



## National Religious Campaign Against Torture

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March 25, 2009

Attorney General Eric Holder  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Mr. Attorney General:

The National Religious Campaign Against Torture (NRCAT), a campaign of over 250 religious organizations working together to abolish U.S.-sponsored torture, asks that you appoint a Special Counsel to investigate criminal acts relating to the confinement and interrogation of detainees since Sept. 11, 2001. As you know, on Sunday, March 15<sup>th</sup>, excerpts of an International Committee of the Red Cross (ICRC) report were released that concluded that detainees had been subjected to torture – a crime under both domestic and international law.

NRCAT twice asked former Attorney General Mukasey to appoint a Special Counsel to investigate both the destruction of the CIA videotapes that documented the use of “harsh” interrogation techniques against suspected terrorists and whether such techniques violated U.S. and international law. While an investigation was initiated into the destruction of the tapes, the investigator, John Durham, was not given the independent status of Special Counsel. Further, Attorney Durham’s investigation was limited to the destruction of the tapes; he apparently does not have the authority to investigate the lawfulness of the interrogation conduct depicted on said tapes.

The ICRC report, which describes conduct of shocking brutality, shows that a limited investigation is simply insufficient in this case. Government officials, from the lowest CIA officer, to the highest levels of the Executive Branch may be criminally culpable for the use of torture. Because such an investigation will include a review of the conduct of very top officials of the previous administration, and because the appearance of absolute impartiality in determining whether and whom to prosecute is critical to the public's support and understanding of such prosecutions and the laws at issue, we believe it is both wise and necessary for you to refer this investigation to a Special Counsel.

We deeply appreciate the strong stand you have taken against the use of torture by the United States, and our call for a Special Counsel is in no way intended to suggest that we have any doubt about the fairness and integrity you would bring to such a prosecution. We believe it is the critical matter of appearances that requires the use of a Special Counsel in this case.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Linda J. Gustitus".

Linda Gustitus  
President

A handwritten signature in black ink that reads "Richard S. Killmer".

Rev. Richard Killmer  
Executive Director