northwest Passage. And there's a famous disappearance of ships under John Franklin, and then there are many many— maybe

even hundreds, but certainly tens and scores of— attempts to find out what happened to John Franklin, and I think his one hundred and twenty-eight men who disappeared never to be heard from again. And the Resolute was a ship sent on such a mission, and the Resolute itself—

HRISHI: Wow.

JOSH: Was frozen into Arctic ice, and ended up being discovered in the United States in U.S. waters, empty, as a ghost ship, sent back to Queen Victoria, and she had the timbers from the Resolute made into the Resolute Desk, that was then given to the United States. And this is an incredibly fascinating, exciting, mysterious book about all that.

HRISHI: Hmm. There was a movie that came out in 2002 called *Ghost Ship*, and I remember walking around UCLA's campus, near where I lived at the time, and there was a poster for it. I didn't know what the movie was, it was just a picture of a ship with like kind of a skull's face on the front of it, and I misread the tagline as the title. The tagline was "Sea Evil"— S-E-A- Evil— and I thought that was the title of the movie, and the title was the tagline. So for me, I read it as this movie "Sea Evil," and the tagline was "Ghost Ship."

JOSH: [laughs] It might have done better that way. How did it—

HRISHI: It cracked me up so much.

JOSH: Ghost ship.

HRISHI: But even after I realized that I had made the mistake, everything— my own mistake, but the idea that somebody's tagline would be "Ghost Ship."

JOSH: [laughs] I hope you saw the movie, after all that.

HRISHI: No.

JOSH: Aww.

HRISHI: [laughs] Maybe if it were about the Resolute Desk, I would've.

JOSH: Well. Maybe it was.

HRISHI: [laughs] I'll never know.

JOSH: [laughs] I guess not. You didn't see it.

HRISHI: Yup.

JOSH: Sir John Franklin, also known as "the Man Who Ate His Boots." And I think there's a book called *The Man Who Ate His Boots*. Another great book about Sir John Franklin.

HRISHI: He threw up afterwards. Thus giving rise to the term “booting.”

JOSH: Nice.

HRISHI: [laughs] Since we’ll probably cut all that stuff about the *Ghost Ship*, [cross talk] lemme give you this other digression.

JOSH: [cross talk] Why? Yeah. Sure. Ok.

HRISHI: I was thinking about how ornery the President was being to Stanley, and I was reminded of a time when I wanted to find a therapist. I didn’t have anything in particular that I wanted to discuss, but I just felt like it was something that I ought to do, or try, anyway. And so I had no experience with it, and I was just kind of trying different people out, from looking online, and I had a lot of trouble finding someone. I went through three different therapists that I tried, because I felt pretty sure that in order for it to work, for me, I needed to find someone who I was convinced was smarter than I was. Someone who could outsmart me, basically.

JOSH: Hmm. And it took a lot of people.

HRISHI: I went 0-for-3, and I wasn’t trying to be arrogant or something, but [cross talk] you know, I’d have a conversation—

JOSH: [cross talk] Too late.

HRISHI: [laughs] Yeah, exactly. They call me “Too-late Hill.”

JOSH: [laughs] Wow.

HRISHI: The whole premise of that is completely wrong. The idea that a therapist needs to be smarter than you. And even the idea of, like, how you determine somebody being smarter— you know, I was young and dumb, but I thought that that was what I needed.

JOSH: Well I can understand that, you’re putting it in plain language, but you wanted somebody that you believe is going to give you insights into yourself that you were not too stupid, but you’re unable to come to on your own, so it makes sense that you want to find somebody of pro—

HRISHI: Yeah. I mean I really didn’t understand what therapy was or what it could do, or how you use it. So I didn’t know. But yeah that was where I was coming from, and so watching the scene I was thinking, “God, imagine if the President feels the same way, that he needs to be able to be outsmarted by his therapist, that is a tall order.”

JOSH: Huh. Indeed. I was thinking, watching this, how much— I think, in fifteen years— societal attitudes towards mental health and towards help in that arena has changed. And—

HRISHI: Mm hmm.

JOSH: I would love to think that the President of the United States maybe lay down on a couch every now and then and discussed what's on his mind.

HRISHI: [cross talk] Absolutely.

JOSH: [cross talk] Like that seems like a very healthful approach to one of the most stressful jobs one could have.

HRISHI: Yeah.

JOSH: But you know, this whole "to-do" in order to kind of usher him in the back door, lest anybody discover that the President is going to see a therapist— what is Stanley? I don't— what's the right nomenclature? Is he a—

HRISHI: He's a psychiatrist.

JOSH: A psychiatrist.

HRISHI: Yeah.

JOSH: I think also speaks to— I mean again, it's the President, and again as President Bartlet puts it, there's a lot going on, and maybe throwing this into the mix would be something they'd like to avoid, I get it, but I also think fifteen years later it's a little bit less loaded.

HRISHI: I'd like to think so. What else happens in this episode?

JOSH: Well, we've got another intense, yet largely— almost entirely, in terms of the action— off-screen subplot with this reporter, who has been kidnapped.

HRISHI: Another off-screen Billy.

JOSH: There you go.

HRISHI: This is Billy Price, who's been abducted in the Congo.

JOSH: By the Mai-Mai.

HRISHI: I thought it's really telling, the way— there's this little detail when they finally get the Congolese attaché to come to the White House. Leo introduces him, and gets his name wrong.

[West Wing Episode 3.13 excerpt]

*LEO: This is McKennan Loboko, the Congolese attaché.*

*LOBOKO: McKonnen.*

*LEO: I'm sorry.*



[end excerpt]

HRISHI: Like just that little detail, before we've even gotten into the real heart of the issue, I thought was a nice foreshadowing of what the dynamic was going to be between these people.

JOSH: Yeah, I absolutely agree. A great, almost throwaway moment, but that does color the ensuing conversation. And in a sense, to me, the way it landed— I was surprised how, I guess, disrespectfully he's treated by C.J. and Leo. [cross talk] They really just kind of lay into this guy.

HRISHI: [cross talk] Yeah. Yeah.

JOSH: In a way that surprised me. So there's this slight little moment of sort of cultural misunderstanding, or, like, hey, he didn't— again, I wish you would go to the trouble of learning my name.

HRISHI: Right.

JOSH: And then I think it's sort of continued in their attitude towards him, especially from C.J. I was surprised that she would speak to an attaché— she's just like very bottom line, "How much money is it gonna take and where does it go?"

HRISHI: And the Congolese government:

[West Wing Episode 3.13 excerpt]

*C.J.: The Congolese government is a myth.*

[end excerpt]

JOSH: Yeah. I'm like, "Wow, don't you function in a sphere of more diplomatic interaction?" And then Leo kind of backs her up.

HRISHI: Yeah. And it's interesting to juxtapose this kind of really brusque— I don't know if you can even call it diplomacy, at this point— with the speech that Toby is writing, and then his discussion with Congresswoman Wyatt. Similarly, there seems to be very little patience for foreign governments that the U.S. doesn't see as, you know, as allies, or really sharing the same values.

JOSH: Yeah. Is Toby...? This is one of the reasons why I was wondering— I was maybe a little surprised that Richard would choose this episode to submit to the Emmys. Toby strikes me as acting a little bit out of character, as far as I've come to know him, in this episode.

HRISHI: I completely agree. You know, in the argument with Andy, he takes on this really jingoistic attitude, even in just the way that he phrases his views. It's not just the views themselves, and it's not even, like, really just the language within the statement. He says, you know, they have the line "the crushing yoke of Islamic fundamentalism." He says things like:

[ *West Wing* Episode 3.13 excerpt]

TOBY: *But they're coming for us now, so it's time to saddle up. That freedom and democracy are coming soon to a theater near them, so get dressed.*

[end excerpt]

HRISHI: He wasn't writing a speech for the President, he was writing for John McClane in *Die Hard* , and the opening line to the U.N. was going to be "Yippie ki yay, mother [expletive deleted]."

JOSH: Right, this feels like Act III of *Ghost Ship* .

HRISHI: [laughs] Exactly. He sees evil.

JOSH: And is it "they'll thank us when we win?" Is that— what does he keep repeating?

HRISHI: "They'll like us [cross talk] when we win."

JOSH: [cross talk] "They'll like us when we win." I mean he might as well, I guess he could just start jumping up and down and yelling "Might makes right! Might makes right!"

HRISHI: Right.

JOSH: It just seems un-Toby-like. I mean I'm not sure this feels like the face of the Bartlet administration to me all together, but for Toby specifically to be the one digging in with such bellicosity, if that's a word, extreme nature of his language, and how emphatic he is about it, just surprised me. And I'm like, "Wait a minute, this is not the Toby Ziegler I know."

HRISHI: Yeah. Andrea's objection to the speech is that they are painting Islam with a broad brush. In a speech to the U.N., in this international setting, they're gonna anger a lot of allies because they're making generalizations and painting Islamic fundamentalism as this proxy for terrorism, too. In this episode, you know, 9/11 hasn't happened in the actual world of *The West Wing* , but clearly this is a speech born out of post-9/11 feelings.

JOSH: Exactly.

HRISHI: But so it's hard for me to reconcile that kind of language coming from Toby, who is also the same person who objected to Leo about the nuance of the Pledge of Allegiance. Do you remember this?

JOSH: Mm hmm.

HRISHI: In "Shibboleth," it's about Leo's sister becoming the Secretary of Education. And they're talking about prayer in schools.

[ *West Wing* Episode 2.08 Excerpt]

*TOBY: It's the fourth grader, who gets his ass kicked at recess because he sat out the voluntary prayer in homeroom. It's another way of making kids different from other kids. And they're required by law to be there. That's why you want it front and center. The fourth grader. That's the prize.*

[end excerpt]

HRISHI: He's thinking about that child, but is he thinking about the Muslim fourth grader? When he's putting forth all the reasons why this speech is important? Like I think that his jingoism—the reason why it's problematic, is not because Islamic fundamentalism is not worthy of objection, or is completely without merit— to argue that it leads to or condones terrorist acts or militant action. But the problem is when the President talks about Islam that way, with a broad brush, then Americans hear it. And they think of Islam, or whatever with a broad brush, as well.

JOSH: Yeah no, indeed. And I think there is actually merit to much of what Toby says, and points that he makes in his discussion with Congresswoman Wyatt. But he's verging on Islamophobia in his resistance to...and we'll give him— we get a little Toby buy-back in the end, he says:

[*West Wing* Episode 3.13 Excerpt]

*TOBY: Let me take another look at the softer language.*

[end excerpt]

JOSH: In other words, what she's suggesting is not a bad idea. It's a hedge against the kind of language he hopes to use. It would make explicit the distinctions that Toby feels are implicit in what he's saying. I think he says "Islamic fanaticism," is how he words it.

HRISHI: Oh, is it "fanaticism," not "fundamentalism?"

JOSH: That's my memory from the episode. I believe so.

HRISHI: Yeah. Yes you're right.

[*West Wing* Episode 3.13 Excerpt]

*ANDY: "The crushing yoke of Islamic fanaticism."*

[end excerpt]

HRISHI: Which is, in some ways, is even more problematic because "fundamentalism" at least in some ways is a known entity, but "fanaticism" is even broader.

JOSH: Yes, it is broader. Exactly. And what she essentially is suggesting, whether or not, you know, her language that she's come up with these other guys is right on, the concept of it is to make explicit the distinction that Toby feels is implicit in what he's already written.

HRISHI: Yes.

JOSH: And I think it's actually a very good idea. And to his credit, I think maybe he comes around to her point— I mean, he at least says “leave it, let me take another look at it.” And I think he's getting the point.

HRISHI: Yeah.

JOSH: But I'm surprised to see such a whipped-up Toby, to see him in those terms.

HRISHI: Right. He's not really been the hawkish voice in the administration. In fact, he's probably the furthest left of everybody in the administration.

JOSH: Yeah, he seems to me the least likely to iterate his position with “they'll like us when we win.”

HRISHI: Right. It's interesting because as much as we've shown how there are parallels between the Clinton White House and the Bartlet White House, this is really an explicit endorsement, really, of George W. Bush-era policy.

JOSH: Well, which is why— I think you— maybe we skipped past it pretty quickly, but your point that this is post-9/11 real world can't be ignored. It's kind of a foot in each world. We've got a *West Wing* world where things— sort of amorphous “things”— seem to have happened, and we've had a special episode that also had an amorphous “thing.” But 9/11 hasn't necessarily happened, but I think Aaron's writing from a perspective of post-9/11, “where do we settle, in this sort of new world— this new ‘they're coming for us’ world?”

HRISHI: Mm hmm. So I read a piece in *The Journal of American Culture* — it was written by two authors, Rachel Gans-Boriskin and Russ Tisinger— I don't know if I'm— I'm not pronouncing this correctly.

JOSH: McKonnen.

HRISHI: But the article is called “The Bushlet Administration: Terrorism and War on The West Wing.”

JOSH: Hmm.

HRISHI: It's a pretty interesting analysis of *The West Wing* , and how it ended up in some ways actually being even more hawkish than what the Bush administration was saying in 2002 and 2003. There was one line in this that I really liked, where they described it as “an entertainment environment in which reality makes frequent guest appearances.”

JOSH: Well put.

HRISHI: And what you were saying just now made me think of that. That we know something has happened, but it's not like— reality doesn't have a starring role in this.

JOSH: Yeah. It's an occasional guest star.

HRISHI: Yeah. I also was thinking about President Obama, and the use of "Islamic terrorism."

JOSH: Mm hmm.

HRISHI: Comparing these two is a little bit like comparing apples and oranges. I'm glad I went back and looked at this. Here's an exchange where he was asked why he still refused to use the term "Islamic terrorist," and he called it sort of a "manufactured issue."

[CNN Presidential Town Hall audio excerpt, Sept. 2016]

*OBAMA: What I have been careful about, when I describe these issues, is to make sure that we do not lump these murderers into the billion Muslims that exist around the world, including in this country, who are peaceful. Who are responsible. Who, in this country, are our fellow troops. And police officers. And firefighters, and teachers, and neighbors. And friends.*

[end excerpt]

JOSH: Well said.

HRISHI: I think this is the point that Andy is trying to get Toby towards, and it's— it is a little surprising that he's not already there.

JOSH: Yeah. Although I thought of President Obama as well, because language does matter, and nuance matters, and there were times when I was disappointed with characterizations. I remember a specific attack on a Kosher market in France that, at a certain point, the President referred to as "random violence." Then that did get my back up.

HRISHI: Yeah.

JOSH: At the time. So I was thinking, well, is it random—

HRISHI: Yeah.

JOSH: When people are murdered at a Kosher market? This wasn't a random attack. And so I think the conversation and the argument about the language is important, and vital, ultimately, because the language is important. So I like that it's brought up. I was surprised, in a way, about who's taking what position in the episode. But it's an important discussion.

HRISHI: Yeah. There was one other part to that “Bushlet Administration” piece that I liked. They said *The West Wing* – and here’s the quote– “frames terrorism as a problem that’s dealt with by real, emotional, fallible human beings rather than by institutional, governmental, organizational entities.” And that, I think– part of what makes this compelling and also frustrating in its own way, is that you see it through the lens of Toby, where it is a guy– like the kind of anger, and the vitriol, that’s going into this gives it life. It makes it smaller, but it also makes it more real.

JOSH: Yeah. And you know, I also felt there was maybe a hint of Toby, in a macro sense, is having frustration with the two Bartlets, and with Uncle Fluffy, and he wants, I think, on a host of issues, Bartlet to call it as he sees it. And he wants a more extreme, edgier, stronger approach from Bartlet all together. And this one maybe is a little bit getting away from him, in this particular iteration of that desire.

HRISHI: Yeah. There’s a line that Toby has, when he’s objecting to Andy’s suggestion of “be nice to the Arab world.” He says:

[*West Wing* Episode 3.13 Excerpt]

*TOBY: How 'bout two weeks ago, in the State of the Union, when the President praised the Islamic people as faithful and hardworking, only to be denounced in the Arab press as knowing nothing about Islam?*

[end excerpt]

HRISHI: And this one sentence, I think, is actually– there’s a lot in that. And I think a lot can be extrapolated beyond just this specific issue. I think the thing that Toby’s having a hard time accepting is something that happens a lot, which is that you can say something in support of an idea or in support of a community, and still be wrong. Like you can be on someone’s side, trying to be an ally, and still get it wrong. And if your reaction to getting it wrong is–

JOSH: Ahh, [expletive deleted] it.

HRISHI: Yeah, what the hell? You know, like, “You guys are jerks.” Like, “I said the nice thing.”

JOSH: “I’m going to say what I really think now.”

HRISHI: Yeah. It shows how thin the support really is. And I feel like that exists a little bit later too, in the episode, once we wander into the minefield of the Ainsley/Sam scenario. But just in general, I think that really indicates something, that Toby’s like “Look, we said we thought you guys were nice, and then you still said you thought we don’t know anything about Islam.” And you write this– all it does is prove that maybe, actually, the press was right.

JOSH: [cross talk] Right. Right.

HRISHI: [cross talk] You don't know anything about it. So maybe just shut up and be like, "Ok, like, we hear you, what can we do to learn more?"

JOSH: Yeah. Maybe we need to listen a little bit more.

HRISHI: Yeah.

JOSH: I did write one, though— one of my all-time, I feel like, favorite lines— not that I remembered, I may never have heard it before—

HRISHI: [laughs] Yeah.

JOSH: But it shot right to the top as I watched this episode, which I love, is Stanley saying to the President:

[*West Wing* Episode 3.13 Excerpt]

*STANLEY: Screw around if you want. But it's your money, it's about to be my money, and I sleep fine.*

[end excerpt]

HRISHI: [cross talk] I love it so much.

JOSH: [cross talk] Ooooh, that is such good writing.

HRISHI: Yeah.

JOSH: Aww, man. And—

HRISHI: And his delivery of it.

JOSH: Adam Arkin's fantastic, yeah.

HRISHI: Yeah.

JOSH: He's great.

HRISHI: When you were saying earlier, like, "I hope he has some patients who appreciate and value him," I was thinking, "either way, he's got this attitude pretty down pat."

JOSH: That's true. He— you're right. He seems as if maybe he only has people who think he's worthless and charges too much.

HRISHI: [laughs] Right. Richard's lines that he has to deliver as Toby... one reason I can imagine submitting this is because he has to say a whole lot. Like this is a monster scene, in

terms of the amount of dialogue that he has to deliver, and I can't imagine that this would have been an easy one to film.

JOSH: No, I think not. Yeah. He also, as I'm watching Richard more and more, this is— you know, I'm assuming he doesn't listen to the podcast, because you don't want to hear people— you don't want to become aware of your own little idiosyncrasies as an actor.

HRISHI: Right.

JOSH: But one of his, as Toby, anyway, is that he's always eating a little treat. Sometimes he's actually eating a little treat, and even when there's nothing in his mouth, he's eating a little treat.

HRISHI: [laughs]

JOSH: [laughs] It's like he's so in his head, he's— he literally is chewing over his thoughts.

HRISHI: Yes. Yeah.

JOSH: [laughs] He has— I love his physicality. There's also— there's a scene where Leo's taking his fifth, and then sixth, looks at what Toby has written, he says:

[*West Wing* Episode 3.13 Excerpt]

*LEO: Toby.*

*TOBY: Yeah.*

*LEO: The pacing.*

[end excerpt]

HRISHI: [laughs] Right.

JOSH: And then he comes to a standstill, and he's kind of pacing in place. He's kind of— [cross talk] he can't stop moving. Like he's "placing".

HRISHI: [cross talk] Yeah.

JOSH: And then later when Leo's like "now the standing still's bothering me." And he has to sit down. It's just like— there's an energy and a jitteriness to Richard's performance that I love.

HRISHI: Yeah. Sam describes it as him "banging around," and it really— it's a wonderful description of it.

JOSH: Yeah.



HRISHI: And then he's like

[*West Wing* Episode 3.13 Excerpt]

TOBY: *This is the fifth time you're reading it, are there words in there you don't understand?*

[end excerpt]

HRISHI: And then Leo just gives him the look, does in a beautiful look of death, and then he— Toby's like, actually seems to be reasoning with himself. "Well of course not, [cross talk] because you wouldn't rise to a position like yours—

JOSH: [cross talk] Your job.

HRISHI: [laughs] So Toby— you know, that line that I mentioned that Toby cites the State of the Union that we had just recently seen, two weeks ago the President had delivered the State of the Union. In real life, this aired on February 6. The President, George W. Bush, had just delivered a State of the Union the week before. And it was in that State of the Union that I think he coined the term "the Axis of Evil."

JOSH: Really?

HRISHI: In this speech he invoked North Korea, Iran, and Iraq as the "Axis of Evil."

JOSH: Yeah, it was right then. Very good.

HRISHI: "States like these and their terrorist allies." So they really are kind of in lockstep with the rhetoric coming out of the Bush administration.

JOSH: Right.

HRISHI: At least on this one specific point. A lot of other things they're certainly...not...[cross talk] in lockstep with, but—

JOSH: [cross talk] Indeed.

HRISHI: So in this episode, Alanna Ubach is in *The West Wing*, and I almost said "she returns in this episode," because she was also in *Sports Night*.

JOSH: Yes. That's right.

HRISHI: She plays Dan Rydell's publicist, the one who tapes Felicity.

JOSH: Mm hmm. I played a very tiny role in a movie she did, also, called *Clockwatchers*.

HRISHI: Oh, yeah! With Stanley Tucci.

JOSH: Was he? [cross talk] No.

HRISHI: [cross talk] No. With– no, with Hope Davis.

JOSH: Maybe.

HRISHI: [laughs]

JOSH: I know Lisa Kudrow's in it.

HRISHI: Oh, with Felicity– with Kudrow! You understand why I said Hope Davis, instead of Lisa Kudrow..

JOSH: I know, I was willing to accept that they were both in it. I wasn't even sure. Who remembers this stuff?

HRISHI: Stanley Tucci and Hope Davis were in a movie from 1996 called *[The] Daytrippers* .

JOSH: Huh. And this is *Clockwatchers* from [cross talk] '97.

HRISHI: [cross talk] This is *Clockwatchers* from '97. And I think of them in the same breath.

JOSH: It's interesting. See, that's the kind of mistake I would never make because my mind is not as efficient as yours. I don't have that kind of raw data sloshing around in my cranium.

HRISHI: I forgot that you were in that movie.

JOSH: I had a very small role. I played the receptionist at the office, it was a rather unimpressive film appearance. As are many of mine.

HRISHI: [laughs] But so here she plays Celia, and I think it's fair to say that this is an infamous scene in *The West Wing* .

[*West Wing* Episode 3.13 Excerpt]

*SAM: Whoa, nelly.*

*AINSLEY: Hello.*

*SAM: Hayes, you could make a good dog break his leash.*

[end excerpt]

HRISHI: So... This was– I tried canvassing our listeners to find out if there was someone, or someones– some-one– who might have some experience with sexual harassment litigation.

JOSH: Mm hmm.

HRISHI: And just to get their take on this scene. I really– I was nervous about talking about this episode, because I feel like this is one that... I don't know, I wasn't exactly sure how to talk about it.

JOSH: We're always going to get our asses handed to us, any time we discuss– any time it's another two guys talk about feminism seen.

HRISHI: [laughs] Well, I emailed with three different attorneys–

JOSH: Pick the woman!

HRISHI: I emailed with three different attorneys, all of whom are women–

JOSH: I hope you're going to respond to all the other people who wrote in, because we get a lot of them, or are we just ignoring them?

HRISHI: There are probably too many to respond to, which is wonderful, thank you so much for writing to us. But in the limited amount of time that we had, I only got to exchange emails with three of them.

JOSH: There's your response.

HRISHI: [laughs] There's my response, yeah, exactly. But so there's...basically, I was wondering, does this count as sexual harassment? Celia lodges a complaint sort of informally. She says to Sam, "Hey, this offended me, you demeaned Ainsley," and in the context of the episode the whole thing is pretty much resolved here. But I was just wondering what that would be like, you know, if someone were to go to H.R. or something in another workplace scenario, what would actually happen? And it turns out, that probably nothing would happen.

JOSH: Oh, interesting.

HRISHI: We're going to do something different here. I thought it would be cool to try and bring in a few *West Wing Weekly* listeners who have some expertise in this area specifically. So we have three listeners with us right now, and they're going to introduce themselves. Jamie, Debora, and Amy, and I'm going to have them introduce themselves. Amy, why don't you start?

AMY: Thank you. My name is Amy Carlson, I'm a partner at Employment Rights Attorneys in San Jose, and I've been practicing employment law for over ten years. Right now, we represent employees in their workplace disputes, and employers– very small employers, small businesses.

HRISHI: Debora, how about you?

DEBORA: My name is Debora Verdier, and I'm a partner at the law firm Manning and Kass, I work in the Arizona office of that firm. And we defend employers in sexual harassment suits and

other employment law cases as well. I've been practicing law for twenty years, and doing employment for the past ten.

HRISHI: And Jamie?

JAMIE: My name is Jamie Lynn Crofts, and I'm the legal director for the ACLU of West Virginia. ACLU stands for American Civil Liberties Union, and we work to represent people when their civil rights or constitutional rights have been violated by the government. So, sexual harassment, when done within a government office, is kind of right up my alley.

HRISHI: One thing that I asked all of you when you emailed in was if what Sam says could count as sexual harassment, just because I know nothing about this stuff. All three of you said that no, it really probably wouldn't. Jamie, can you start us off- why wouldn't it?

JAMIE: Right. So, for something to be sexual harassment, usually courts will look to see whether something was either really, really bad, if it's something that just happened one time, like a sexual assault or an attempted sexual assault in the workplace. And if it's, you know, it's something like this where it's comments, it's not physical, just a one time thing probably isn't going to be enough to actually be called sexual harassment. It can, however, be used as evidence if someone is trying to show that over time these types of comments created what's called a hostile workplace.

HRISHI: Amy, Debora, does that sound right to you? Does that feel like that matches with your assessment?

AMY: This is Amy. Yes, it's very much the same as what I would've said. At least in California, and in most of- under federal cases, the severe or pervasive aspect of it is really hard to get. There are so many cases where something, to us, would seem severe, and it turns out that courts don't believe that it was severe enough, believe it or not.

HRISHI: Debora, you said that even though this wouldn't really qualify as harassment, the power thing is big. And I was wondering if you could talk about that part of it.

DEBORA: Sure. A comment of a sexual nature between colleagues or coworkers who are of the same level is different than a comment from a supervisor to a subordinate. And even if it's not a direct report. So I think that in this context, Ainsley doesn't report directly to Sam, you know, she reports to...Tribbi? I think? But Sam has more power than she does. For example, Sam had the power to get her fired, if he wanted to. I agree with the others, that I don't think this comment would qualify as a hostile work environment, but I am a little cautious of the fact that Sam is a more powerful person than her within the organization.

HRISHI: Clearly, Ainsley doesn't have an issue with what was said. The complaint really is coming from Celia. But I wasn't sure how that works, too. As employment attorneys, what happens when someone complains about a comment that was made even if it wasn't directed towards them? Debora, will you start us again, now?

DEBORA: Sure. The fact that the target of the comment herself was not offended makes a difference. But that doesn't mean that Celia could not have a claim for being subject to listening to comments directed at others; it has to be severe or pervasive, and this one errant comment is not likely to rise to the level of a claim. But I wanted to clarify that a comment of a sexually charged nature can be offensive, if pervasive and severe enough, and if it's a daily thing. For example, to create a sexually charged environment such that somebody who isn't the target of the comments can still have a claim.

HRISHI: Mm hmm. Jamie, in a government office, what if the comments were different? Like what if instead of having a sexual overtone, what if they had a racial overtone? And again, the person who was the— who they were directed to didn't have an issue with it at all, but someone else who was in the office overheard it? I'm wondering, do comments that are about sex or potential sexual harassment, do they have a different standard than other potentially harassing comments?

JAMIE: Technically, it's all the same standard, because this is all coming from Title VII of the Civil Rights Act of 1964. And, so, courts purport to use the same standard, whether the discrimination or harassment in question is based on sex, race, national origin, or religion. The problem is, in practice, that can be really hard to do. And sexual harassment claims in particular can be very hard to document. Particularly because most people aren't— you know, video or audio recording their workplaces. And when you put words on paper, it can be harder to tell if there was a sexual undertone to something. For example, if someone is using racial slurs, that's very obvious, whereas there are much more subtle ways to discriminate against people that can be harder to prove in court.

HRISHI: Amy, all three of you have used the term "reasonable." And I was just wondering, how is that adjudicated— "reasonability?"

AMY: Yeah, I was going to point this out, that in the Ninth Circuit, and in California, it's actually the "reasonable victim," or a "reasonable woman," depending... you know, obviously, a lot of this happens to women. So they don't use the "reasonable person" because they want to look at it from the perspective of somebody who could take offense. And I just had this conversation with somebody the other day, I said, "I don't know, I still want to meet the 'reasonable woman.' I want to meet this person." Because I don't know, even since law school, I still don't know who this person is. Because what I take offense to— you know, it takes a lot to offend me. But then, you know, as Celia pointed out, it was offensive. And also, I want to add on a little bit to this, that if Sam had said, as she walked away, you know, "Nice rear end," or whatever, that would've been a completely different scene, and a different conversation. Now, what is the difference between him saying "Whoa, I—" you know, "I didn't even see that thing from the back," or, you know, "Nice ass," or whatever?

HRISHI: Yeah.

AMY: You know, now you're talking, "Well, that's offensive." You know, it's offensive to a good, you know, chunk of people. But why are the two words different? Why is that a completely different scene? So when you're talking about "reasonable person," I don't know. I don't know who that person is, or "reasonable woman." I don't know who that is.

HRISHI: But it's still somehow this mutually agreed upon—

AMY: Yes.

HRISHI: The totally ambiguous idea, that—

AMY: It's absolutely— [cross talk] it is.

HRISHI: [cross talk] This hinges on.

AMY: Yeah. And it happens in a lot of different aspects of the law, is "the reasonably prudent person" would enter into this contract, or whatever. And, you know, you've got twelve people who make that decision for you.

HRISHI: I was wondering, for any of you, does your professional experience and background color how you watch the episode? Or does that part of your brain get pushed aside as you just sort of... watching your favorite show?

JAMIE: For me, I found rewatching this episode really, really interesting. When I first watched it, I think I was about nineteen, and I didn't really like Celia, I had never worked in a professional workplace. You know, obviously everyone loves Sam, but when I rewatch it now as a woman who has been in a professional workplace for a number of years, and has been in situations like this, I do view it a lot differently. And one thing that really stuck out to me with the episode was Sam's second interaction with Ainsley, where she's back in his office, she's changed out of the dress, but he basically, like, brings up the comment again, elaborates on it, and keeps trying to bring the conversation back to that, when Ainsley keeps trying to bring the conversation back to work. And that really stuck out to me because that is exactly what I would probably do in that situation.

HRISHI: Just try and bring it back to work.

JAMIE: Yup.

HRISHI: I'm not asking you guys to out anybody, but I was wondering if, in your work as lawyers dealing with potential sexual harassment cases, you also experience sexual harassment?

AMY: I can say yes, to that. Absolutely. And— this is Amy— I, you know, yeah. It happens, whether it's overt, or subtle, it's there.

HRISHI: And do you have to run through these standards in your own head, of like, "Do I actually say something about it now?" Or, look—

AMY: Yeah.

HRISHI: Do you kind of look at the person, being like, “Do you actually even know who you’re talking to? Do you know what I’m capable of?”

AMY: [laughs] Yeah. Exactly. No, and it– ironically, you know, I had been working at an employment firm, when it– and it was kind of just a little odd. You know, where you think, “Umm, you– you do know what we practice here, right?”

DEBORA: Well, I mean, from my perspective, I think we need to look at it as almost kind of like what Ainsley said, which is, “I think we should be worried about the–” what does she say, “the honest-to-goodness sexual harassment,” that’s that kind of moving “reasonable woman” standard. You tend to get pretty thick skin as an employment lawyer. You have to say certain words in front of juries and do so with a straight face, and be serious about it. And so I think we tend to get a little bit difficult to offend, so to speak. Because we’ve seen it all, and we’ve heard it all. So by comparison what we go through isn’t as bad.

HRISHI: Well you seem like three reasonable women. I’m wondering how you feel about that comment that Ainsley makes, that this is taking away attention from the real issues, including honest-to-God sexual harassment. She is shutting down Celia in that moment by saying, like, “Look, this isn’t harassment, because I don’t think it is. And therefore it isn’t. And,” you know, “there’s a standard by which harassment should be judged, and this doesn’t qualify.”

DEBORA: Well, I mean– this is Debora– I get asked this question a lot, which is, you know, “How do you, as a woman– as a feminist– go into court and defend these harassers?” And my response is always, that, you know, “there are a lot of Celias in the world, who bring claims that are baseless, they’re very costly to employers, and in my mind, it devalues the honest-to-goodness sexual harassment cases that are out there.” I think in this context, I don’t think that Sam is the bad guy. I don’t think there’s a hostile work environment going on in the White House. In this scene, I think Celia is what we would call a “hypersensitive person.” And they tend to bring claims. And these claims gum up the system, and make it difficult for people who are victims of honest-to-goodness sexual harassment.

HRISHI: Amy, let me ask you– do you agree with that characterization?

AMY: I absolutely agree with her. You know, there are cases of sexual harassment out there. You know, you have men– bosses– who are saying, “you sleep with me, or you get fired,” or, you know, “you go out with me or you get fired.” Or, in really bad cases, you know, coworkers scooting up on another coworker in the back room, kind of saying “Oh, I was just trying to reach for this can of whatever.” And that’s honest-to-God sexual harassment. That’s the stuff, you know, what the cases are for. It’s horrible to say, but that dress was gorgeous on her. And she is beautiful in the dress, and I think that’s what he was– in his awkwardly Sam style, was trying to say, was “Holy mackerel, you look beautiful.” This was just teasing, this was banter, this was two friends. So I absolutely agree with it.

HRISHI: Hmm. And Jamie, what do you think? Do you think that Celia qualifies as a “hypersensitive person?”

JAMIE: Not necessarily. Celia, as foretold in the episode, is temporarily there. She isn’t familiar with the office dynamics, and I think that the way that she initially brings it up to Sam is completely reasonable. I think that it’s very fair for someone to tell, you know, their boss, that they don’t feel comfortable hearing sexual remarks like that made in the workplace. And I do agree with a lot of what both Debora and Amy said. But one thing I do want to point out is that there is a pattern both of, you know, Ainsley and Sam’s banter in *The West Wing*, but there’s also a pattern of Sam saying incredibly inappropriate things. I mean, Sam referred to Ainsley, to the President, as “a blonde Republican sex-kitten.” And we can’t forget the context of this. I mean that was talking to the President.

HRISHI: Right. Speaking to the idea of the pervasive part of the work environment, right?

JAMIE: Exactly.

AMY: Actually, you just reminded me that— and the President actually says that to her face, too. Which was something I had totally forgot about until you just mentioned it. You’re exactly right. There is a weird kind of pervasiveness of this in the White House.

HRISHI: Well, I gotta say, that was really interesting. And I want to ask you guys, as experts, are there questions that I should be asking you guys now that we haven’t talked about yet?

DEBORA: Yeah, this is Debora. I think one of the parts that kind of gave me a little bit of discomfort as a defense lawyer is not so much the comment itself, but how it was handled afterwards. I wanted to see Sam be a little bit more of the supervisor, and a little bit more professional. And instead of airing it out in front of everybody like it was a fight to be won, as far as whether he was right, or Celia was right. I think he should have called her in the office and said, “Well, tell me why you think it was offensive. And I apologize, and I’ll...” You know, it was more like what happened afterwards that gave me pause, than the comment itself.

HRISHI: Either of you guys, do you think there is something else that I’m missing that we ought to be talking about?

AMY: This is Amy. This actually goes in line with what... I think it was Debora, that you were saying, about “I’m arguing your point,” as opposed to just, you know, calling her into his office and saying, “Hey, you know, what did I do wrong? I’m so sorry.” Cause he didn’t apologize, actually. I’m thinking back on the episode. He didn’t apologize at all. But it goes back to, you know, Andy and Toby were fighting and trying to argue their points as well, and this whole right and wrong aspect between the men and the women. But it wanted to point that out, that it’s very much an episode of figuring out where the women stand in the White House, and with regard to the men in the White House.

HRISHI: Good point. Well, I think we should wrap it up here. Does that sound good to you guys?



JAMIE: Yeah, thanks so much for having us.

AMY: Yeah. Thank you.

DEBORA: Yeah, thank you for the opportunity.

HRISHI: Thank you guys for lending your expertise, and putting your voice on the podcast. It's nice to actually talk to people who listen to the show, outside of just Twitter, too.

JOSH: Regardless of the legal take on it–

HRISHI: Yeah.

JOSH: I was initially...it's funny, it's a pretty clunky scene, especially when it gets opened up to the larger group.

HRISHI: Mm hmm.

JOSH: And just dramatically, it feels a little clunkified to me. As does, I think, this episode in a general sense has some clunky [cross talk] moments to it.

HRISHI: [cross talk] Clunk.

JOSH: It has some clunk to it.

HRISHI: In its trunk.

JOSH: [laughs] It's got some clunk in its trunk, this episode. But I sort of... I get Ainsley's reaction, I get Sam's kind of sort of being surprised, but ultimately, I'm moved by Celia basically saying, like, I don't– you know, I don't remember how she articulates it. She doesn't want to be in this, in a workplace with this kind of atmosphere. And I can understand. Sam does make these kind of comments a lot, and yes, it's between just two people, but they're surrounded by their coworkers. And I can understand how another woman might think, "Oh, is that what I'm supposed to do, if I want to," you know, "if I want to have a good relationship with him?" Or–

HRISHI: [cross talk] Yeah.

JOSH: [cross talk] You know, "Is that how you advance in the office here?" And, of course I defer to the legal minds who will tell me it's not harsh enough an atmosphere, or it's not pervasive enough or whatever– but I can understand it being just unpleasant to–

HRISHI: Exactly.

JOSH: Work in that kind of workplace.

HRISHI: Exactly. It doesn't meet the requirements for legally being an issue, but it's just an issue in terms of Sam being creepy, as he often is. And he's got the relationship with Ainsley and that's fine, and Ainsley says she's not demeaned. So for her it's not a problem. But even as Ainsley herself says:

[*West Wing* Episode 3.13 Excerpt]

*AINSLEY: All women don't have to think alike.*

[end excerpt]

JOSH: Just a little grammatical quibble...which kind of annoyed me, cause really what she means is "not all women have to feel the same way." And it's an important linguistic distinction.

HRISHI: You preferred if she'd said, "Not all women have to think alike."

JOSH: Correct.

HRISHI: Right.

JOSH: Now back to the actual merits and substance of what she said.

HRISHI: [laughs]

JOSH: Yeah, so maybe if Sam and she were alone, or maybe that [cross talk] makes it creepier.

HRISHI: [cross talk] Right.

JOSH: If she is offended by it. But then you can get with the "Oh, well we have this relationship, or we understand, and it's not—" But he didn't say it. He said it in an open workplace.

HRISHI: Yeah. I feel ambivalent about this scene because on the one hand, it is nice to see Sam being called out in the episode, not on the podcast, but like, in the episode, by another character who says, like, "Hey, that was [expletive deleted] up." The part that I feel weird about is that I kind of feel like in some ways Celia gets shot down, and at the end of the day it's like, "Celia's wrong, she's boring, and not fun, and not funny."

JOSH: Yeah. And we got a woman to say it.

HRISHI: Yeah.

JOSH: We get a woman to shoot her down.

HRISHI: Right.

JOSH: By the way, there's also all this weird...[laughs] and again, I agree with you too, I sort of give a hat tip for Aaron, who's obviously responding to something. He's writing about this

because of some criticism he's gotten, either he's, you know, he's lurking on message boards, or he's reading reviews where people are taking him to task a little, so ok, at least he's writing to deal with some of what he's been accused of. But I do feel it is a little bit neatly wrapped up kind of in his favor, ultimately.

HRISHI: Right.

JOSH: And also, there are weird instances of secondary and tertiary questionable comments going on during this entire conversation.

HRISHI: Well that's the thing. I think ultimately, what Sam is most guilty of is tactlessness. Because he understands his relationship with Ainsley, it's been this flirty, fun thing, where they can say these kinds of things to each other. And if he oversteps— he goes and he checks with Ainsley and he makes sure, he says, “Did I—“ you know, “Did I offend you, did I demean you?” And she says, “No. You're fine.” And really she just wants to get back to work.

JOSH: Right.

HRISHI: And she says:

[*West Wing* Episode 3.13 Excerpt]

*AINSLEY: If I felt demeaned, I'd be among the very first people to know it.*

[end excerpt]

HRISHI: Which is a hilarious line. So that's great, that he goes and he, like, double checks, but regardless it is tactless because they aren't alone, and he doesn't know who else is in there, or how that might affect other people. He's just kind of like verbally spraying his scent all over the place. And then this tactlessness just keeps going. Even as he's in the middle of trying to, like, walk it back, or qualify it or something, he still says to Charlie:

[*West Wing* Episode 3.13 Excerpt]

*SAM: You and how many girl scouts?*

[end excerpt]

JOSH: Right. And also his sister's beaten him in, he's like “Sam, she plays varsity.” “Girls varsity.”

HRISHI: Right. Exactly.

JOSH: I'm like, “Dude, can you concentrate for one minute?”

HRISHI: [laughs]

JOSH: [laughs] "Wow. Stay focused. I thought you were looking at trying to figure out whether you've got some issues..."

HRISHI: Right. Learn something. Please learn something. Multiple people who responded to the request about the legality of this thing brought up the point that, again, outside of the legal view of it, Sam saying:

[ *West Wing* Episode 3.13 excerpt]

*SAM: Also, she started it.*

[end excerpt]

HRISHI: Is also a really terrible, creepy thing to say. Like, "How?" Cause she really didn't.

JOSH: Oh, no, she did, she— cause she came in wearing a really sexy dress. [laughs]

HRISHI: Yeah, exactly. [cross talk] Which is why—

JOSH: [cross talk] "She provoked me!"

HRISHI: [laughs] I mean, are you really gonna... put that out there?

JOSH: Yeah. There's also like a weird— uh, "Oooh, stilettos!" moment.

HRISHI: Right.

JOSH: "You dog." What is wrong with you?

HRISHI: [sighs] Yeah. And so it does feel a little bit, too, at the end, when Ginger gets involved too, where she's like:

[*West Wing* Episode 3.13 Excerpt]

*GINGER: It's called lipstick feminism. I call it stiletto feminism.*

[end excerpt]

HRISHI: Celia's saying like, "What kind of feminism do you call that?" Almost like Celia is really, now, taking on the role of, like, "There can only be one kind of feminism."

JOSH: Indeed.

HRISHI: And she has to be, like, educated, by the other women in the room. And it just feels... I didn't like that.

JOSH: They, quote unquote, "educate her," by beating down her version of feminism.

HRISHI: Exactly. But I do think Celia gets a lot of points. Like when Ainsley says, “All women don’t have to think alike,” Celia responds with:

[*West Wing* Episode 3.13 Excerpt]

*CELIA: I didn’t say they did. And when someone said something that offended me, I did say so.*

[end excerpt]

HRISHI: So I was like, “All right, good.” There are things I like about this, there are things I don’t like about it. Ultimately, my takeaway is— Ainsley is so awesome.

JOSH: Yeah, I agree with you. There’s some value here, but it’s ultimately not the most enlightened conversation on the topic.

HRISHI: Yeah. I just— I mean what I really mostly relate to with Ainsley in this scene is her desire for a cupcake. What did you think about Donna’s subplot in this episode? It starts with her having a drink with this guy who has a startup, CapitalScoop.com

JOSH: Well, I tend, I think, to view it through the prism of the conversation we just had. Which is that she is not treated too particularly well by Josh. So she meets up with Casey Reed. Casey Reed values her, I think in a way that her present employer does not.

HRISHI: And really, that she doesn’t even value herself.

JOSH: Right. Her immediate reaction is, “No, no, no, I’m not qualified.” He makes her an offer that is obviously quite impressive, financially; she says, “This is your operating budget?” “No, this is your starting salary.” She goes back and gets into a conversation with Josh, where she tells him about this offer, and he shows interest and questions her, to a certain extent, and then just walks away and never even asking her whether she might seriously consider the offer, or what she’s thinking, or— he’s sort of out of hand, just, I guess assumes there’s no way she’s leaving him. He’s correct, as a matter of fact.

HRISHI: [cross talk] Right.

JOSH: [cross talk] She is ultimately very, very loyal to him. But he doesn’t treat her that well. He doesn’t take it very seriously, and not even seriously enough to ask her what she thinks about this offer, and whether [cross talk] she’s going to consider it.

HRISHI: [cross talk] Right. Yeah, no, for Josh, he’s like, “Oh, that’s a thing that happened. There is no way you’re going to take the job.”

JOSH: Right.

HRISHI: Okay. But I love Donna’s energy when she comes back. That felt so real; she comes back, and his first— Josh’s first line to her is, like, “Where have you been?” You know, like, kind

grumpy and brusque already. And there's so much in her look, on her face, and in her voice as she says— that's so much, like, kind of potential resentment there.

[*West Wing* Episode 3.13 Excerpt]

*DONNA: I told you I was going out.*

[end excerpt]

HRISHI: And you could hear, like, a little— like another voice in her head, saying, “Yeah. And [expletive deleted] you, I've got a great— a job offer, and I don't need you to be, like, talk to me like this.”

JOSH: Yeah, I also thought it— one of the more subtle aspects of the episode involved— Donna gets sort of pulled off into... in sort of a tangential way, being involved in the Billy Price story.

HRISHI: Mm hmm.

JOSH: And she's asked kind of to sit with the wife, while the drama is unfolding. And I feel like also that is another little illustration to Donna, of kind of the level of importance she has. Obviously she's doing an important thing, in an interpersonal kind of way, but she has no information. She's been sent in there without any information. She's just kind of a place holder, while the power players try to figure out what's going to happen in this. And at one point the wife asks her something, and she says, “I— you know, “I just don't know.” And I thought this is kind of playing in against the backdrop of her having been offered a job where she'll have a bit more to do, and her intellect will be valued.

HRISHI: Yeah. Oh, so you saw her in there saying, “I don't know what's happening,” being, like, further evidence for why she should take the job. Because she'd be given more information. I thought in some ways it was almost a repudiation of the idea of that she should be Issues Director, because she's like, “I don't know about this stuff.”

JOSH: Ah. Ok. Yeah, well, well, I mean— yeah. I'm not even sure what I thought Donna's take on it was, but it was making me think that somewhere in there she must be pondering this other job.

HRISHI: Right.

JOSH: Because right now, she's just a person. She's just a body to sit in a room, with this woman who's going through hell. And she hasn't even been given any kind of briefing, or information that she could offer to console the woman or to make her feel better, to keep her in the loop.

HRISHI: Right. I think the reason why Josh can laugh off the Capital Scoop job is because he knows what Donna will ultimately come to remember by the end of the episode, which is the

gravity of what happens. The value of working at the White House. So of course this is like a, you know, the idealized version of the White House, where nobody leaves for more money, where people, where—

JOSH: Mm hmm. Right, right. He feels, yeah—

HRISHI: And personal ambition is totally subjugated to their sense of morals and ethics, and contributing to the betterment of the world.

JOSH: Right. Why cover the thing when you can be involved in the thing?

HRISHI: Exactly. This is a little aside, but when Donna comes back, and Josh immediately has homework for her to do, you know, tasks for her. One of them is he asks her to get him a face book because he keeps on getting confused between “Cooper” and “Hooper.” And it reminded me of “The Stackhouse Filibuster.” In that episode, Cara DeLizia, you might remember, plays an intern who comes and talks to Sam about the reports—

JOSH: In the Roosevelt Room. Sure.

HRISHI: And her name in it is Winifred Hooper.

JOSH: That’s right.

HRISHI: Winifred Cooper being the name of Danica McKellar’s character on *The Wonder Years*, Danica McKellar, who would later— spoiler alert— will come on and join *The West Wing* as a guest, later on.

JOSH: Wow, that’s unlike you.

HRISHI: And here’s another thing. Margaret— you know what Margaret’s last name is?

JOSH: Miller? [laughs]

HRISHI: [laughs] You know what Margaret, Leo’s assistant’s last name is?

JOSH: Miller?

HRISHI: Hooper.

JOSH: Is that true?

HRISHI: Yeah.

JOSH: Margaret Hooper.

HRISHI: Mm hmm. It was funny that Winifred Hooper... they never said Winifred Hooper, Margaret Hooper, no relation.

JOSH: Yeah.

HRISHI: Maybe they hadn't figured out Margaret's last name at that point. But anyway, Winifred Hooper— Winnie Hooper, Winnie Cooper. Cause Sam even makes a joke:

[*West Wing* Episode 3.13 Excerpt]

*SAM: Should I call you Winnie?*

[end excerpt]

JOSH: Oh, that's right. I liked the breaking of the news, this horrible piece of news, that this woman's husband has been killed in an ambush, happening in the background...

HRISHI: Yeah.

JOSH: Almost in a blur, not a blur, but, you know, soft focus.

HRISHI: Right.

JOSH: But you can still see the physicality of it, the awkward, almost, breakdown, and the attempt to sort of ease her onto the couch. I just thought it was beautifully done. We don't need to be in the room, we don't need to hear the words, we don't have to see the horror play out. There's something about it— it's just as powerful, if not more powerful, to see it happening in the background, the way they shot it.

HRISHI: Yeah, that's what I think is so beautifully done here, because to be in the room, to, like, I guess, really dramatically milk the horror of that situation isn't necessary, we still understand what's happening, we still feel the tragedy of it. But instead they use that moment to inform Donna's perspective.

JOSH: Hmm.

HRISHI: So this part that never— we never actually hear, you know, whether she's going to take the job or not, but in this moment we kind of understand that she won't, because she— in seeing that, and seeing what's happening, you know, and then she turns afterwards and she sees Josh. And this kind of— in an unspoken way, we get the sense that she can't leave this job. That scene is playing out for us, but it's playing out for us by playing out for Donna. One of the things I love about this episode is at that moment, we hear music. And it's a very, very quiet episode, in terms of music. There are only three instances in the whole thing.

JOSH: Huh.



HRISHI: One is a single note, you know, like just kind of a little pad that kind of comes in underneath the President as he's talking to Stanley, where he says, "did anybody know you on the plane?" That, as it leads into the opening titles—

JOSH: Mm hmm.

HRISHI: It's not even, like, really music, it's just like sort of a tone. And then there's no other music until this moment. The whole episode [cross talk] is just quiet.

JOSH: [cross talk] That's rare.

HRISHI: It's rare. And it really... I feel like it gives a sense of place to the episode. There's something kind of unsettled, and quiet, and, you know, it's so late there. It really grounds the episode in a feeling, by having it be so quiet throughout. And then the two times when they use the music dramatically, it isn't to tell us how we should feel, it's just a subtle way of showing how one of the characters feels. So here, it's not like— the music isn't played like, "Everybody, you should be crying now."

JOSH: Right.

HRISHI: It's actually bringing us inside Donna's head, where we see it through Donna's eyes and it just kind of fills out that moment. I thought that was really nice, and it really centered it on her. Yeah, in a way that blunted what could be like a ham-handed moment. I guess ham is blunt anyway, but you know what I mean.

JOSH: I wouldn't know.

HRISHI: Ohhhh, sorry. Was that joke not Kosher?

JOSH: Boo! There's a moment when Stanley leaves the President alone, after their session, and Lincoln's portrait is up on the wall.

HRISHI: Mm hmm.

JOSH: In very soft focus. And I was disappointed, actually, that they then rack focused to the portrait. Like I already got that it was Lincoln—

HRISHI: [cross talk] Yeah. I know.

JOSH: [cross talk] In a very subtle and blurred way. And I felt like, "Oh no, no." This moment that I just loved kind of was reduced to me by making it explicit.

HRISHI: It's true. And this is the only other moment where there's music.

JOSH: Ahh.

HRISHI: It's that scene.

JOSH: Interesting.

HRISHI: It doesn't as effectively do the thing they're doing here with Donna.

JOSH: Right. I contrast those two moments.

HRISHI: Yeah, you're not just in the President's head. It is a little bit of, like, tying the bow on the ribbon.

JOSH: Yeah. It's a subtle thing, and it makes a huge difference.

HRISHI: You know there is this really beautiful build up to that. The reason why I felt like— I didn't need to see Lincoln in there at all, and I certainly didn't need to see Lincoln in focus, because one of the things that I love about setting up the episode with the tour is that it gives the setting of the White House, and the office of the Presidency, this historical context. And that really comes to the foreground when Stanley says:

[*West Wing* Episode 3.13 Excerpt]

*STANLEY: This is a hell of a curve you get graded on, now. Lincoln freed the slaves and won the Civil War.*

[end excerpt]

HRISHI: You know, and you've got the Resolute Desk, and Rutherford B. Hayes. There are all these past presidents that President Bartlet needs to live up to, or he could compare himself against. Meanwhile, the other ghost that he's battling and comparing himself to, and trying to live up to is his father. And so when he goes to pick up the cigarette at the end, and there's a picture of Lawrence O'Donnell as his father, and then he picks up the thing, and then it goes to the picture of Lincoln, and we're like, "Yes, we're caught here between the personal and the historical." And I was kind of like, I get why it's there, but I appreciated that we hadn't really been treated that way throughout most of the rest of the episode.

JOSH: Yeah, I'm with you. Let me ask you this, though. Is it really a fair read of President Bartlet that Stanley makes?

[*West Wing* Episode 3.13 Excerpt]

*STANLEY: I think Lincoln did what he thought was right, even though it meant losing half the country. I think you don't do what you think is right if it means losing Michigan's electoral votes.*

[end excerpt]

JOSH: We've very recently seen him decide to take censure, regardless of what it means to his legacy, possibly to his reelection— I've seen it argued on both sides. It's the better thing to do for reelection, it's damaging. But he's given a "[expletive deleted] it, I'm gonna do the right thing" kind of speech there. Bartlet's caught in between. He isn't just the guy that Stanley describes. Therein lies his personal struggle. But I feel like he got a little bit short-changed on credit for being the guy who often does do the right thing at some expense.

HRISHI: Mm hmm. I also thought that line pushed a little bit the boundaries of believability, for me. Because I wasn't sure if one, as a therapist, Stanley would be so prescriptive, sorry for that pun, in terms of, like, "This is what's happening, and this is" you know, "what you're doing," so early on in their discussions. And I also wasn't sure if he would even— he's really speaking Toby's voice, there. And to some extent, Leo's. He's speaking with a kind of familiarity and insightfulness of a political operative.

JOSH: Mm hmm. Good point.

HRISHI: And I was just wondering is, does he really know this stuff that well that he could make that point?

JOSH: And would he if he did? Exac— I think you're right. I think you're right on both counts.

HRISHI: Yeah. But I do— this comes towards the end of their conversation, and I love how Stanley ends it, where he's like:

[*West Wing* Episode 3.13 Excerpt]

*STANLEY: We've been here for two hours, it was a double session. We're done for the night.*

*BARTLET: Stanley. I hate to put it this way, but I'm me, and you're you, and we're done when I say we're done.*

*STANLEY: No. I think you could use some assistance right now, sir. Use me, don't use me. But all I can offer you is this: I'll be the only person in the world, other than your family, who doesn't care that you're the President. Our time is up.*

[end excerpt]

JOSH: Yeah, I do like that turn. It is, you know, "your family and I will be the only people that don't care that you're the President."

HRISHI: Mm hmm. I think I only have one final stray thought, which is... Sam really just starts off this episode misspeaking. Because he says to Toby:

[*West Wing* Episode 3.13 Excerpt]

*SAM: You bet, baby.*

TOBY: *[sighs]* You probably want to rethink calling me baby, right?

SAM: Yeah.

[end excerpt]

HRISHI: Almost as if it's a foreshadowing of everything that's going to come.

JOSH: Huh.

HRISHI: Afterwards.

JOSH: Right. That's funny.

HRISHI: What did you think about the President's attitude towards the word "stress?"

[*West Wing* Episode 3.13 Excerpt]

*BARTLET: I don't like the word "stress." It's a Madison Avenue word. It's something that can be cured, with flavored coffee and bath bubbles.*

[end excerpt]

JOSH: I like that little...bit. It's very Aaron.

HRISHI: Do you think that that's how Aaron feels about it as well? Is he writing it from his own perspective, there? Or is he— I found it to be a very believable... like this is the cranky grandpa part of the President. And it's particularly New Hampshire of him, I thought.

JOSH: Huh. Yeah, I could see that. And that does sound Aaron-like to me.

HRISHI: Yeah. I liked that side of his curmudgeon-ness. It felt—

JOSH: Genuine.

HRISHI: Yeah. It's a new kind of idea, the idea that the President doesn't like the word "stress," but it really feels like it fits in with everything else.

JOSH: I agree.

HRISHI: And he's like, "You don't feel stress?" He says, "I have a job I like, and my family is healthy." There is something kind of very old-world about it.

JOSH: Yeah, exactly. It's an old-fashioned, kind of tough guy...

HRISHI: Yeah. Also, here's a confusing part about the whole President/Stanley thing. He knows why he's not sleeping.

JOSH: Well I had the same thought too. I... you know.

HRISHI: Like, why is it— and he is paying him, and he has a limited amount of time, he knows— I mean I'm sure the President has lots of other things—

JOSH: Yeah. They've talked through arthritis, too much light in the room, all that stuff. Like, he could have bottom-lined it a little quicker.

HRISHI: Right. He's like, "Four nights ago I stopped being able to sleep well." "Oh, what happened four nights ago?" "I was told that my father doesn't like me. I was called on my traumatic, abusive past with my father." "Ok, well let's start there."

JOSH: [laughs] "We could've saved forty-five minutes."

HRISHI: Does he really not know?

JOSH: No. I think it's more like he's trying to test the mettle of Stanley, and see whether he can get to it. But...

HRISHI: Yeah.

JOSH: Ultimately he gets to it by saying, "What happened four nights ago?" [laughs]

HRISHI: [laughs] Their whole exchange. I love when the President says:

[*West Wing* Episode 3.13 Excerpt]

*BARTLET: Stanley, I think you're underselling yourself when you say you're not an expert at sleep disorders. Cause you've been right straight on the money so far.*

[end excerpt]

JOSH: [laughs] Very funny.

HRISHI: I also was a little bit surprised by Leo, kind of letting Toby's evasiveness slide. When he asks him:

[*West Wing* Episode 3.13 Excerpt]

*LEO: What did you talk about?*

*TOBY: Nothing.*

*LEO: He seemed kind of upset about it.*

*TOBY: It didn't go well.*

LEO: *What was it?*

TOBY: *It was personal.*

LEO: *It was personal?*

TOBY: *Yeah.*

LEO: *Well, that always works well with him.*

[end excerpt]

JOSH: Well, I thought maybe, you know, by cloaking himself in the personal nature of it, that just put down a “so that’s it, so don’t ask any more,” and that, you know, so Leo respected that. Begrudgingly, or... But you’re right, maybe not.

HRISHI: Isn’t it weird that Toby didn’t think that it was worth discussing with Leo? He’s like, “I was talking to the President about his approach to reelection. It happened to also bring up— I framed it around his relationship with his dad, but the ultimate point was ‘you need to sharpen up your game, or you’re not going to win.’” And I don’t know, it seems like... you know, especially given what the President’s reaction was, and now they’ve called in a psychiatrist. Again, Leo’s not making the connection. “Hey, the President was really upset by this mysterious conversation, and now we have a psychiatrist coming in because he can’t sleep.”

JOSH: Yeah. At this point, you’d think Toby would say, “So hey, look, something happened.” Yeah, no, I think you’re right. This is— I think ultimately why this isn’t an exemplary episode. And should not have been submitted for Emmy consideration. No, it’s just...It’s a little— if you poke it too much, there’s some weaknesses there. It doesn’t quite have the structural integrity that the best *West Wing* episodes have.

HRISHI: Yeah. This is another aside, but when Celia says:

[*West Wing* Episode 3.13 Excerpt]

CELIA: *Isn’t the point that Sam wouldn’t have been able to find another way to be chummy with a woman who wasn’t sexually appealing?*

[end excerpt]

HRISHI: This is where I think things start to break down a little bit, because Celia suddenly now assumes she knows everything about the relationship, and the context of that comment. You know, it’s one thing for her to say, “I was offended by that comment,” but another thing to say, “Sam wouldn’t be able to find another way to be chummy with a woman who wasn’t sexually appealing.” Like—

JOSH: Right.

HRISHI: That's kind of where it kind of oversteps.

JOSH: An overstep, yeah.

HRISHI: Yeah. But it immediately made me also think of how much Sam failed with Bernice. Do you remember when he's like:

*[West Wing Episode 3.13 Excerpt]*

*SAM: How you doin', Bernie?*

*BERNICE: I'm not wild about people calling me Bernie.*

*SAM: Sure. What should I call you?*

*BERNICE: Bernice is fine.*

*SAM: But how will you know I'm your buddy?*

*BERNICE: I'm okay living in the dark on that.*

[end excerpt]

HRISHI: I was like, "Well, maybe she's actually right. Maybe he does have trouble finding ways to be chummy with women." And that's it for this episode.

JOSH: Thanks for listening to this episode of *The West Wing Weekly* .

HRISHI: We hope you'll join us next time. In the meantime, if you want to write to us or leave us a comment, you can find us on Facebook, Twitter, Instagram, or on our website, [thewestwingweekly.com](http://thewestwingweekly.com). Thanks so much to Debora, Amy, and Jamie, our panel of experts who joined us. I'm going to put a link to each of their Twitter handles on our website, so if you want to give them a shout-out and tell them thanks for their contribution too, you'll find that on [thewestwingweekly.com](http://thewestwingweekly.com).

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version, it's a show filled with serious lines of honesty, cinematic production, and peeks inside the creative process." That's awesome.

HRISHI: Thanks, Josh.

JOSH: Ok.

HRISHI: Ok.

AMY, DEBORA, and JAMIE: What's next?

[Outro Music]