

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

February 8, 2024

Mayor Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Chief Pamela Smith
Metropolitan Police Department
Henry J. Daley Building
300 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Mayor Bowser and Chief Smith:

Our Subcommittees are conducting oversight of the District of Columbia's and the Department of Justice's (DOJ) enforcement of federal law. On February 5, 2024, *The Daily Signal* reported that DOJ had advised the Washington, D.C. Medical Examiner to dispose of the remains of five preborn children whose bodies were allegedly recovered from the Washington Surgi-Clinic.¹ We strongly urge you to reconsider this decision and request that you preserve this evidence.

Nearly two years ago, the D.C. Metropolitan Police Department (MPD) discovered the remains of five preborn children with the assistance of a pro-life advocacy organization.² The bodies of the children were reportedly recovered from the abortion provider, Washington Surgi-Clinic, in Washington D.C.³ While MPD maintained that the unborn children were "aborted in accordance with the law,"⁴ pro-life advocates assert that there is evidence they were victims of partial-birth abortions.⁵ While other methods of abortion unfortunately remain legal in D.C., killing a child through a partial-birth abortion is a crime under federal law.⁶ The Supreme Court of the United States upheld the federal ban on partial-birth abortions in 2007.⁷

¹Mary Margaret Olohan, *EXCLUSIVE: DOJ Advised DC Medical Examiner to Dispose of Aborted Baby Bodies*, *Lawyer Says*, THE DAILY SIGNAL (Feb. 5, 2024).

²Jonah McKeown, *After police find aborted fetal remains at home of DC pro-life activist, group pledges full explanation*, CATHOLIC NEWS AGENCY (April 1, 2022).

³Ashraf Khalil, *Group claims fetuses in Dc home proof of illegal abortions*, ASSOCIATED PRESS (April 5, 2022).

⁴Jonah McKeown, *After police find aborted fetal remains at home of DC pro-life activist, group pledges full explanation*, CATHOLIC NEWS AGENCY (April 1, 2022).

⁵*Id.*

⁶18 U.S.C. § 1531.

⁷*Gonzales v. Carhart*, 550 U.S. 124 (2007).

A violation of the Partial-Birth Abortion Ban Act is a serious accusation, and one that should not be taken lightly. Despite this significant claim, both the MPD and DOJ chose to ignore any potential evidence of a crime for two years. Now, DOJ has reportedly directed the Medical Examiner that “there is no reason to keep those babies anymore.”⁸

Every life—born and unborn—is precious and deserves respect, even after life ends. In this case, medical experts alleged two years ago that these children showed signs of being victims of partial-birth abortions,⁹ yet no independent examination outside the D.C. Medical Examiner’s office was conducted. Based on evidence collected at the time of recovery and the disturbing photos shared,¹⁰ all five of these children appear to have developed well past the point of viability, and likely suffered severely painful abortion procedures. However, without an independent examination for the purposes of countering the argument of “lawful abortions” it is not known how each child died.

Serious questions remain about the circumstances of these children’s deaths. This situation demands congressional oversight, and you have already received requests from Congress to preserve evidence in this case.¹¹ If partial birth abortions were conducted on these unborn children, that is a violation of federal law and should be investigated as such. However, if the evidence in this case is destroyed, any future investigation will be severely hampered. We urge you to reconsider the decision to dispose of the remains of these children and request that you confirm you will comply by 5:00 p.m. on Friday, February 9, 2024.

The House Committee on the Judiciary has jurisdiction over criminal law and federal law enforcement pursuant to House Rule X.¹² If you have any questions about these requests, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.



Chip Roy
Chairman
Subcommittee on the Constitution
And Limited Government

Sincerely,



Andy Biggs
Chairman
Subcommittee on Crime and
Federal Government Surveillance

⁸ Mary Margaret Olohan, *EXCLUSIVE: Cruz Calls for DC Medical Examiner to Investigate Aborted Babies’ Remains*, THE DAILY SIGNAL (Feb. 7, 2024).

⁹ Sam Dorman, *Expert analysis: At least one of the DC babies shows signs of possible partial-birth abortion*, LIVEACTION (April 5, 2022).

¹⁰ *Id.*

¹¹ See, e.g., Letter from Senator Ted Cruz to Muriel Bowser, Mayor of the District of Columbia, and Robert Contee, Chief of the Metropolitan Police Department (April 8, 2022).

¹² Rules of the U.S. House of Representatives, Rule X (2023).

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Cc: The Honorable Mary Gay Scanlon, Ranking Member, Subcommittee on the Constitution
and Limited Government

The Honorable Sheila Jackson Lee, Ranking Member, Subcommittee on Crime and
Federal Government Surveillance