

Congress of the United States

Washington, DC 20515

April 5, 2022

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

Chief Robert J. Contee III
Metropolitan Police Department
Henry J. Daly Building
300 Indiana Avenue, NW
Washington, DC 20001

Dear Mayor Bowser and Chief Contee:

As Members of Congress, we have an obligation to conduct oversight over the District of Columbia (D.C.), to ensure D.C. upholds laws enacted by Congress, particularly those enacted to protect and uphold the sanctity of human life.

Last week, D.C. Metropolitan Police recovered the remains of five preborn children apparently from the Washington Surgi-Clinic in Washington, D.C., a facility operated by the late-term abortionist Dr. Cesare Santangelo. Instead of ensuring that the horrific deaths of these children were properly investigated, Metropolitan Police made the assumption that each child died as the result of a legal abortion.¹ It is our understanding that the Metropolitan Police made this assumption without conducting any medical evaluations. We also understand from press reports that the D.C. medical examiner does not plan to perform autopsies on the children. This is completely unacceptable.

While other horrific methods of abortion unfortunately remain legal for the time being, killing a child through a partial-birth abortion is a crime under federal law. Under the Partial-Birth Abortion Ban Act of 2003, a partial-birth abortion occurs when a physician partially delivers a living child for the purpose of performing an overt act that intentionally takes the life of the child. The U.S. Supreme Court upheld the federal ban on partial-birth abortions in *Gonzales v. Carhart* in 2007.²

Additionally, Congress passed the Born Alive Infants Protection Act to provide equal protections for children who are born alive during an abortion. If the bodies of other babies who were not aborted were recovered in a similar fashion, it would be hard to imagine the Metropolitan Police declining to conduct a thorough investigation into the death of each child.

Based on evidence collected at the time of recovery and photos that have been publicly shared,³ all five of these children appear to have developed well past the point of viability, and likely suffered severely painful abortion procedures, though without an autopsy, it is not known how each child died. For example, one baby girl has significant damage to her head, with deep lacerations at the back of the neck, and may have been victim of an illegal partial birth abortion. Another baby was found in its amniotic sac and could have been born alive.

¹ Michael Levenson, *5 fetuses removed from home of anti-abortion activist, group says*, N.Y. TIMES (Mar. 31, 2022).

² *Gonzales v. Carhart*, 550 U.S. 124 (2007).

³ Sam Dorman, *Aborted babies discovered in DC may indicate infanticide after attempted abortions*, LIVE ACTION (Apr. 1, 2022).

These five children, like all children, have inherent value and deserved better than abortion – they deserved life. But at a minimum, they deserve to have their deaths investigated to ensure that no D.C. or federal laws were broken.

In light of this information, we demand that a thorough investigation is conducted into the death of each child. In order to accomplish such investigation, we request and fully expect the city to conduct autopsies on the children and preserve all collected evidence. Finally, at the conclusion of such examinations, we urge the city to properly and respectfully bury the babies.

Please respond to the following questions by close of business on Wednesday, April 6, 2022.

1. As you are aware partial-birth abortion, as defined in 18 U.S. Code § 1531 is illegal and punishable by fine, imprisonment or both. How did the Metropolitan Police reach the conclusion while recovering the remains of each child that all of the children died as the result of a legal abortion?
2. In order to ensure that no child was subjected to a partial birth abortion and that no child was born alive and left to die, will you commit to conducting a thorough investigation of the death of each child?
3. As part of such investigation, will you commit to ensuring the preservation of each child's remains for appropriate examination during the investigation?
4. Will you direct the Chief Medical Examiner to perform an autopsy on each child to determine the method and cause of death in accordance with § 5-1405 of D.C. Code?
5. Will you direct a subsequent autopsy to be completed by an independent, licensed pathologist to confirm the findings of the Chief Medical Examiner?
6. If an autopsy suggests any of the children were victims of criminal activity, will you immediately refer the evidence to both the Department of Justice and the Attorney General for the District of Columbia for criminal prosecution?
7. Will you commit to properly and respectfully burying each child?

Sincerely,



James Lankford
U.S. Senator



Jim Jordan
Member of Congress



Thom Tillis
U.S. Senator



Mike Crapo
U.S. Senator



James E. Risch
U.S. Senator



Michael S. Lee
U.S. Senator



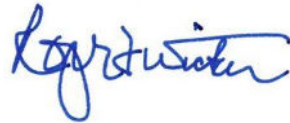
Mike Braun
U.S. Senator



John Boozman
U.S. Senator



Roger Marshall, M.D.
U.S. Senator



Roger F. Wicker
U.S. Senator



James M. Inhofe
U.S. Senator



Marsha Blackburn
U.S. Senator



Steve Daines
U.S. Senator



Josh Hawley
U.S. Senator



Jerry Moran
U.S. Senator



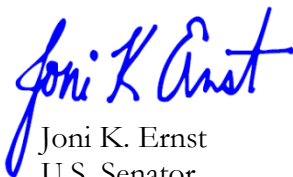
Cynthia Lummis
U.S. Senator



Ben Sasse
U.S. Senator



Ted Cruz
U.S. Senator



Joni K. Ernst
U.S. Senator



Vicky Hartzler
Member of Congress



Debbie Lesko
Member of Congress



Ralph Norman
Member of Congress



Christopher H. Smith
Member of Congress

CC: Attorney General Merrick Garland
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