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 1735 New York Ave. NW  
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 cc: Jay Stephens, General Counsel  
 National Ethics Council

October 1, 2015

**GREEN BUILDING**

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Dear President Richter,

I write to update you on major recent developments regarding important human rights issues surrounding solitary confinement and executions addressed in ADPSR's petition to the AIA. Given the recent developments, we hope to reopen dialogue with you and/or the National Ethics Council on how AIA might respond.

**HUMAN RIGHTS,  
ETHICS & PRISONS**

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 ETHICS\_REFORM

As you know, ADPSR has urged the Institute to prohibit member participation in designing spaces for execution or for torture or cruel, inhuman or degrading treatment.<sup>1</sup> In August 2014, ADPSR advocated that AIA expand the Human Rights standard of the Code of Ethics and Professional Conduct to prohibit the design of execution chambers and prisons intended for solitary confinement. ADPSR set forth proposed rule 1.402 stating "Members shall not design spaces intended for execution or for torture or other cruel, inhuman, or degrading treatment or punishment, including prolonged solitary confinement." Our request was accompanied by a letter which further explained, "[t]he American Medical Association and many other medical professional associations have long included a ban on participation in execution and torture in their codes of ethics because they stand for the public welfare; this proposal would put AIA on a similar footing." We also incorporated numerous supporting materials including letters from the boards of the Boston Society of Architects, AIA San Francisco, and AIA Portland.

While the American use of prolonged solitary confinement has been internationally condemned for a long time the issue has recently received a greater focus. In recent days:

- President Obama stated that solitary confinement "is not going to make us safer. That's not going to make us stronger. And... it's not smart," and ordered a complete review of its use within the Federal Bureau of Prisons<sup>2</sup>

<sup>1</sup> [www.tinyurl.com/aiaethics](http://www.tinyurl.com/aiaethics) - also see attachment

<sup>2</sup> <http://wisconsinwatch.org/2015/08/president-obama-solitary-confinement-not-smart-and-not-going-to-make-us-safer/>  
[http://www.slate.com/blogs/the\\_slatest/2015/07/14/obama\\_calls\\_for\\_fundamental\\_criminal\\_justice\\_reforms\\_in\\_major\\_naacp\\_speech.html](http://www.slate.com/blogs/the_slatest/2015/07/14/obama_calls_for_fundamental_criminal_justice_reforms_in_major_naacp_speech.html)

- The State of California reached a settlement with the class of prisoners who have served over a decade in solitary confinement, agreeing to end such egregious practices. (The prisoners launched their case with a series of hunger strikes that involved over 30,000 people in 2011-2013.)<sup>3</sup>
- The Association of State Correctional Administrators stated that “Prolonged isolation of individuals in jails and prisons is a grave problem in the United States,” and that its use should be limited or ended<sup>4</sup>
- The New York Times editorial board said “locking people in near-total isolation for years is not the answer.”<sup>5</sup>

ADSPR would also like to bring our previous request to your attention in light of the fact that there is a real possibility that AIA members will be asked to design execution chambers, particularly in the State of Nevada where such a project was recently funded by the state legislature. But earlier this year other professions are following the AMA’s lead in rejecting this kind of activity:

- In March 2015, the American Pharmacists Association voted to adopt a policy that participation in executions is “fundamentally contrary to the role of pharmacists as providers of health care.” Their policy discourages members from participating in executions.<sup>6</sup>
- Also in March, the International Academy of Compounding Pharmacists issued a statement that IACP “discourages its members from participating in the preparation, dispensing, or distribution of compounded medications for use in legally authorized executions.”<sup>7</sup>

Notably, the Nevada Director of Corrections said that in addition to pharmacists, doctors, and nurses, “architectural firms are expected to avoid participating in the design of the Nevada execution chamber project.”<sup>8</sup> If even the public officials in charge of carrying out executions believe that participation in their design would be below our professional standards, ADPSR believes it is time for AIA to acknowledge it as such.

Given the increasing attention on and understanding of these activities as outside the norm of acceptable professional practice, this would be a good time for AIA to revisit its support of member participation in designing spaces to support these practices. A good first step would be for AIA to make a public statement akin to the pharmacists’ associations, discouraging member participation in such harsh projects. This would give the public and members some reassurance about the Institute’s commitment to human rights while allowing time for a consensus to form around the Ethics Code. ADPSR would be happy to assist with such efforts.

In addition, the AIA Board should consider the question of design for execution separately from design of cruel, inhuman, and degrading spaces. ADPSR recognizes that for the Institute to appropriately address the question

<sup>3</sup> <http://solitarywatch.com/2015/09/01/landmark-settlement-reached-solitary-confinement-to-be-dramatically-reduced-in-california-prisons/>

<sup>4</sup> <http://www.asca.net/system/assets/attachments/8895/ASCA%20LIMAN%20Press%20Release%20208-28-15.pdf?1441222595;>  
[http://www.nytimes.com/2015/09/03/us/prison-directors-group-calls-for-limiting-solitary-confinement.html?ref=us&\\_r=1](http://www.nytimes.com/2015/09/03/us/prison-directors-group-calls-for-limiting-solitary-confinement.html?ref=us&_r=1)

<sup>5</sup> [http://www.nytimes.com/2015/09/03/opinion/solitary-confinement-is-cruel-common-and-useless.html?\\_r=0](http://www.nytimes.com/2015/09/03/opinion/solitary-confinement-is-cruel-common-and-useless.html?_r=0)

<sup>6</sup> <http://blogs.wsj.com/pharmalot/2015/03/30/pharmacists-group-tells-member-not-to-participate-in-executions/>

<sup>7</sup> <http://associationsnow.com/2015/03/compounding-pharmacists-group-discourages-members-taking-part-executions/>

<sup>8</sup> <http://www.reviewjournal.com/news/nevada-legislature/nevada-has-80-death-row-no-place-execute>

of design for solitary confinement would require a different and more detailed approach. However, when it comes to death chambers, the intended uses and outcomes are unequivocal, and the projects tend to be very limited in scope and much less common, so we believe that the Institute can and should move faster in that area.

ADPSR would welcome a conversation that could address the concerns raised in President Dreiling's letter to us last year: the scope of professional ethics in this area, applicability of antitrust issues, and the complexity of projects to which ADPSR's proposed Ethics Rule would apply. On the antitrust front, our research reflects little risk of litigation or other antitrust scrutiny surrounding ADPSR's proposed rule. We believe that President Dreiling's questions regarding the proposed rule, and specifically her antitrust concerns, have satisfactory resolutions and we would welcome the opportunity to discuss that further.

Human rights is the most broadly respected framework for ensuring shared security and prosperity that the world has ever known. We are fortunate that previous leaders of the Institute wrote human rights into the Code of Ethics. This is an important moment to uphold that commitment, and it would be a real mark of distinction for the Institute to address the important issues of execution and solitary confinement.

We hope that you, the Board, or the Ethics Council will consider further dialogue with us regarding member adherence to our current Ethics Standards when faced with requests to design spaces intended to violate human rights. We look forward to working alongside AIA to address these important issues for the betterment of our profession as a whole.

Sincerely yours,

A handwritten signature in blue ink, reading "Raphael Sperry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Raphael Sperry, LEED AP  
President, Architects / Designers / Planners for Social Responsibility - ADPSR

Attachment: April 9, 2014 letter re: Requesting the AIA to amend the Ethics Code Human Rights Standard to prohibit the design of spaces for execution and solitary confinement