



March 11, 2024

The Honorable Chris Meagher
Assistant to the Secretary of Defense for Public Affairs
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400.

The Honorable Robert P. Storch
Office of Inspector General
U.S. Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

RE: Request for information regarding investigation into possible violation of Department of Defense Directive 5122.5

Dear Mr. Meagher and General Storch,

On Thursday, February 29, 2024, while testifying before the U.S. House Armed Services Committee, Secretary of Defense Lloyd Austin stated that Israeli forces had killed more than 25,000 women and children in Gaza since October 7, 2023.¹ The numbers Secretary Austin cited in the hearing are those being published by the “Gaza Health Ministry,” an agency under the control of Hamas terrorists.

As PBS has reported, officials at the World Health Organization have stated that these numbers may “not be perfectly accurate” and they are compiled by Gaza Health Ministry spokesperson Ashraf al-Qidra.² The ministry never distinguishes between combatants and civilians, and also provides no names, ages, or locations of those killed in their public reporting of the numbers.³ President Biden even stated last October, referring to the numbers reported by the Gaza Health Ministry, “I have no confidence in the number that the Palestinians are using.”⁴

Shortly after the hearing, the Pentagon walked back Secretary Austin’s statement and attempted to clarify, saying the Secretary was referring to health officials count of all

¹ <https://nypost.com/2024/02/29/us-news/austin-says-over-25000-palestinian-women-kids-killed-in-gaza-since-oct-7/>

² <https://www.pbs.org/newshour/world/what-is-gazas-ministry-of-health-and-how-does-it-calculate-the-wars-death-toll>

³ Id.

⁴ https://www.huffpost.com/entry/joe-biden-gaza-death-toll-state-department_n_653a80f3e4b0783c4ba0491f



Palestinians killed since October 7, 2023 – not just women and children. The Pentagon stated that Austin was “citing an estimate from the Hamas-controlled Health ministry.”⁵

Abraham Wyner, a professor of statistics and data science at The Wharton School of the University of Pennsylvania recently wrote an article discussing in depth the many issues with the statistics from the Gaza Ministry of Health. First, he discussed the extremely regular increase in numbers through a graph provided by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The daily reported casualty count from October 26, 2023 through November 10, 2023 averaged 270 plus or minus about 15%. In Professor Wyner’s analysis, this “is almost surely not real.” He went on to say, “This is strikingly little variation. There should be days with twice the average or more and others with half or less.”⁶

Professor Wyner continued, “similarly we should see variation in the number of child casualties that tracks the variation in the number of women. This is because the daily variation in death counts is caused by the variation in the number of strikes on residential buildings and tunnels which should result in considerable variability in the totals but less variation in the percentage of deaths across groups. This is a basic statistical fact about chance variability.”⁷

Fortunately, the DoD has a policy in place to ensure it provides only accurate information to the public. That policy, titled “The Principles of Information” and codified by Department of Defense Directive 5122.5, constitutes the underlying public affairs philosophy for the DoD.⁸ As the Assistant to the Secretary of Defense for Public Affairs, you have the primary responsibility for seeing that Directive 5122.5 is adhered to.⁹

A few of the principles deserve special attention under the current circumstances:

- A free flow of general and military information shall be made available, without censorship or propaganda, to the men and women of the Armed Forces and their dependents.
- Information will not be classified or otherwise withheld to protect the Government from criticism or embarrassment.
- [P]ropaganda has no place in DOD public affairs programs.

The policies are clear and accessible to the average member of the public. They also represent the basic expectations of any senior government official or federal agency charged with protecting America’s national security interests. As the policy makes clear, any citizen has a right under these principles to ask for the basis of information being published by the DoD.

⁵ <https://www.israelhayom.com/2024/03/01/pentagon-clarifies-austin-cited-hamas-statistics-in-testimony-to-congress/>

⁶ <https://www.tabletmag.com/sections/news/articles/how-gaza-health-ministry-fakes-casualty-numbers>

⁷ Id.

⁸ <https://www.defense.gov/Resources/Principles-of-Information/>

⁹ Id.



Indeed, the policy states, **“Requests for information from organizations and private citizens shall be answered quickly.”**

To this end, the Center to Advance Security in America is concerned that the DoD may be continuing to propagate false information provided by terrorist-controlled Hamas and its various sympathizers. Hamas is arguably providing this false information in a broader attempt to build public support for a ceasefire so it can gain a tactical military advantage over Israel, an ally of the United States.

The DoD must adhere to its policy outlined above and ensure it is not spreading any propaganda that may distort facts about the reality of the situation in Gaza. This concern is only heightened given the likelihood of such statements by senior Defense Department officials being echoed by others who may not have the best interests of the United States in mind. Notably, such disinformation by Hamas, parroted by senior Biden Administration officials, has made its way to President Biden, who cited Hamas-derived statistics of a projected Palestinian death toll in an interview given to a television outlet following Secretary Austin’s testimony.¹⁰

The Defense Department’s retracted statement that “we’re [DOD] dependent on open-source information...we’re certain that thousands of people have been killed” effectively admits to the absence of a factual basis for its public pronouncements (repeated by the President of the United States) and neuters any opportunity to demand their public statements be grounded in evidence and integrity, as required by DOD policy. We object.

Therefore, the Center to Advance Security in America is formally requesting that all relevant information used by the DOD to support its recent statements concerning the Palestinian death toll be made public. Doing so would restore confidence that Secretary Austin and senior DOD officials have not used taxpayer resources and their positions of authority to advance disinformation originating from a terrorist organization and its likely nation-state affiliates. In the absence of the DOD providing such documents “quickly” as required by the agency’s rules, we call on the DOD’s Inspector General to investigate whether and which agency officials have violated relevant regulations and policies.

¹⁰ <https://www.youtube.com/watch?v=03VAGMvmoNQ>



The American people must be able to trust that the Department of Defense is fulfilling its duties protecting our nation and its people at all times and adhering to all relevant policies and directives. If you have any questions regarding this request, please feel free to contact me at james@advancing-america.org.

Thank you in advance for your assistance in this matter.

Sincerely,

James Fitzpatrick
Director
Center to Advance Security in America