

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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April 15, 2025

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, DC 20530

Dear Director Patel:

Under the Biden Administration and the tenure of former Director Christopher Wray, the Federal Bureau of Investigation (FBI) departed from its core public safety mission, suffered from senior leadership failures, and refused any real transparency or accountability for its actions. As Chairs of the Subcommittee on the Constitution and Limited Government and the Subcommittee on Crime and Federal Government Surveillance, we remain concerned about the Biden-Harris Administration's refusal to investigate the circumstances of the case of five aborted children, also known as the D.C. Five, whose remains were allegedly discovered at the Washington Surgi-Clinic in March 2022 by a pro-life advocacy group.¹ As we continue to conduct our investigation into the District of Columbia's enforcement of the Partial-Birth Abortion Act and the Born Alive Infants Protection Act, serious questions remain surrounding the deaths of these children.² We write to request that the FBI review the decision not to move forward with an investigation and the Biden Harris's apparent decision not to enforce the Partial-Birth Abortion Act and the Born Alive Infants Protection Act.

Three years ago, a pro-life advocacy organization notified the D.C. Metropolitan Police Department (MPD) of its possession of the remains of five preborn children.³ The bodies of the children were reportedly recovered from the abortion provider, Washington Surgi-Clinic, in

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

² See Letter from Rep. Chip Roy, Chairman, Subcomm. on the Const. and Limited Government, H. Comm. on the Judiciary and Rep. Andy Biggs, Chairman, Subcomm. On Crime and Fed. Gov't Surveillance, H. Comm on the Judiciary to Hon. Muriel Bowser, Mayor, Dist. Of Columbia and Pamela Smith, Chief, Metro. Police Dep't (Feb. 8, 2024), see Letter from Rep. Chip Roy, Chairman, Subcomm. On the Const. and Limited Gov't, H. Comm on the Judiciary to Hon. Merrick Garland, Atty' General, Dept. of Justice, the Hon. Muriel Bowser, Mayor, Dist. Of Columbia and Pamela Smith, Chief, Metro. Police Dep't (Oct. 10, 2024).

³ Jonah McKeown, *After police find aborted fetal remains at home of DC pro-life activist, group pledges full explanation*, CATHOLIC NEWS AGENCY (April 1, 2022).

Washington D.C.⁴ While MPD maintained that the unborn children were “aborted in accordance with the law,”⁵ pro-life advocates noted evidence that the children were victims of partial-birth abortions.⁶ Aborting a child through a partial-birth abortion is a crime under federal law.⁷ The Supreme Court of the United States upheld the federal ban on partial-birth abortions in 2007.⁸

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 the Biden-Harris Administration chose to ignore any potential evidence of a crime for two years. The Biden-Harris Department of Justice at one point allegedly directed the D.C. Medical Examiner to dispose of the bodies because “there [was] no reason to keep those babies anymore.”⁹

In the three years since these children were discovered, we are reminded of our commitment and the Trump Administration’s commitment to protect and respect every life—born and unborn. In this case, medical experts alleged three years ago that these children showed signs of being victims of partial-birth abortions,¹⁰ yet no independent examination outside the D.C. Medical Examiner’s office has been conducted. Based on evidence collected at the time of recovery, including the disturbing photos of the children, all five of these children appear to have developed well past the point of viability and likely suffered severely painful abortion procedures.¹¹ However, without an independent and unbiased medical examination, it is not known how each child died.

Serious questions remain about the circumstances of these children’s deaths. If partial-birth abortions were conducted on these unborn children, that is a violation of federal law and should be investigated accordingly. We respectfully request that you confirm that you will review the evidence related to the D.C. Five by 5:00 p.m. April 29, 2025. In addition, we request that you arrange for the appropriate FBI officials to provide a staff level briefing related to the FBI’s review and potential investigation regarding the D.C. Five. Please ask your staff to contact committee staff to schedule the briefing by 5:00 p.m., April 29, 2025.

⁴ Ashraf Khalil, *Group claims fetuses in DC home proof of illegal abortions*, ASSOCIATED PRESS (April 5, 2022).

⁵ Jonah McKeown, *After police find aborted fetal remains at home of DC pro-life activist, group pledges full explanation*, CATHOLIC NEWS AGENCY (April 1, 2022).

⁶ *Id.*

⁷ 18 U.S.C. § 1531.

⁸ *Gonzales v. Carhart*, 550 U.S. 124 (2007).

⁹ Mary Margaret Olohan, *EXCLUSIVE: Cruz Calls for DC Medical Examiner to Investigate Aborted Babies’ Remains*, THE DAILY SIGNAL (Feb. 7, 2024).

¹⁰ Sam Dorman, *Expert analysis: At least one of the DC babies shows signs of possible partial-birth abortion*, LIVEACTION (April 5, 2022).

¹¹ *Id.*

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The 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 attention to this important matter.

Sincerely,



Chip Roy
Chairman
Subcommittee on the Constitution
and Limited Government



Andy Biggs
Chairman
Subcommittee on Crime and
Federal Government Surveillance

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

The Honorable Lucy McBath, Ranking Member, Subcommittee on Crime and Federal Government Surveillance

The Honorable Muriel Bowser, Mayor of the District of Columbia

¹² Rules of the U.S. House of Representatives, Rule X (2025)