

Hep, who lived to be 89, was one of those people who just about everybody liked immediately. She loved people, she loved sports, she loved the outdoors, and she loved living on West Hill in Putney, VT, with her husband, John, whom she first met when they were both just 10 years old.

For decades, Hep taught history and John taught mathematics at the Putney School. Besides challenging her students in the classroom, Hep's many passions—hiking, skiing, gardening, classical music—inspired all who knew her. She set an example for generations, young and old, in her home, in the classroom, in woods, fields, and on the slopes and summits of mountains in all seasons of the year and by her many years of community service.

Putney will not be the same without Hep, but she has left her mark there and in her children and grandchildren in ways that will live on for generations.

I ask unanimous consent that Hep Caldwell's obituary in the Valley News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Valley News, Apr. 22, 2018]

HESTER GOODENOUGH CALDWELL

PUTNEY, VT.—Hester Goodenough Caldwell, born Nov. 30, 1928, died on Tuesday, April 10, 2018. Hep died as she lived: sustained by her love for her family and her ability to meet challenges with laughter and quick wit. Hep was born in Woodbridge, Conn. to Erwin and Helen Goodenough. She grew up loving the outdoors and playing alongside her three older brothers and male cousins, excellent preparation for her future schooling and her later ability to simultaneously embrace and challenge traditional gender roles. At the age of 10 she entered Putney School, where she met the boy she would later wed, John Caldwell. After graduating from Smith College in 1950 and marrying John, she returned to Putney School in 1953, where she taught history for 37 years even as she raised four children and earned her Master of Arts in Liberal Studies from Wesleyan University. During her tenure at Putney School, Hep also held a variety of positions including head of the history department, dean of faculty, field hockey coach, and ski coach. An avid hiker, she led student ski trips to Tuckerman's Ravine, drawing on her years of skiing for Putney School and on the ski patrol at Smith. Together, Hep and John exemplified partnership as they raised their four children, worked at Putney School, and traveled to Switzerland, France, Italy, Austria, Finland, Norway, Australia, Tonga, Wales, England, Japan, Yugoslavia, China and Russia on learning, hiking and skiing expeditions.

In their later years, Hep and John became co-sponsors of Camp Caldwell, a series of mini-camps for their 10 grandchildren, where they nurtured family ties, promoted the benefits of physical labor, and cultivated a respect and love for the natural world. In the spirit of 5:00 AM barn duty at the Putney School, the little grandkid campers could not have 7 AM breakfast until they had dipped in the icy cold spring-fed pond at the bottom of the hill, which of course Hep and John had done themselves an hour or so earlier. Other camp activities ranged from "waking up the chickens and feeding them" to drawing straws to see which pair would

have to wade into the swamp mud to remove the water-cress that had infested the pond's water. Now adults, some of the grandkids' fondest memories include their time together with Hep and John.

Hep contributed significantly to her community, serving as a founding member of the new Putney Library, Chairperson of Brattleboro Community Chorus, head of the Putney's Democratic Party and as a Justice of the Peace, presiding over scores of marriages. Inspiring her children, grandchildren and students to do good in this world, lifting hearts with her piano playing, Hep's legacy lives on in her children and grandchildren, all of whom love skiing and other outdoor activities, many of whom are engaged in teaching and coaching.

Hep faced old-age challenges in her final years, but she never lost her quick laugh and ability to find levity in whatever was happening around her. She was pre-deceased by her daughter, Jennifer and her brother, Ward. She will be greatly missed by her husband, John, her three children, Tim, Sverre, and Peter and her ten grandchildren, Tyler, Alexa, Anya, Lucy, Sophie, Lucinda, Heidi, Austin, Isabel, and Patrick, and her brothers, John and Jim. A gathering to reflect on and celebrate her life will be held at the Putney School Aug. 4.

#### REMEMBERING FRANK GAYLORD

Mr. LEAHY. Madam President, on March 21, 2018, Vermont lost one of its finest sculptors, Frank Gaylord.

Frank Gaylord, a Granite City resident, was a beloved member of the Barre community. Frank influenced the city and its residents, and the city in turn influenced his art. The local granite quarries of Barre provided ample materials for Frank to hone his sculpting skills.

Frank served his country not just in World War II, receiving a Bronze Star for his service, but also in creating the Korean War Veterans Memorial, his most famous work, which resides on the National Mall in Washington, DC. The memorial is visually striking; Frank captured the movement and feel of war, the 19 figures of diverse American soldiers are shrouded in ponchos and seem to walk endlessly. Frank called the day the memorial arrived on the National Mall as the highlight of his life.

Other examples of Frank's work can be seen in many New England towns, including at the Connecticut capital and in Williston and Montpelier, VT. However, what Vermont will best remember Frank by was his dedication and determination to improve Vermont's own Granite City. Frank's contributions to the Barre Granite Association, as well as to the former Barre Players, will be missed.

Frank's passing is a loss to Vermont, to the community of Barre, VT, and to the Nation. I will always remember Frank when I see his work on the National Mall and throughout Vermont, and how he so beautifully captured our country's spirit.

I ask unanimous consent that the Times Argus article "He had an arts spirit: Famed Barre sculptor Frank Gaylord has died" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HE HAD AN ARTS SPIRIT: FAMED BARRE SCULPTOR FRANK GAYLORD HAS DIED

(By Eric Blaisdell)

BARRE.—The Granite City lost likely its most famous modern-day resident with the death of sculptor Frank Gaylord.

Gaylord, 93, died at his daughter's home in Northfield Wednesday night. Funeral arrangements have yet to be announced, and are being taken care of by The Hooker and Whitcomb Funeral Home.

Gaylord created the National Korean War Veterans Memorial in Washington, DC. Other monuments created by Gaylord include the Firemen's Memorial in Eugene, Oregon; the Doctor Ashbel Smith statue in Baytown, Texas; the Policemen's Memorial in Jacksonville, Florida; the Toledo Mud Hens Monument in Toledo, Ohio; and the National Little League Monument in Williamsport, Pennsylvania.

When Gaylord was growing up in Clarksburg, West Virginia, he recalled in a Times Argus story in 2015, his grandmother would give him plastic molds into which he would press clay to make reliefs. That transformed into sculpting clay animals and then he moved to carving soap, quickly learning how much material it actually took to make a full sculpture.

As he grew up, Gaylord was initially interested in taxidermy, which, at that time, was done by sculpting plaster molds, with the animal skins pulled over them.

Then World War II came along, and Gaylord became a paratrooper for two and a half years. Gaylord served with the 17th Airborne and fought in the Battle of the Bulge.

After the war, he used the G.I. Bill and ended up at the Carnegie Institute in Pittsburgh, which had both engineering and fine arts schools. He later transferred to Temple University's Tyler School of Art, where he focused on becoming a carver.

In 1951, Mac Durnovich of E.J. Batchelder Co. in Barre hired Gaylord. So he and his late wife Mary moved to Vermont. He knew the community's reputation, its rich ethnic heritage, and its renowned craftsmanship. He said in 2015 he knew he could learn there.

Master sculptor Giuliano Cecchinelli, of Barre, has known Gaylord since the 1960s. Cecchinelli said Thursday that Barre has never had a sculptor like Gaylord.

"He gave Barre more than Barre asked. . . . He made Barre, Vermont," he said.

Cecchinelli said Gaylord was a perfectionist when it came to his style of work, which had a more modern flair to it. He said when he first met Gaylord he could tell right away that Gaylord had class and that he would achieve what he wanted to achieve.

Cecchinelli said he owns several pieces of Gaylord's work, which he keeps in his home.

Sue Higby, executive director of Studio Place Arts in downtown Barre, has known Gaylord for 15 years. Higby highlighted his work at her studio in 2015.

"I'm truly very sorry to hear of his passing and his integrity as an artist will live on in Barre for years to come," she said.

Higby said Gaylord was a cultural intellectual who loved theater, dance and the human form. She also said Gaylord, more than most artists, had the ability to capture in his work the feeling of a ballet dancer's movement or the fluttering of a piece of fabric.

Jerry Williams owns and operates Barre Sculpture Studios. Williams has known Gaylord since the 1980s and at one point he owned the studio next to Gaylord's.

"Frank was a mentor to many sculptors, some of them still operating in town. Some of them have moved on and done other

things. But he was a real valuable part of the sculpture community in this town. Not just monumental, but the art of what we're doing," he said.

Williams said he will remember Gaylord as someone with a dry wit who knew how to put things in perspective, such as how sculptors fit into the art scene. He said because Gaylord went to art school, he approached sculpting from a different perspective than those who learned by working in a granite shed.

"When I met him I kind of wanted to emulate that part of him that wasn't ground down by an industry. He still had an arts spirit," Williams said.

#### INTERNATIONAL STUDENTS AND SCHOLARS

Mr. LEAHY. Madam President, I want to take a moment to highlight the benefits of international students and scholars who come to the United States to live and study and who have been unfairly penalized by the current administration's efforts to limit travel to our country.

I wonder how many Americans are aware of the many ways that international students contribute to our colleges and universities, to our communities, and to our Nation. In economic terms, last year alone, international students contributed an estimated \$37 billion to the U.S. economy and created or supported more than 450,000 U.S. jobs. In our State of Vermont, nearly 2,000 international students and their families contributed \$83.1 million and supported 850 jobs. One would think that President Trump, who often touts his efforts to create jobs, would want to encourage this.

In addition to economic benefits, international students and scholars advance U.S. national security by strengthening our diplomatic and cultural ties with foreign countries. Students and scholars who spend time in the U.S. become informal ambassadors when they return home, sharing an appreciation for common values, counteracting stereotypes about Americans, enhancing respect for cultural differences, and maintaining connections with our country and citizens.

However, our country is at risk of losing our position as the most attractive country for international students and scholars and of ceding the critical benefits associated with such a reputation to others.

The U.S. Council of Graduate Schools recently reported a decline in international graduate student applications and enrollment for fall 2017, the first such decline in more than a decade. In fiscal year 2017, the U.S. Department of State issued nearly 20 percent fewer student visas compared to the previous fiscal year. Students and scholars are increasingly uncertain about their status in our country, as well as the types of educational and research opportunities that will remain available to international students. This uncertainty and the chilling effects of recent executive orders targeting foreigners appear

to be diminishing the ability of the United States and our higher education institutions to remain attractive to international students.

At the same time, many other countries—including Australia, Canada, and China—are seizing the opportunity and proactively introducing national policies and marketing strategies to attract talented international students who might otherwise come here.

I urge the administration to not ignore the many important contributions to the U.S. economy, national security, and global reputation that are made by international students and scholars. The administration should reconsider its policies that are contributing to uncertainty and reluctance among such individuals, who instead should feel welcomed and encouraged to bring their talents and other contributions to this country.

#### CONFIRMATION OF KYLE DUNCAN

Ms. COLLINS. Madam President, this week I cast my vote in support of the nomination of Kyle Duncan to serve as a judge on the Fifth Circuit Court of Appeals. Mr. Duncan has been a successful trial and appellate attorney, as well as a law professor at the University of Mississippi School of Law. He was the assistant solicitor general for the State of Texas and the appellate chief for the State of Louisiana. He has tried cases at the State and Federal levels and has argued twice before the U.S. Supreme Court. The American Bar Association has reviewed his nomination and has rated Mr. Duncan "well-qualified."

Some have criticized Mr. Duncan for his work on certain high-profile cases. Nearly all nominees for the Federal courts who come before the Senate have advocated for various positions. Some of them have been involved in controversial, high-profile cases. In considering a nominee's fitness to serve on the bench, we should consider whether they have the intellect, the temperament, and the respect for precedent to fairly and faithfully uphold the law.

One case that Mr. Duncan litigated has been mischaracterized in a way that suggests he is biased against the LGBT community. Mr. Duncan's opponents argue that his work in *V.L. v. E.L.*, in which the opposing party was a lesbian, demonstrates this bias. What these critics fail to mention is that Mr. Duncan's client was also a lesbian. The matter was a custody case involving two women in a same-sex partnership. As his cocounsel in the case, Randall W. Nichols, has described in a letter to the Senate Judiciary Committee, dated November 27, 2017:

I note that some may criticize Mr. Duncan for representing clients in the same-sex marriage litigation. It must not go without notice that our mutual client, E.L., was a same-sex woman asserting a strong, albeit ultimately unsuccessful, legal argument. Mr. Duncan represented our mutual client with-

out once making an issue of her sexual orientation, without once displaying any personal bias, and without once indicating a desire to advance any agenda other than winning the case for E.L.

Mr. Duncan has testified to the Judiciary Committee that he would follow all applicable precedents of the Supreme Court and Fifth Circuit. He demonstrated his deference to precedent during his time representing the State of Louisiana. While the Supreme Court was deciding the Obergefell case on the constitutionality of same-sex marriage laws, Mr. Duncan was representing the State of Louisiana in a challenge to its marriage law. Following the Court's decision, the Fifth Circuit instructed the parties in the Louisiana case to explain whether Obergefell resolved the matter for the court.

The very next day, Mr. Duncan filed a letter explaining that, despite Louisiana's disagreement with the Obergefell outcome, the Fifth Circuit must follow the new Supreme Court precedent and strike down Louisiana's law. While still representing the State, Mr. Duncan announced that married same-sex couples would be able to have both of their names on their children's birth certificates. Mr. Duncan's actions following the Obergefell decision demonstrate that he will respect precedent and faithfully follow the law.

By contrast, in a similar case, the lawyers for the State of Arkansas continued to fight over whether Obergefell required States to issue birth certificates with the names of both same-sex spouses. Unlike Mr. Duncan, they resisted the Obergefell precedent all the way up to the Supreme Court and lost. That case, *Pavan v. Smith*, confirms that Mr. Duncan did the right thing in advising the Fifth Circuit to apply the Obergefell precedent.

It is also noteworthy that the attorney who argued against Mr. Duncan in the Louisiana case strongly supports his nomination. In an opinion article published in "The Hill" on March 25, 2018, Paul Baier, who is now a law professor at Louisiana State University, describes Mr. Duncan as a "magnificent nominee for the Fifth Circuit who ought to be swiftly confirmed." He goes on to describe Mr. Duncan's qualifications in the following way:

I always appreciated and respected Kyle's advocacy for his client and his respect for the humanity of the same-sex couples who would be most affected by the case. While I disagreed with many of his arguments, often emphatically, I never found a trace of bias, bigotry, or any disrespect towards the same-sex individuals in the case.

Kyle knows well the difference between the advocate's role for his client (in the same-sex marriage case, the State of Louisiana) and what he would be called upon to decide as a judge on the Fifth Circuit. I maintain this view of Kyle even having faced off against him in the highly charged atmosphere of same-sex marriage litigation. His ability to act as a judge and not advocate will surely carry over to other questions of public importance facing the Fifth Circuit.

The advice and consent role given to the Senate in the Constitution is one of