



Nancy Pelosi
Democratic Leader

February 3, 2017

The Honorable Wm. Lacy Clay
2428 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Clay:

On January 17, 2017, the Architect of the Capitol retroactively disqualified and removed your constituent David Pulphus's painting from the exhibit of the Congressional Art Competition winners. Later that day, I requested a meeting of the House Office Building Commission (HOBC) to consider your appeal of the Architect's decision.

This morning I met with my other two colleagues of the HOBC, Speaker Paul Ryan and Leader Kevin McCarthy. Regretfully, the HOBC voted two-to-one to uphold the Architect's decision, with Speaker Ryan and Leader McCarthy voting to uphold the Architect's decision, while I voted against upholding the Architect's decision.

We considered and discussed both your letter to Speaker Ryan of January 18, 2017, and the letter you and Rep. Raskin sent to Speaker Ryan on January 11, 2017. I made these key points for the record:

- The removal of the artwork is unprecedented. It is the first time that any artwork has been removed since the competition was first held in 1982.
- I agreed with you that the circumstances leading to the artwork's removal were wrong on many levels, and that the Architect's decision should be reversed and the painting restored to the exhibit.
- It was embarrassing to the House of Representatives for several Members to physically remove the painting themselves and then, at Congressman Reichert's request, have the Architect engage in a process of retroactive disqualification:
 - after the artwork had been hanging there for more than seven months;
 - after it had been approved for display last May under the process for the Congressional Art Competition;
 - and after, the young artist, David Pulphus, a student at a Catholic high school in St. Louis, and his family were proudly honored at a reception here last June along with other winners of the competition.

- As you and Congressman Raskin pointed out in your January 11th letter, a key point is that the government cannot invite people to place art works in a government building and then tell them to take it down because someone believes it is the subject of political controversy. In such circumstances, the Supreme Court has stated that under the First Amendment the government cannot “discriminate against speech on the basis of its viewpoint.” And you stated in your letter, “we have no power to censor citizens based on their political viewpoint in the name of official decorum.”
- In any event, the after-the-fact enforcement of “suitability guidelines” against a painting that had already been selected for the competition and had been hanging without incident for months is highly suspect.
- In fact, numerous other paintings that arguably show “subjects of contemporary political controversy” have not been touched. These included paintings submitted by Republican Members from Arizona, New York, and Florida, such as:
 - a portrait of Sen. Bernie Sanders;
 - a painting showing the American flag with a pair of Converse sneakers on top of it; and
 - a picture of a bleeding immigrant with a black eye.
 None of these paintings – or the painting submitted by you for your District – should be censored.

For all of these reasons – and to respect all of the artists who have participated in this competition – I asked the HOBC to agree that removing the painting was wrong and the Architect’s decision should be reversed. I regret that the majority of the HOBC chose to uphold the Architect’s decision.

Thank you for your leadership in protecting the expression of artists. Please convey to your constituent David Pulphus my deepest regret of the circumstances that led to his painting to be removed. The removal dishonors our traditions and violates the First Amendment.

best regards,



NANCY PELOSI
Democratic Leader