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Check Six: The Duke Cunningham Story

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Check 6:
The “Duke” Cunningham Story

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts in Journalism

by

Ninette Sosa
San Diego State University, 2001
Bachelor of Arts in Sociology

August 2018
University of Arkansas

This thesis is approved for recommendation to the Graduate Council

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ABSTRACT

This short documentary film is about one man's ascent, descent and redemption for making an extremely poor personal decision that has impacted his entire adult life. Randall "Duke" Cunningham, 76, is a former U.S. Republican Congressman from California who was sentenced in 2005 to more than eight years in prison for accepting bribes totaling \$2.4 million and tax evasion. He was released from an Arizona prison in 2013 and moved to Hot Springs Village, Arkansas because he had a brother and sister-in-law who lived there and they could assist him in getting settled. He said the area was quiet and remote and he could begin writing books. This is Cunningham's only on-camera interview about his life since his prison release, June 4, 2013.

This documentary has a basic two-pronged approach: past and present. The past includes a recap of his accomplishments as an educator, officer and pilot in the U.S. Navy, one of the most highly decorated pilots in the Vietnam War, 14-year politician, and convicted felon. The present is about Cunningham rebuilding his personal life. He receives two pensions and makes a monthly payment toward a court-ordered restitution of \$1.8 million. His wife of 40 years divorced him, much of his family has disowned him and he has relied on a new environment, new friends and volunteering to help cope with his misdeeds. The documentary tracks how he is coping, involvement in politics and interviews with his inner-circle which includes his pastor, realtor, firefighters, and Tea Party proponents. The goal of this documentary is to better understand how political corruption got in the way of a heroic life.

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I. INTRODUCTION

The life of a father, educator, coach, naval aviator, war hero and politician all sounds promising until prison becomes part of the mix. This master thesis documentary film is about former U.S. Republican Congressman from California Randall “Duke” Cunningham who was sentenced in 2006 to more than eight years in prison for accepting \$2.4 million in bribes and tax-evasion and is now required to pay nearly \$2 million in restitution.

Born in Los Angeles, California, and raised in Shelbina, Missouri, Cunningham’s childhood was typical. His father, Randall J. Cunningham, mom, Lela, and younger brother were close and made it a point to do things together (One of Little Dixie’s Own, 1972, p. 46). He graduated from the University of Missouri with a Bachelor of Arts and Master’s Degree in Education and is a retired Naval Commander who is one of the most highly decorated veterans in the history of the country. After the Vietnam War he taught at Naval Air Station Miramar in San Diego at the Navy’s Fighter Weapons School TOPGUN and graduated with a second Master’s Degree in Business from National University (NU) in San Diego in 1985; he retired from the military in 1987. He then accepted a position as director of flight operations, and later dean of the School of Aerospace Studies at NU. In 1988 he opened a marketing company called “Top Gun Enterprises, Inc.”

It was his war-hero status that led the recommendation of friends, some members of the San Diego Chamber of Commerce and even then-President Ronald Reagan to have him run for political office. Cunningham won the Republican nomination in 1990, was elected to the U.S. House of Representatives in 1991 and resigned in November 2005, after pleading guilty to accepting bribes and under-reporting taxable income.

The Cunningham scandal stands as one of the largest bribery cases involving a member of Congress (Kelley, 2006). At the time, his prison sentence was the longest ever given to a Congressional member. Today, he's 76-years-old and lives alone in Hot Springs Village, Arkansas, with his two dogs. His wife of nearly 40 years divorced him and he's been disowned by much of his family.

The purpose of this research is to review what caused the fall from stellar military hero to corrupt former politician. Is his situation an anomaly or have other politicians gone down the same path? This paper looks at data involving political corruption in America by a non-partisan agency that rates political corruption per state with a focus on California. This documentary film briefly reveals Cunningham's missteps and missed political cues, but most importantly this film is about one man's path from personal disaster to his attempt at personal redemption. With Cunningham's participation and input from others in his inner-circle. This documentary is a single case study that will illuminate the complex forces behind political corruption and hopefully serve as a useful resource for related research in this field.

The Check Six in the title of this film is relevant because it's a term fighter pilots use to remind themselves and their co-pilots to look behind them while MiG's are attacking. It refers to a clock: there is 12 o'clock which is straight ahead, three and nine o'clock is to look side-to-side and six o'clock is behind the pilot. Cunningham said it means, "watch your donkey," because if you don't and a MiG strikes you're killed. The irony of Cunningham's story is that while he did check his six as a pilot, he failed to do so while serving his country in the political arena.

II. LITERATURE REVIEW

This U.S. political scandal involved defense contractors, also his friends, -- Mitchell Wade and Brent Wilkes -- who paid bribes to then-Congressman Cunningham in exchange for government contracts. On November, 2005, the United States District Court Southern District of California received an indictment by the U.S. Attorney's Office against Cunningham with Conspiracy to Commit Crimes against the United States and Tax Evasion. More than 50 allegations are listed in the criminal case document describing illegal activity that they claimed began in 2000 and continued through June 2005. The court documents said Cunningham, conspired and agreed to demand, seek, receive and accept items of value from co-conspirators, in return for being influenced in the performance of his official duties. Cunningham demanded, sought, and received at least \$2.4 million in illicit payments and benefits from his co-conspirators in various forms: cash, checks, meals, travel, lodging, furnishings, antiques, rugs, yacht club fees, boats, boat repairs and improvements, moving expenses and cars. The court document states that Cunningham tried to hide illegal monetary transactions through one-sided transactions. For example, one or more co-conspirator would buy property from Cunningham at an above-market price, would pay money to Cunningham for the property he continued to own, and would sell to Cunningham property at a below-market price. On April 15, 2005 Cunningham evaded paying income tax owed for 2004, by signing a false and fraudulent joint tax return. He stated that his joint taxable income was \$121,079 and that he was due a refund of \$8,504 when he knew his taxable income was at least \$1.2 million and owed at least \$385,000.

What is political corruption? Based on legal criteria it is behavior that violates some formal standard, or rule, set by a political system for its public officials and can be categorized by four components: the donor, the favor, the public official and the payoff (Peters and Welch,

1978). The Cunningham scandal fits all four categories: he was a public official; he accepted money and gifts by a donor and in exchange provided favors in the form of defense contracts; his payoffs included, but not limited to, paid-off mortgages, a yacht and other big-ticket items.

Political corruption, according to Joseph Nye, University Distinguished Service Professor and former Dean of the Kennedy School of Government at Harvard University, "...deviates from the formal duties of a public role because of private-regarding wealth or status gains: or violates rules against the exercise of certain types of private-regarding influence (Nye, 1967, p. 417)."

What Nye wrote correlates to Cunningham because the corrupt politician financially benefited from private-regarding, which are social ties that stem from private relationships, for example dinner parties or vacations.

According to Peters and Welch (1978) the fourth component, "the payoff," is perceived as the most egregious act by a public official. They suggest what to consider is the size of the payoff: the larger the payoff, the greater the corruption, was the nature of the benefit to the public official long- or short-term? In Cunningham's situation, because he was indicted and convicted, could his actions have continued had he not been caught and instead been re-elected?

Congress passed the Honest Leadership and Open Government Act (110 Cong. Rec.735, 2007), an amendment to the 1995 Lobbying Disclosure Act, which is to provide greater transparency in the legislative process. This could have been made due to proximity in time that Cunningham's actions, at least, were on the minds of legislators. Some amendments in this act include posting of travel and financial disclosure reports on the public website of the Clerk of the House of Representatives, and loss of pensions accrued during service as a Member of Congress for abusing the public trust. In Cunningham's case, the loss of pension did not apply because he was sentenced on March 2006, which was before the revamped law was enacted. It could be

argued that this legislation was passed due to a culminating effect of the Abscam scandal (late 1970s to early 1980s), the Keating Five scandal (1989), the Abramoff scandal (2005), as well as Cunningham's scandal. However, Patten (2007) suggested that Congress is reluctant to establish and enforce ethical standards because of a common interest in permitting activities that facilitate the reelection goal. "Ethical reform in Congress is unlikely to deter legislators who are willing to flaunt federal law," wrote Patten (2007 p. 204). On August 2, 2007, prior to the passage of the Honest Leadership and Open Government Act amendment, Arizona Senator John McCain (R) issued a statement for the Congressional record to again consider an ethics and lobbying reform package as a way to reduce corruption. McCain mentions Cunningham's violations three times and states, "it wasn't inadequate lobbyist disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70 - \$80 million of taxpayer's funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question (The Senate, Office of the Press Secretary, 2007)."

There are four types of political corruption scandals typologies: personal gain-institutional, career advancement-institution, career advancement-individual and personal gain-individual. 1) The Abscam scandal is considered a personal gain-institutional corruption (Patten, 2007). This was a two year, 1978-1980, Federal Bureau of Investigation sting, where six members of Congress were convicted of taking bribes and other crimes. Their actions were caught on tape taking money in exchange for political favors (Fortier, 2006). 2) In the late 1980s there was the Keating Five scandal. The Senate Ethics Committee reprimanded five senators for aiding savings-and-loan operator Charles Keating before regulatory agencies (Fortier, 2006). The Lincoln Savings and Loan failure in 1989 cost tax payers \$3.4 billion and thousands of people who banked there lost their life savings. This is categorized as a career advancement-institutional

corruption (Patten, 2007). 3) The 2005 Abramoff scandal is considered a career advancement-individual corruption (Patten, 2007). Jack Abramoff served 10 years in prison for an insider scandal (Fortier, 2006). He was a leading Washington lobbyist for seven Indian tribes with casino interests. He and his colleagues collected \$82 million from the tribes over a four-year period and used these funds to sway Washington power brokers (Patten, 2007). Representative Bob Ney (R-OH) and aides from Tom DeLay (R-TX) were directly implicated along with other politicians (The Raw Story, 2010). 4) Cunningham's scandal is categorized as personal gain-individual corruption. The scope of legislative malfeasance in the Cunningham case is unparalleled in the sordid history of congressional corruption (Patten, 2007). While the Abscam and Cunningham scandals are classified as personal gain-institutional, and personal gain-individual, respectively, the commonality of their corruption scandals each involved a clear violation of existing bribery standards (Patten, 2007).

Political corruption scandals are not a recent development. In the 1790s Congressman William Blount was expelled after planning to aid the British in seizing Spanish-held territory. In the 1870s there was the Credit Mobilier scandal involving the rights of way for the transcontinental railroad. Koreagate in 1976 involved South Korean leaders trying to influence American politicians for financial gain; the resignation of Speaker Jim Wright (D-TX) in 1987 over unethical behavior; the House Banking Scandal in 1992 allowed Congressmen to overdraw their House checking accounts and not pay any penalty; Speaker Newt Gingrich's (R-GA) financial impropriety case in 1997 involved him using tax-deductible funds for political purposes – it resulted in a string of 84 ethics complaints in the House that culminated in a \$300,000 sanction (Murphy, 2011) and (Patten 2007).

In 2002, James Traficant (D-OH), was the fifth member of the House ever to be expelled because, like Cunningham, he was convicted of multiple felonies including taking bribes and falsifying tax returns. Traficant served seven years in prison then was released in 2009 and died five years later in an accident at his Ohio farm (Associated Press, 2014). Other cases include the 2006 Mark Foley scandal. The former US. Congressman from Florida resigned after being investigated for sending sexually charged electronic messages to congressional pages (Babington and Weisman, 2006). Similar to Cunningham, the investigation of William Jefferson (D-LA) began in 2005 and resulted in a 13-year prison sentence in 2009 for accepting bribes (Markon, 2009).

Political corruption at the national level often may begin at the state level. Some view states and cities as social laboratories in which political innovations take place and can be tested before it is adopted at the national level—designs that may include ways to curb corruption (Entzoni, 2014). A 2015 state integrity investigation report by United States Common Sense, a nonpartisan group created in 2011, is a comprehensive data-driven assessment of state government accountability and transparency. The agency graded states on public access to information, among other items, from A to F, and in 2015 only three scored higher than a D+ and 11 of 50 states flunked. California's overall grade was a C- (2015). The Golden State, which is California's official nickname, has a not so golden reputation when it comes to their politicians. DePangher (2014) states there is a need to raise awareness for reform. Her report presented data and analysis on 70 California corruption cases. "These cases expose the driving factors behind corruption: money and power, injustice within the justice system, and the lengthiness of time during which public officials commit crimes." Her analysis found that money, involved in more than half of the studied cases, and power, involved in all the studied cases, appears to drive

corruption in California. “In a number of cases, officials’ campaign debt or personal desire for money drove them to steal or abuse taxpayer dollars” (DePangher, 2014 p. 1).

In the past three years, California has passed legislation for better oversight to mitigate campaign corruption, however, bills that would curb the type of corruption committed by Cunningham are pending. One such example of legislation would be to ban lawmakers from receiving recreational-type gifts and making legislative documents more accessible to open records requests as in transparency (DePangher, 2014). One relatively narrow definition of political corruption involves the illegal use of public power and resources for personal gain, such as elected representatives or public officials accepting bribes and handing out favors in return (Etzioni, 2014). Most empirical economic analyses follow this definition of corruption, measuring bribes or theft of government funds, but not the deflection of resources to interest groups. Political scientists have conducted no systematic study of the changes in congressional rules that would reign in personal corruption of public officials (Etzioni, 2014).

Who better to weigh in when it comes to mitigating corruption in politics than convicted felon and former lobbyist Jack Abramoff, who said he now supports government reform. Abramoff writes in his memoir, *Capitol Punishment: The Hard Truth about Washington Corruption from America’s Most Notorious Lobbyist*, the real problem is not what is illegal in Washington, but rather what is legal. Abramoff lists several suggestions to eliminate bribery of government officials. He suggests banning legislators and their aides for life from becoming lobbyists, barring lobbyists from giving gifts to lawmakers, prohibiting lobbyists and special interest groups from making political donations, and setting term limits for representatives and senators (Abramoff, 2011).

As stated earlier, political corruption is behavior that violates some formal standard, or

rule, set by a political system for its public officials (Peters and Welch, 1978). For example, outlining the agenda for a collaborative study of American corruption, it seems necessary to draw on — in addition to empirical research — reports by investigative journalists (i.e., *The New York Times*, *The Washington Post* and *60 Minutes*). Such evidence serves to identify factors that may warrant further exploration and can be used to build—but of course not to establish the validity of—hypotheses (Etzioni, 2014). Political scientists Kenneth Meier and Thomas Holbrook (1992) assert there has not been extensive “systematic empirical research on political corruption” (Meier & Holbrook, 1992 p. 135). Michael Johnston, Colgate University Professor Emeritus of Political Science, suggests there is a “blind spot” of sorts in explaining the scarcity of studies on political corruption in the field of American political science. “Several types of ambivalence – toward self-interest, relationships between public and private concerns, and toward politics itself – have produced both a number of blind spots with respect to politics, leadership, and the significance of corruption, and a naïve overreliance on rules and institutional remedies as means of reform” (2009). University of Colorado Professor of Public Policy Peter De Leon in *Thinking About Political Corruption* (1993), writes “political science [seems] unwilling to address ‘frontally’ the questions posed by political corruption, and more critically, what can be done to reduce it and its effects.” Mann and Ornstein (2006) view Congress as “The Broken Branch,” positing that the institution is simply too dysfunctional to police itself. Respective to what can be done to reduce corruption among politicians and its effects, even with passing the “Honest Leadership and Open Government Act” in 2007, it draws criticism from outsiders, and the public, because they allege that the politicians who revamped this measure are some of the same politicians convicted of corruption. This paper fits the intention written by Etzioni,

Such collaboration is needed due to the magnitude of the subject, the limited amount, albeit growing, of available research on the subject, and the inherent difficulties in studying behavior that is concealed by those who engage in it. The social significance of the subject is self-evident, especially if one holds, that political corruption in the U.S. is much more prevalent, consequential, and resistant to correction than is often assumed (2014, p. 2).

III. PRODUCTION NARRATIVE

The research component of this paper reviews various angles from national to state-level corruption in comparison to disgraced former Congressman Cunningham; doing in-depth one-on-one interviews with the subject and group interviewing for this documentary film allows the personality to be captured and hear Cunningham answer questions, such as: What caused the political corruption and could it be that politicians accept bribes/money because they have an elitist attitude that they can get away with it? Was the person (Cunningham) motivated by personal gain corruption, or career advancement type of corruption. And, is political reform for real? This question is curious because amended laws involving mitigating corruption are written by the same group of people who, sometimes later are found to be committing the crimes (Etzioni, 2014). The goal of this documentary was to understand the significance of Cunningham's entire career and how he is currently coming to terms with his failure, and not to just explain his past achievements. When asked about breaking the law, he answered by saying, "it was a stupid mistake."

I was interested in doing a documentary film about Cunningham because I lived in San Diego from 1978 to 2001 and knew of Cunningham from his work in San Diego as a Congressman. Prior to that he had been well-known as an educator and a TOPGUN Commander at Naval Air Station Miramar, all within San Diego County. By 2005, I learned through news reports he had been convicted of accepting bribes and sentenced to a more than eight-year prison term in Arizona. I had since relocated to other states and in 2016, when I enrolled at the University of Arkansas to

study documentary film, I randomly did an online search about him and learned that after his prison release he moved to Hot Springs Village, Arkansas. I immediately thought Cunningham would be an interesting person to have as my documentary film “character.” What helped in locating Cunningham, so I could arrange meeting him, was an article I read that said he was a volunteer firefighter. I randomly called one of the fire chiefs at one of the five fire stations in Hot Springs Village and asked if a message could be sent to Mr. Cunningham about my interest in meeting him and doing a documentary film. The former Congressman received the message and contacted me via phone; this took about one week to complete. From there we agreed I would go to his home and outline the estimated two-year process this film would take. This meeting was done in January 2017 and we planned to tape in April 2017. He agreed to the taping for the documentary after hours of discussion – and this on-camera interview would be his only one about his life since his prison release.

At the April meeting there were about half-dozen people, who are close with the disgraced former Congressman, in attendance. I brought with me a videographer and audio engineer, Paige Murphy and John Burcham Erwin, respectively, and we did the on-camera interviews with his pastor, realtor, friends from the local theatre group and neighbors; we toured the home and I talked with him while we videotaped him showing us his memorabilia and photos. Later in the day, he gave a speech to the Tea Party in Hot Springs Village at Charlie’s Pizza Pub, which was recorded. The purpose of the Tea Party video was to get natural “conversational” sound from the event by listening to what people were saying and getting Cunningham on-camera milling around and talking with the guests at the restaurant. Interviews at the restaurant were with random people – some who knew Cunningham others who were political supporters of the Tea Party movement. I

made sure to use smaller samples and observed the guest's actions and customized each interview to individual respondents (Wimmer & Dominick, 2011, p. 140).

A full-day additional interview was completed on August 7, 2017 in Hot Springs Village. The interview included filming at the Hot Springs Village Fire Department Station 5 with the crew from that fire house where he volunteers, b-roll video that shows the surrounding areas and then another sit-down interview with Cunningham this time with him sitting on his back deck. I explained to him that I wanted to hear how he would want to be remembered. His answer was long, but it was two words, "a Christian," even though he admits to not being raised in a home with a focus on one type of religion.

This documentary began in early 2017 and was completed by the summer of 2018. The data collected, is from an unstructured interview format, which allows interviewers freedom to determine what further questions to ask to obtain required information (Wimmer & Dominick, 2011; see Appendix B for examples of preliminary questions). The subjects interviewed included business associates, friends and firefighters. Requests for court documents and archived news articles were reviewed and pertinent information that was added to the documentary. Clearances were granted for film usage by C-SPAN, Google Maps, KUSI-TV San Diego, San Diego Union Tribune/ZUMA Press, Shelby County Historical Society, Shelbina, Missouri and Way2Hi Aerial Imagery.

A social science research approach was part of the study involving an accepted set of theories, procedures, and assumptions about how researchers look at the world. The theory of this project is that corrupt politicians, such as Cunningham and others, may always exist and could mean that corruption is accepted within the inner-workings of government. This paper can only

answer one man's corrupt decisions, a more comprehensive study of political corruption would need to be tested, and, or, researched.

In conclusion, my outline for questions and scheduled time of events all fell into place. I explained to Murphy and Burcham the direction of the film – it was not exactly to “rehash” what he's done, but to focus on where Cunningham is today. That said, it was necessary to make sure the viewing audience got to know him before I could move the story forward. Murphy and Burcham had the outline of questions to be asked for the sit-down interview, the walk-and-talk and greeting of friends was impromptu. When we returned from each shoot, in April and August, we immediately downloaded the video and audio and it was transcribed. I took the still photos for web page use, as well. We all agreed that Cunningham had a story to tell, but the added feature to this film – the news worthy component – was/is his redemption at the age of 76. From there, we decided this was the angle: old man in a chair telling his story, and not a film that offered testimonials from the past.

I purposely set up the interviews, questions and natural sound in a progressive form to eliminate unnecessary editing. The entire film is in the direction I anticipated along with working with Burcham during the editing process. One challenge was getting the C-SPAN material from 1991 synchronized because of the way the agency ingested the material from the House floor. Later material was better quality and synching was not an issue. The music choices needed to be bold -- drums, bass and snare -- for military, and guitar with piano for the softer parts of the film where Cunningham reflects on his life. The two music sites I chose were neosounds.com and Artlist.io, the latter is what the university offers for free. I would not re-do any production phases with this film. I do plan to add two vignettes – one about Shelbina, Missouri and growing up in the small town, the other about how he acquired his yacht “Duke-Stir.” He shared the yacht story

in full – no edit cuts required. The yacht story, however, was not used for the film because it did not flow for the style of this documentary.

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V. APPENDIX

APPENDIX A: IRB APPROVAL LETTER



To: Ninette Del Rosario Sosa
BELL 4188

From: Chair, Douglas James Adams
IRB Committee

Date: 05/03/2018

Action: **Review Not Required**

Action Date: 05/03/2018

Protocol #: 1801096828

Study Title: Check 6: The Duke Cunningham Story

Please keep this form for your records. Investigators are required to notify the IRB if any changes are made to the referenced study that may change the status of this determination. Please contact your IRB Administrator if you have any questions regarding this determination or future changes to this determination.

APPENDIX B: EXAMPLE OF INTERVIEW QUESTIONS

Questions for Randall “Duke” Cunningham:

1. Where were you born and raised?
2. Where did you study and what is your level of education?
3. When did you marry and how many times have you divorced?
4. How many children do you have?
5. When did you join the Navy and for how long?
6. What is the highest level of military rank did you complete?
7. What was the emotion while serving in Vietnam?
8. What military honors have you been awarded?
9. When you retired from the military did you know what your next career would be?
10. Why politics? What was the interest, if any?
11. Did you get any push back, or encouragement, for taking on a political career?
12. What are your biggest accomplishments while in Washington?
13. What are your biggest embarrassments while in Washington?
14. When did you know you were in legal trouble involving corruption?
15. What was your first thought when you understood the level of allegations?
16. Why did you accept bribes?
17. Were other politicians doing the same in DC?
18. Did you expect a prison sentence, or did you think you would not be found guilty?
19. Tell me about your prison experience.
20. Why did you settle in Hot Springs -- one of the nation’s most politically corrupt locales?
21. Are you happy today?

Questions for Cunningham's inner-circle of firefighter friends:

1. Is Cunningham a team player as a volunteer firefighter?
2. How did he approach the department about volunteering for the fire department?
3. Does he every talk about personal emotions or is it all business?
4. Did you know about Cunningham's background and reputation?
5. Did his prison sentence ever cause you to have doubts about his character?
6. Do you follow politics or actions by politicians? Like Bill Clinton?
7. Any fun stories about having Cunningham on the team?

Questions for Cunningham's pastor:

1. How did you meet Cunningham?
2. Is he a man of faith, or has he acquired that over time?
3. When you first met him, was he fragile emotionally, in your opinion?
4. What words do you offer to people who have gone through major personal changes?
5. Is there concern for them, on your behalf, that things work out?
Personally/professionally?
6. Did you know about Cunningham prior to his moving to Hot Springs Village?

Questions for Cunningham's Hot Springs Village realtor who's selling his house:

1. Are you encouraged that Cunningham will sell his home?
2. Did you know about Cunningham prior to his move to Hot Springs Village?
3. Is he all business or is there a friendly side to the man?
1. Do you think more reform is needed between lobbyists and politicians?

APPENDIX C: SCRIPT

Writer/Producer: Ninette Sosa	Graduation Date: August 2018
Estimated time: 17 mins 44 sx	Status:
Version: 1	Revised:

**Production notes: Check 6: The “Duke” Cunningham Story defend July 2018.
The University of Arkansas School of Journalism and Strategic Media.
Master Thesis August 2018.**

<u>Scene</u>	<u>Video</u>	<u>Audio</u>
1	AERIAL OPEN: Hot Springs and Hot Springs Village, AR beauty shots. HSV exterior of home For Sale Sign, audio over “Check Six.”	10 sx Soft music bed under the rest. Neosounds.com, Developing & Growing. (HS/HSV aerials mandatory courtesy: Way2HiAerial Imagery)
2	SOT – Duke Cunningham Animation for jet/clock/MiGdot.	File: 230912, 21:45:41 – TRT 00:45sx Music under “Check Six, Check Six, in an airplane. You’ve got 3 o’clock, 9 o’clock, 12 o’clock, 6 o’clock. Nat of jet “The MiGs come in behind you at 6 o’clock. Your wingman sits over here like this 3 to 5,000 feet up

	<p>Video of jets/nats</p> <p>ON-CAM Duke</p> <p>STOCK VIDEO/Jets</p> <p>ON-CAM Duke chuckles/smiles</p>	<p>and we roll and we look at each other's 6 o'clock because a MiG is small and at a mile, he's a dot.</p> <p>And that's where they try to kill you.</p> <p>Nat of jets/music</p> <p>So we're constantly, looking, we're checking 6.</p> <p>It means, 'watch your donkey.'"</p> <p>Nat of jets/music</p>
3	<p>B-ROLL Duke:</p> <p>ON-CAM Duke (promotional video Duke in navy jump suit, standing in front of a jet).</p> <p>CREDIT: In Association with the School of Journalism and Strategic Media at the University of Arkansas.</p> <p>FILE VIDEO: Duke resignation SOT: Duke</p> <p>CREDIT: A Film by Ninette Sosa</p> <p>FILE VIDEO: Duke resignation SOT: Duke</p>	<p>VO/SOT Military footage: TRT: 55sx</p> <p>"I was lucky enough to shoot down five enemy MiGs in the skies over North Vietnam.</p> <p>SOT: "I'd like to pass on to you about lessons learned during that war."</p> <p>Sky backdrop/Nat music under: "In Association with the School of Journalism and Strategic Media at the University of Arkansas."</p> <p>SOT/KUSI-TV Courtesy: "I learned in Vietnam that the true of a man, is how he responds to adversity.</p> <p>Sky backdrop/Nat music under: "A Film by Ninette Sosa"</p> <p>SOT/KUSI-TV Courtesy: "I can't undo what I've done. But I can atone."</p>

	<p>TITLE ON SCREEN:</p> <p>Check 6: The “Duke” Cunningham Story.</p>	<p>Sky backdrop/Nat music under: “Check Six: The “Duke” Cunningham Story.”</p> <p>NAT/Parachute drops to water cloud-like.</p>
4	FADE TO BLACK AND HOLD	<p>Fade to Music/fade out to black. TRT: 01:40</p> <p>Black screen</p>
5	<p>(BEGINS MILITARY STORY)</p> <p>Aerial video HSV</p> <p>SOT/AUDIO ONLY</p> <p>ON-CAM: Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL</p> <p>ON-CAM: Duke Cunningham, sitting in chair at HSV home.</p> <p>(Cover with photo of Wheaties box).</p> <p>ON-CAM: Duke Cunningham, sitting in chair at HSV home.</p>	<p>File: 130912, 21:44:06 – 21:44:35 TRT: 01:43</p> <p>“My real name is Randall Cunningham. I’m not a quarterback for the Eagles.</p> <p>Um, I’m also known as Randy ‘Duke’ Cunningham. ‘Duke’ was my call sign when I flew in Vietnam.”</p> <p>VO/SOT Military footage: “I’m Randall Cunningham, call sign ‘Duke.’</p> <p>VO/SOT: “I’ll introduce myself as Randy, and they’ll say,</p> <p>‘what do you mean, Duke?’</p> <p>SOT: They say that being a Christian is like a straight road. My life has been like Highway 5. It’s been, it’s just came down this bended curve, like a sign wave. And I’ve had some ups and downs, which I’m very sorry for, but I’ve had a good life. I’ve been very blessed.”</p>

<p>6</p>	<p>Photos of Duke with HW Bush glad-handing, GW Bush, Bill Clinton, Gen. Yeager</p> <p>VO/SOT:</p> <p>ON-CAM Duke walking and showing personal photographs/memorabilia.</p> <p>B-ROLL: Duke walking down to basement of home.</p> <p>SOT: Duke standing in front of painting.</p> <p>VO: Duke walk and talk</p> <p>(CLOSE UP OF SIGN: "Fragment of Skylab America's First Space Station. Limited Edition 128/600)."</p> <p>VO: Military patch "United States Naval Fighter Weapons School."</p>	<p>Nats music TRT: 02:24</p> <p>Military Drums (snare/bass) mp3, Neosounds.</p> <p>STILL PHOTOS/SOT: "There is Bush, Sr., ah, there's George W. Bush, and this is actually Bill Clinton (chuckles). It's St. Paddy's Day and I found these glasses and I gave them to him and he put them on.</p> <p>This is General Yeager, a very close friend of mine. I was there at his 80th birthday. He met his wife, his new wife, when he was hiking in the Sierra's, 80 years old."</p> <p>Nats music</p> <p>File: 230912 – 24:00:00</p> <p>SOT: "There's a famous aviation artist, Nick Broom, painted this one for me.</p> <p>Nats music.</p> <p>SOT: "I have an original rock off the moon. Um, but I put it in a safe deposit box. I didn't want to leave it on a picture like this.</p> <p>SOT: "Most of these guys, Air Force and Navy. But, 'you know what you put on the bottom of a</p>

	Additional military photos (Courtesy: Shelbina Historical Society avail to use.)	Coke bottle at an Air Force base? Open other end.” (chuckles). “They’re good guys, but they’re Air Force. I’m Navy. TRT: 03:31
7	SOT – Duke Cunningham, sitting in chair at HSV home. (COVER with aerial/fighter jets) (Show Vietnam map/locator) (Cover with military aerial footage) ON-CAM/SOT Duke sitting on chair HSV home. STILL PHOTO: Duke wearing red “DUKE” helmet. Holding up index finger.	File: 130912, 21:52:35 –21:53:10 “I was in for 20 years. I was shot down on the 10 th of May 1972 on my 300 th mission over in North Vietnam.” NATS/ Military Drums (snare/bass) mp3, Neosounds.com SOT: “On that mission, I was fortunate enough to shoot down three MiGs.” 21:52:50 “We lost two of our guys who were killed on that mission. Uh, and that made a total of five, because I had two MiG kills earlier. And it gave me five, which qualified me as the first Ace in the Vietnam War. 21:53:07 There hadn’t been any new Aces since Korea.”
8	SOT – Duke Cunningham, sitting in chair at HSV home. ON-CAM Duke	File: 130912 002, 21:54:41 TRT 04:16 I was hit 40 miles over North Vietnam. The airplane was on fire with about a 40-foot fire behind it. And I lost all my hydraulics except utility. And I had to roll the airplane (fade here)

	<p>(Cover with fighter jet footage).</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>(Cover with aerial fighter jet footage spinning in the sky)</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p>	<p>I heard this loud bang and the airplane went into a spin.</p> <p>I'd see land and I'd see water and I'd see land and I'd see water (fade here)</p> <p>21:55:36. I remember thinking God get me out of this. (fade here)</p> <p>21:55:53</p> <p>I took the stick a little bit and the airplane kind of righted itself and I remember thinking God didn't have anything to do with this, it was just my superior flying skills. About that time, the airplane went back upside down and I remember thinking, 'God, I didn't mean it, get my butt out of here.'</p> <p>(Laughter).</p> <p style="text-align: right;">TRT: 5 MINS</p> <p>21:53:46 – 21:54:26</p> <p>"Unfortunately, there was a lieutenant commander – I never found out who it was. My mom answered the phone and all he said is 'Mrs. Cunningham, your son has been shot down over North Vietnam. My mom passed out.'"</p> <p>(pause)</p> <p>(Emotional) I had the greatest mom in the world. Instead of saying, 'your son is okay, but he's been shot down,' mom thought I was killed. It was pretty hard to them.</p> <p>I got on the phone later and called her and said, 'mom, I'm okay.' But it was a shock to her and my dad."</p>
9	<p>Walk and talk shows photos on mantel.</p> <p>SOT – Duke Cunningham, walking.</p>	<p>25:10:00 TRT 6 MINS</p> <p>"Mom and dad photo. "This is my little mom, she died a few years ago, just short of 100 years old. This is my dad; dad was 6'2", a body-builder. I called him 'Sir.' There's the best two parents in the world you could ever have."</p>

	ZOOM IN to Duke's face. (Mom and dad photo).	<p>"I mean, we didn't have a lot, we weren't rich, but we never went hungry. And dad and mom was always there for every event my brother and I were at...uh, and ... (bring up music). They, they were just loving parents."</p>
10	<p>SOT – Duke Cunningham Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL San Diego Highway</p> <p>Walk and Talk. Showing photos at mantel.</p> <p>COVER with "U.S. House of Representatives Logo"</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>(Font: Former U.S Congressman (R-CA))</p>	<p>File: 130912 002 26:00:10</p> <p>"I was brought up in a Christian home. I couldn't say for sure if I knew there was a God, or not. And I made a vow that if I got out of this, I would find out.</p> <p>And, when I got to San Diego I met a guy named Dan McKinnon and who invited me to go to church.</p> <p>"This is that horse, I told you. This is out at Dan McKinnon's ranch where I kept my horse, 'Rush.'"</p> <p>(music under)</p> <p>"...but we would ride when I'd go out there. He had 1,000 acres. We would just ride our horses. And we started talking about politics."</p> <p>"Well, the Chamber of Commerce asked me to run for Congress." Well, the next two years, there was a group of people out in front of my house and so I went out to see them. A lot of these guys from the Chamber, a lot of my friends. And they said, 'Duke, we want you to run for Congress.' Well you know what I said two years ago.</p>
11	<p>(BEGINS POLITICS STORY)</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p>	<p>File: 130912-002, 22:02:17 TRT 07:21</p> <p>"The phone rang, and my wife said, 'Randy, President Reagan is on the telephone for you.'</p>

	<p>(COVER: C-SPAN Ronald Reagan b/w video 1/11/89)</p> <p>COVER SHOT U.S. CAPITOL. CSPAN.</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>COVER SHOT FRESHMAN CONGRESSMEN C-SPAN (black screen, only show Duke’s face).</p>	<p>And I said, ‘Mr. President?’ He said, ‘yes sir,’ he said, ‘Randy? I understand you’ve got a few people out in front of your house,’ and I said, ‘yes sir, it kinda’ scared us a little bit.’ (chuckles) And he says, ‘well, I want you to run for Congress.’ And I said, ‘Mr. President, there’s already four people in the primary.’”</p> <p>22:03:19</p> <p>“And he said, ‘I’ll help you Duke,’ And I said, ‘Mr. President, you won’t even be president when I’m running.’</p> <p>He laughed, and he said, ‘but I’ll still have influence.’”</p> <p>“and I won. I was there 16 years. Eight, eight terms.</p>
12	<p>COVER: Next on CSPAN. U.S. House of Representatives (2/20/91).</p>	<p style="text-align: right;">TRT 08:07</p> <p>NARRATOR: “Later today, on C-SPAN. At 6:30 p.m. Eastern Time, we’ll open our phone lines for a live viewer call-in program with Representative Randy Cunningham. Congressman Cunningham, a Republican from California, was a Navy fighter pilot during the Vietnam (fade out).</p>
13	<p>VO</p>	<p>VO/SOT: “Well, when I went into Congress the first year, ...</p>

	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, 4/1/93. Cunningham addressing Congress.</p>	<p>SOT: “’93 when we took the majority. Newt Gingrich put out the Contract with America. We took the majority for the first time in 40 years.”</p> <p>SOT: “The Democrats will tell you that this bill is necessary for the American people. But it’s necessary to increase the spending and the power of the Democratic party.”</p>
14	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, 4/1/93. Cunningham addressing Congress.</p>	<p>SOT: “I was on the Defense Authorization Committee.”</p> <p>SOT: Mr. Chairman I take a back seat to no one as far as veterans and trying to help them</p>
15	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, n/yr. Cunningham addressing Congress.</p>	<p>SOT: “And then I was also Chairman of Education, post-secondary and secondary education.”</p> <p>SOT: “There should be no child that qualifies for college that shouldn’t have that opportunity, because it’s either pay me now, or pay me a lot later by not giving them an education.”</p>
16	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, 5/7/96. Cunningham addressing Congress.</p>	<p>SOT: Megan’s Law, was one of the bills that I worked on and was one of the first sponsors of it. Jennifer Dunn, (<i>bring music under</i>) and Nathan Deal who was a Democrat at the time. We called it “Duke’s Done Deal.” Megan’s Law, it’s where sexual child abusers have to register.”</p> <p>SOT: “But, I ask that Megan’s Law that Mr. Zimmer from New Jersey, is putting forth will make the “Dunn Deal, a done Deal.”</p>

17	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, 1999. Cunningham addressing Congress.</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p>	<p style="text-align: right;">TRT 09:35</p> <p><i>(keep music under)</i></p> <p>SOT: “The, uh, Shark Finning bill. I love to hunt and fish, but these fishermen were going out and cutting the fins off of sharks and the put the shark, still alive, back in the water without fins.”</p> <p>SOT: “In just a short time you can see the growth of the shark finning and the numbers that have actually been released. “</p> <p>SOT: “And we stopped that in the U.S. waters and so on.”</p>
17	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>B-ROLL C-SPAN, 2005. Cunningham addressing Congress</p>	<p>SOT: “I was Chairman of the Intelligence Committee on Terrorism.”</p> <p><i>(keep music under)</i></p> <p>SOT: “You know that 26 nations have been attacked by Al Qaeda. And we just saw today, England, but look at France and Great Britain.”</p>
18	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p>	<p>SOT: “And served at that, so I was pretty busy.”</p> <p><i>(keep music under)</i></p>

19	CUT TO BLACK AND HOLD	TRT 10:21 Cut to black. No Music. Black screen
20	<p>FILE VIDEO KUSI-TV:</p> <p>VO/ON-CAM Cunningham b-roll presser</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>COVER: Court Documents</p> <p>SOT – Duke Cunningham, sitting in chair at HSV home.</p>	<p>TRT 10:23</p> <p>SOT/KUSI-TV Courtesy, C-SPAN ANNOUNCER: “Congressman Duke Cunningham has after admitting to taking more than \$2 million in bribes. The Californian Republican pleaded guilty today to conspiracy and tax evasion, as well. Here’s his statement outside the San Diego Courthouse.”</p> <p><i>(music under)</i></p> <p>SOT: “Well, first of all, I made some serious mistakes.</p> <p><i>(fade music out)</i></p> <p>SOT: and my concern is that with age, uh,</p> <p><i>(music under)</i></p> <p>SOT: Those mistakes, uh, I, I, I don’t know if I can stop the mistakes, cuz, or it’s just that I’m running out of, with my seniority, I’m running out of mistakes to make.</p>
21	FILE VIDEO KUSI-TV:	<p>SOT/KUSI-TV Courtesy: “When I announced several months ago that I would not seek re-election, I publicly declared my innocence because I was not strong enough to face the truth. So, I misled my family, friends, staff, colleagues, the public and even myself.”</p> <p><i>(Bring up music)</i></p>

22	<p>SOT – Duke Cunningham, sitting in chair at HSV home.</p> <p>COVER: Court Documents</p> <p>B-ROLL COURT SIGN</p>	<p>SOT: “This was something in my life that I’m not proud of. I had a contractor that had a contract with the government, who was one of my best friends. Uh, we hunted, we fished together. ...uh, I took some furniture, carpets, and other things from him. I got charged with bribery. Uh, spent 8 years in a federal camp, uh, and it was probably the low part of my entire life.”</p>
23	<p>FILE VIDEO KUSI-TV:</p>	<p style="text-align: right;">TRT 11:50</p> <p>SOT/KUSI-TV Courtesy: “For all this I am deeply sorry. The truth is I broke the law. Concealed my conduct and disgraced my office. I know I will forfeit my freedom, my reputation, my worldly possessions, most importantly the trust of my friends and family.”</p>
24	<p>STILL PHOTO/B & W/Shelbina, MO. Son, dad, mom, daughter, wife, Cunningham.</p> <p>VO-STILL PHOTOS son and daughter.</p> <p>COVER WITH FILE VIDEO KUSI-TV:</p>	<p>SOT: “My mom and my dad, she was my mom, she didn’t want to see that. But, they stuck by me, by brother and my whole family stuck by me except for my wife. Uh, she actually signed papers that she was guilty, and she didn’t have to go to prison. I refused to testify against her; I tried to protect her. But, that hasn’t worked out. I still care, I was still married for almost 40 years and I still have a lot of fond memories.</p> <p>My children, I haven’t communicated with them. I send them birthday cards, Christmas cards and let them know I love them. I always will.</p> <p>When they came to me and offered a plea deal, I had gone from 270 pounds to 170 pounds in six months. I was dying. I hadn’t eaten, I had barely drank. Uh, I couldn’t walk, they had to help me down the stairs.”</p> <p>SOT/KUSI-TV Courtesy: “The next step is to face the consequences of my actions like a man. Today I have taken the first step</p> <p><i>(bring up nat music)</i></p>

		<p>And with God's grace I will take the second. God bless you."</p> <p>NATS: "Why'd you do it Congressman? Why'd you do it?"</p>
25	<p>VO/SOT, COVER WITH KUSI Vid</p> <p>ON-CAM SOT – Duke Cunningham, sitting in chair at HSV home</p> <p>B-ROLL B & W jet, parachute onto water cloud-like</p>	<p style="text-align: right;">TRT 13:30 MINS</p> <p>SOT: I've always been a fighter. But, even today it's difficult.</p> <p>It's not going to go away. It's something that in my own heart and my own mind I said, 'how could I have been so stupid?'"</p>
26	CUT TO BLACK AND HOLD	Fade to black.

27	<p>GRAPHIC:</p> <p>NAT/Phone rings</p> <p>NAT/Phone rings</p> <p>NAT/Phone rings</p>	<p style="text-align: right;">TRT 14:02</p> <p>On March 3, 2006, Randall Cunningham was sentenced to eight years and four months in prison</p> <p>He was incarcerated at a U.S. penitentiary, in Tucson, Arizona.</p> <p>He served as an educator for inmates, helping the earn their G.E.D.s</p> <p>He was released from prison June 4, 2013</p> <p>He moved to Hot Springs Village, Arkansas, where his brother resided at the time.</p>
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	NAT/Phone rings	<i>Aerial shot)</i>
28	PHONE MESSAGE: COVER W/ STILL PIC: DUKE & WILLIE DRISCOLL	NAT: "Hi this is Duke, sorry I missed your call. Please say when you called, and a return number and I'll get back to you as soon as I have a chance. Check 6. Duke."
29	VO back porch of HSV home.	TRT 14:36 NATS: Dogs barking. Screen opens. "...Bella. Hey, Bandit, Bella, come here." (music under)
30	VO/SOT	SOT: "We as fighter pilots say life is hard, then you die."
31	VO/SOT Duke sits on patio chair ON-CAM Duke at back patio of home B-ROLL HSV Fire Station	SOT: "You know my life has been like a sign wave, I've had a blessed life. And what I'm trying to do in the future is, I'm trying to get involved and pay back and to give to society for some of the things that I took." (bring up music)
32	SOT – Lt. Jeremy Simmons HSVFD Firefighter VO Duke/Simmons at fire truck	File: MVI_8105.MOV, 03:39-04:12 TRT 15:09 SOT: "I met Duke because five years ago when he moved into the village, I helped him move in. We got to know him that way. He came on as a volunteer, and uh, he came to the fire stations and wanted to help. In that time, um, he always told us, 'I'm not as young as you guys, but whatever you want me to do I'll do my best to help you do that.'" NATS at fire station

<p>33</p>	<p>ON-CAM Duke at back patio of home</p> <p>B-ROLL Duke driving truck backing out of driveway of HSV home.</p> <p>PHOTO: “Trump Make America Great Again information, cards, etc.</p>	<p>SOT: “I have a friend that told me, he said, ‘once told me once you get into politics there’s only one cure: that’s embalming fluid.’ And I understand what he means. It’s, it’s every day you watch Fox News, or something, then you see the mess that’s going on back at Washington, D.C., and you want to get back in to it.</p> <p style="text-align: right;">TRT 15:52</p> <p>I realize that wouldn’t be a good thing for me, or, or constituents. So, what I do is, I helped Asa Hutchinson when he ran for Governor, uh, I helped turn and spoke to the Republican clubs on, uh, supporting Trump and why I thought he would be a good president.”</p>
<p>34</p>	<p>B-ROLL: Tea Party Meeting at Charlie’s Pizza Pub, HSV, Arkansas</p>	<p>NATS: “We always sing ... and on three we’re gonna’ sing the “Star Spangled Banner.” You know the tune better than I do. One, two, three....”</p> <p>NATS: “Oh, say can you see.... By the dawn’s early light. What so proudly we hail (singing continues while Duke makes final statement)</p>
<p>35</p>	<p>ON-CAM Duke at back patio of home</p>	<p>SOT: I’m a man that made mistakes, I paid for those mistakes and I want to rectify them and I wanna’ be known primarily as a Christian.</p>

<p>36</p>	<p>B-ROLL: Tea Party Meeting at Charlie’s Pizza Pub, HSV, Arkansas</p> <p>ROLL CREDITS <i>while song continues.</i></p>	<p>NATS: “Were so gallantly streaming. And the rocket’s red glare...</p> <p>Written, Produced, and Directed by Ninette Sosa</p> <p>Edited by John Burcham Erwin</p> <p>Cinematography by Paige Murphy</p> <p>Sound Production and Design by John Burcham Erwin and Amanda Donovan</p> <p>Trailers and Promotional Materials by Alex Pastore</p> <p>Special Thanks to Bre and Tony Scott</p> <p>C-SPAN Hot Springs Village Fire Department KUSI-TV, San Diego Shelby County Historical Society, Kathleen Wilham and Mike Mihalevich San Diego Court Circuit Librarian Valeri Railey San Diego Union Tribune/ZUMA Press Terriers Bella and Bandit Cunningham Village Bible Church Pastor Mike Kelly Village Real Estate Agent Deb Seibert Way2Hi Aerial Imagery Andrew Epperson Google Maps</p> <p>and</p> <p>Thesis Advisors Larry Foley, Dale Carpenter, and Rob Wells.</p>
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		<p>Clips of Duke and Airplanes taken from “The Real Top Gun”</p> <p>Music Obtained through Artlist.io and newsounds.com</p> <p>Check Six: The Duke Cunningham Story 2018</p> <p><i>(singing/music fade out)</i> <i>...and the home of the brave....”</i></p> <p style="text-align: right;">TRT 17:41</p>
37		END WITH BLACK

APPENDIX D: LINK TO SUPPLEMENTAL VIDEO FILE LOCATION

<https://vimeo.com/280844882>

(Vimeo Password: Duke)

(Promo below)

https://youtu.be/LqRU_GIBLvI