

Congress of the United States  
Washington, DC 20510

April 8, 2022

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Attorney General Merrick Garland,

We are gravely concerned by allegations brought forward that suggest a preborn baby underwent a partial-birth abortion at the Washington Surgi-Clinic in Washington, D.C.<sup>1</sup> We demand that you conduct a comprehensive investigation on the circumstances surrounding the deaths of each preborn baby.

Alongside passage of the Partial-Birth Abortion Ban Act of 2003, Congress declared that “a moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion – an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child’s body until either the entire baby’s head is outside the body of the mother, or any part of the baby’s trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child’s skull and removing the baby’s brains) that the person knows will kill the partially delivered infant, performs this act, and then completes delivery of the dead infant – is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.”<sup>2</sup>

Photos that have been publicly shared (and are enclosed in this letter) suggest that some of these babies may have been victims of partial-birth abortion or infanticide. In one picture, a preborn baby girl is believed to be a victim of partial-birth abortion. Dr. Kendra Kolb, a neonatologist, estimates that this baby girl is “somewhere between 28-30 weeks gestational age, with evidence of deep lacerations to the posterior neck which presumably correlates to the method of abortion used to end her life.”<sup>3</sup>

Official statements made by the Metropolitan Police of DC have made the assumption that each preborn baby died as the result of a legal abortion.<sup>4</sup> However, we question whether such a conclusion can be reasonably reached regarding the cause of death for each preborn baby until an official autopsy is performed. We formally request that you direct the appropriate personnel at the Department of Justice and the Federal Bureau of Investigation (FBI) to investigate whether these preborn babies were aborted in violation of federal law, specifically the Partial-Birth Abortion Ban

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<sup>1</sup> Picture 7 of the Appendix

<sup>2</sup> 18 USC 1531 note

<sup>3</sup> Dorman, Sam. *Aborted babies discovered in DC may indicate infanticide after attempted abortions*. Live Action. (April 1, 2022). <https://www.liveaction.org/news/infant-bodies-infanticide-attempted-abortions/>

<sup>4</sup> Levenson, Michael. *5 Fetuses Removed From Home of Anti-Abortion Activist, Group Says*. New York Times. (March 31, 2022). <https://www.nytimes.com/2022/03/31/us/fetus-anti-abortion-home.html>

Act of 2003. We also request the Department of Justice ensure the preservation of each of these bodies as evidence for future investigations.

John Jay, the first Chief Justice of the United States, correctly noted that, “Justice is indiscriminately due to all, without regard to numbers, wealth, or rank.”<sup>5</sup> In that same sentiment, the undersigned recognize that justice is indiscriminately due to the born and preborn, without regard to numbers, wealth, or rank. There is no compensatory reparation that may be provided to those injured by the abhorrent act of partial-birth abortion. As such, justice demands that at the very least, an investigation be conducted to ensure that anyone conducting these illegal, abhorrent acts against the most innocent among us may be prosecuted.

We expect that you will provide written confirmation to the undersigned that you and the appropriate personnel of the Department of Justice and the FBI will either fulfill, or not fulfill, these requests by no later than Monday, April 11.

Sincerely,



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Michael S. Lee  
United States Senator



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Christopher H. Smith  
Member of Congress



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Ted Cruz  
United States Senator



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James E. Risch  
United States Senator



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Mike Braun  
United States Senator



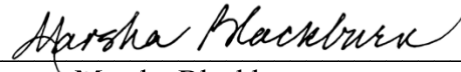
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Lindsey O. Graham  
United States Senator



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Roger F. Wicker  
United States Senator



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Marsha Blackburn  
United States Senator



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Roger Marshall  
United States Senator

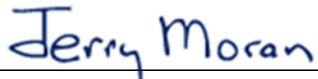


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Mike Crapo  
United States Senator


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<sup>5</sup> *Georgia v. Brailsford*, 2 U.S. 415 (1793). <https://www.law.cornell.edu/supremecourt/text/3/1>



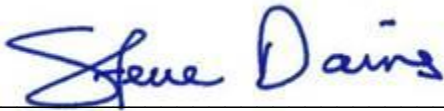
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Jerry Moran  
United States Senator



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Thom Tillis  
United States Senator



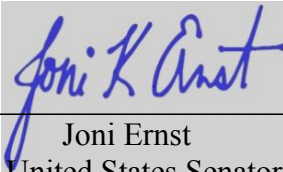
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Steve Daines  
United States Senator



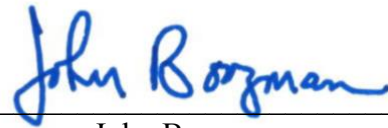
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Josh Hawley  
United States Senator



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Joni Ernst  
United States Senator



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John Boozman  
United States Senator



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Ben Sasse  
United States Senator



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Mitt Romney  
United States Senator



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Marco Rubio  
United States Senator



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James Lankford  
United States Senator



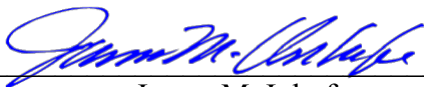
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Kevin Cramer  
United States Senator



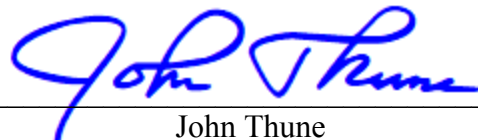
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Todd Young  
United States Senator



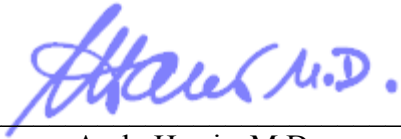
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James M. Inhofe  
United States Senator



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John Thune  
United States Senator



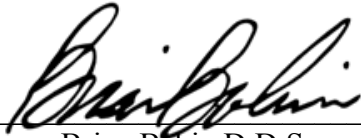
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Andy Harris, M.D.  
Member of Congress



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Michelle Fischbach  
Member of Congress



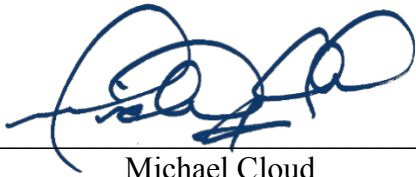
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Brian Babin D.D.S.  
Member of Congress



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Jackie Walorski  
Member of Congress



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Michael Cloud  
Member of Congress



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Ron Estes  
Member of Congress



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Michael Burgess  
Member of Congress



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Lauren Boebert  
Member of Congress



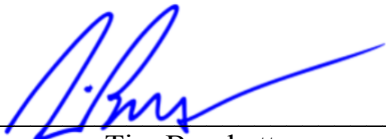
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Mo Brooks  
Member of Congress



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Larry Bucshon, M.D.  
Member of Congress



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Tim Burchett  
Member of Congress



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Madison Cawthorn  
Member of Congress



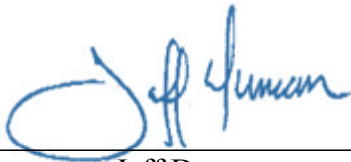
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Ben Cline  
Member of Congress



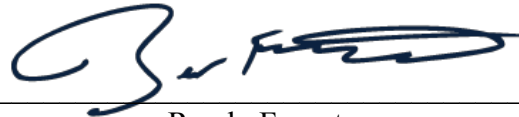
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Andrew Clyde  
Member of Congress



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Jeff Duncan  
Member of Congress



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Randy Feenstra  
Member of Congress



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Andy Biggs  
Member of Congress



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Russ Fulcher  
Member of Congress



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Louie Gohmert  
Member of Congress




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Bob Good  
Member of Congress



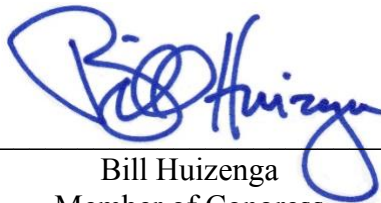
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Glenn Grothman  
Member of Congress



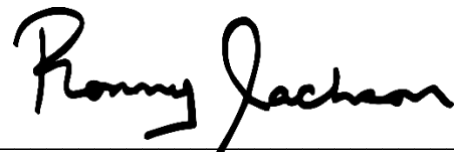
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Richard Hudson  
Member of Congress



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Bill Huizenga  
Member of Congress



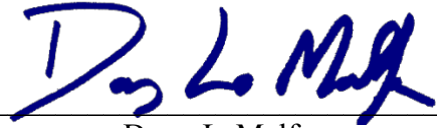
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Ronny L. Jackson, M.D.  
Member of Congress



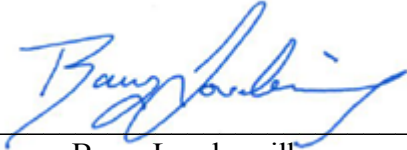
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John Joyce, M.D.  
Member of Congress



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Doug LaMalfa  
Member of Congress



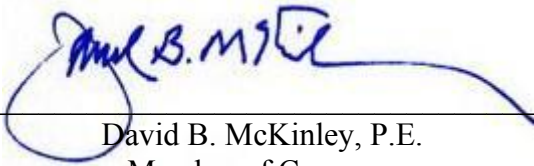
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Barry Loudermilk  
Member of Congress



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Lisa McClain  
Member of Congress



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David B. McKinley, P.E.  
Member of Congress



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Mary Miller  
Member of Congress



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John Moolenaar  
Member of Congress



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Markwayne Mullin  
Member of Congress



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Ralph Norman  
Member of Congress



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Paul A. Gosar D.D.S.  
Member of Congress



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Chip Roy  
Member of Congress



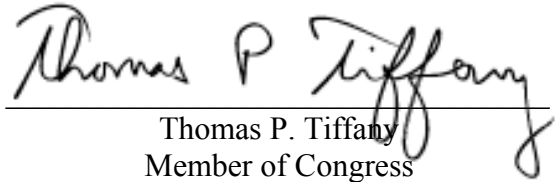
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Marjorie Taylor Greene  
Member of Congress



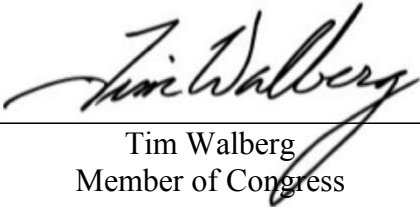
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Dan Bishop  
Member of Congress



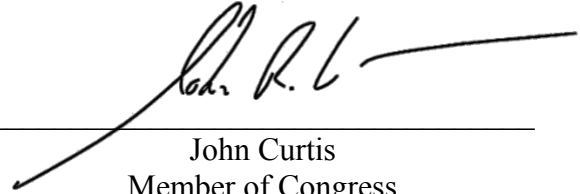
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Thomas P. Tiffany  
Member of Congress



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Tim Walberg  
Member of Congress



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John Curtis  
Member of Congress



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Michael Guest  
Member of Congress



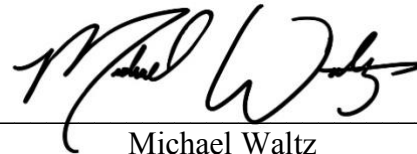
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Jack Bergman  
Member of Congress



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Steven M. Palazzo  
Member of Congress



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Michael Waltz  
Member of Congress



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Ken Buck  
Member of Congress