



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

October 5, 2026

Via Electronic Mail

Orice W. Brown
Acting Comptroller General
U.S. Government Accountability Office
441 G Street NW
Washington, D.C. 20548

Via Electronic Mail

Charles Baldis
U.S. Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, D.C. 20036

RE: *Request to Investigate the Trump Administration's Illegal Use of Taxpayer Dollars and Government Resources to Fund Partisan Political Advertisements*

Dear Acting Comptroller General Brown and Special Counsel Baldis:

The People of the State of California have a right to be assured that their federal tax dollars are not misused by any Presidential administration for nakedly partisan political purposes. On their behalf, I urge the U.S. Government Accountability Office (GAO) to investigate and issue a legal opinion regarding advertisements that have recently aired on national television broadcasts and social media sites featuring images and recordings of President Trump and slogans associated with Republican campaigns, all identified as having been paid for by the U.S. Government, that plainly violate federal law barring misappropriation of federal funds and resources for political purposes. I also request that the U.S. Office of the Special Counsel (OSC) investigate and prosecute related violations of the Hatch Act. As the heads of independent agencies charged with enforcing restrictions on partisan political activity and misuse of taxpayer funds, it is your duty to respond.

First, this ad campaign violates federal law barring the use of taxpayer dollars to create partisan and self-aggrandizing publicity or propaganda. The advertisements on their face do not

serve any purpose to inform the public about an issue of health, safety, or general welfare. Rather, based on both their content and timing, they operate as campaign-style advertisements promoting the President to aid his party in the midterm elections. Tellingly, one ad is effectively a frame-by-frame replica of a partisan ad produced and aired by the Trump campaign during the 2024 election cycle. There has been no Congressional appropriation for the advertisements, reportedly issued under a \$20 million contract with a private publicity firm. Justifications offered by the White House that the advertisements are comparable to “public service announcements” by other administrations and therefore “nothing new” are baseless. The advertisements violate: (1) the “propaganda rider” under federal appropriations law barring use of an appropriation for “publicity or propaganda”,¹ (2) the prohibition under federal law on use of “publicity experts”,² and (3) the prohibition under the Anti-Deficiency Act on use of appropriated funds for purposes prohibited by law.³

Second, there can be little doubt that the federal employees who worked on these advertisements violated the Hatch Act’s prohibition against federal employees engaging in “political activity” while “on duty.”⁴ According to public reporting, a network of the President’s advisors, at least one Cabinet member, the White House budget director, White House communications staff, and the Department of Homeland Security (DHS) were involved in these advertisements,⁵ and the videos espouse plainly political rhetoric, “directed toward the success or failure of a political party.”⁶ The advertisements therefore constitute “political activity” prohibited by the Hatch Act.

Background

Beginning around September 23, 2026, a series of at least five U.S. government advertisements featuring President Trump have aired, each of which concludes with a disclosure stating: “Paid for by the U.S. Government”:

1. The “Love Me” ad: This 30-second advertisement features images of the President, sometimes wearing a “MAGA” campaign hat, behind a banner reading “America will never be a communist country.” As the title lyrics to the artist JMSN’s song “Love Me”

¹ Section 718 of the Financial Services and General Government Appropriations Act for Fiscal Year 2026 (Division E of the Consolidated Appropriations Act, 2026), Pub. L. 119-75, 140 Stat. 173, 495 (Feb. 3, 2026).

² 5 U.S.C. § 3107.

³ 31 U.S.C. § 1341 et seq.

⁴ 5 U.S.C. § 7324(a).

⁵ Maggie Haberman, et al., *Trump Directed Use of Taxpayer Money for Ads Praising His Presidency*, N.Y. TIMES (Oct. 2, 2026), <https://www.nytimes.com/2026/10/02/us/politics/trump-ads.html>.

⁶ 5 C.F.R. § 734.101.

repeat in the background, the President states that, “together, we will defeat communism, socialism, and Marxism in America,” and “America will never be a communist country.” The images are interspersed with titles reading “largest tax cuts in history,” “reigniting American manufacturing,” and “defend law and order and police.” At the conclusion, the voice of Dana White, President and CEO of the Ultimate Fighting Championship (UFC), excerpted from his speech the 2024 Republican National Convention, describes the President as “the toughest, most resilient person that I’ve ever met, and nothing was going to stop him from fighting so hard for the country that he loves.”⁷

2. The “Love Me” (short form) ad: This 15-second version of the “Love Me” ad also features the “love me” soundtrack and images of the President alone, wearing a campaign hat. The ad includes the same statements by the President about defeating communism, accompanied by the same “America will never be a communist country” banner.⁸
3. The “Final Battle” ad: This 30-second advertisement features the President, alone, walking down a hallway and looking into the camera while he speaks in voice-over: “This is the final battle,” and “with you at my side, we will demolish the deep state, we will expel the war mongers from our government, we will drive out the globalists, we will cast out the communists, Marxists, and fascists. We will throw off the sick political class that hates our country. We will route the fake news media, and we will liberate America from these villains once and for all.”⁹ According to public reporting, this ad is virtually identical to an ad run by Trump’s presidential campaign in 2024.¹⁰
4. The “Golden Age” ad: This 60-second advertisement features images of the President speaking at a rally held on July 3, 2026, at Mount Rushmore, with AirForce One and helicopters flying over the monument. The President speaks in a voice-over on the theme that the United States is the most “exceptional nation to exist in human history,” and states that “we know that this is not an ending; this is only the beginning of the golden age of America.”¹¹
5. The “Iran War” ad: This 60-second advertisement features a clip of the President wearing a Trump campaign hat followed by clips of what appear to be U.S. military forces and scenes from Iranian protests. Played over these images are remarks by President Trump

⁷ Joe Edwards, *Donald Trump ‘Love Me’ Advert Broadcast On TV*, NEWSWEEK (Sept. 24, 2026), <https://www.newsweek.com/donald-trump-love-me-advert-broadcast-on-tv-12481696>.

⁸ The White House, *American Will Never Be a Communist Country*, YOUTUBE, Sept. 17, 2026, <https://www.youtube.com/watch?v=pu9bX7z-zIw>.

⁹ Jim Heath Channel, *Final Battle – Third Taxpayer-Funded Trump Ad – Paid for by U.S. Government – 2026*, YOUTUBE (Sept. 27, 2026), <https://www.youtube.com/watch?v=Yo4NUMQIJS8>.

¹⁰ Bayliss Wagner, *A Trump 2024 Campaign Ad Returns, Now Brought to You by the Government*, N. Y. TIMES (Sept. 27, 2026), <https://www.nytimes.com/2026/09/27/us/politics/trump-ad-government-campaign.html> (comparing ads).

¹¹ Jim Heath Channel, *Golden Age – Second Taxpayer-Funded Trump Ad – Paid for by U.S. Government – 2026*, YOUTUBE (Sept. 25, 2026), <https://www.youtube.com/watch?v=h7dSpiUz9zU&t=25s>

lauding the war in Iran and the strength of the U.S. military, as well as a speech by Secretary of War Pete Hegseth celebrating President Trump's decision to go to war with Iran.¹²

The ads have run on Fox News, CNN, and MS Now, during national newscasts on CBS, ABS, and NBC, and during NFL football games on Fox.¹³ According to sources within the administration, DHS engaged a Maryland media firm, LMD Agency, Inc. (LMD), in connection with the ad campaign.¹⁴ The website USAspending.gov indicates that DHS entered into a contract with LMD for \$20 million for a "National Media Campaign," with a start date of September 20, 2026, just before the advertisements began running.¹⁵ According to public reporting, President Trump personally instructed Office of Management and Budget (OMB) director Russell T. Vought to use taxpayer dollars to fund the ads.¹⁶ Public reporting also reveals the involvement of White House Chief of Staff, Susie Wiles, DHS Secretary Markwayne Mullin, and the President's executive assistant, Natalie Harp, in the ad campaign.¹⁷ Other public reporting has stated that the videos were created by members of the White House communications team.¹⁸

It has been reported that the government has spent as much as \$5.5 million in taxpayer dollars to date just on television airtime to run the advertisements.¹⁹ Total costs incurred for the ads, including for production, are likely higher.²⁰

¹² AdMo Creative Alert (2026), <https://platform.adimpact.com/viewer/d4135db4-4cb0-493b-806f-50a4774269ba>.

¹³ Haberman, *supra* note 5.

¹⁴ *Id.*

¹⁵ *Contract Summary: Blanket Purchase Agreement (BPA) Call, PIID 70B06C26F00001137*, USASPENDING.GOV, https://www.usaspending.gov/award/CONT_AWD_70B06C26F00001137_7014_70Z02323ACGRC00017008).

¹⁶ See Haberman, *supra* note 5.

¹⁷ *Id.*

¹⁸ See Kristin Holmes, *Trump personally helped orchestrate taxpayer-funded ads promoting himself and his policies, source says*, CNN (Sept. 29, 2026), <https://www.cnn.com/2026/09/28/politics/trump-ads-taxpayer-funds>.

¹⁹ See Haberman, *supra* note 5.

²⁰ See Kristen Holmes, *Trump's ads have cost taxpayers at least \$2.5 million, with funding from Customs and Border Protection*, CNN (Sept. 29, 2026), <https://www.cnn.com/2026/09/29/media/trump-ads-cost-millions-customs-border-protection-funding>.

Members of Congress from both parties and government ethics experts have criticized the advertisements as propaganda and demagogic campaign messaging that runs afoul of federal appropriations law and restrictions on political activity by federal employees.²¹

As the largest contributor of federal tax revenue among the 50 states, with over \$766 billion collected in 2025 alone, California maintains a distinct interest in ensuring that federal employees are ethical stewards of taxpayer funding—especially as the U.S. government slashes funding for vital government programs on which Californians rely.²²

Discussion

Violation of Federal Law Barring Expenditures for Partisan and Self-Aggrandizing Publicity or Propaganda

Since the early 1950s, Congress has included in appropriations bills a prohibition against using taxpayer dollars for “publicity or propaganda” not authorized by Congress. President Trump and presidents before him have signed such legislation. The broad “propaganda rider” under the operative 2026 Consolidated Appropriations Act reads, “[n]o part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.”²³ GAO’s Comptroller General is charged by law with the duty to “investigate all matters related to the receipt, disbursement, and use of public money[.]”²⁴ It has determined that the “publicity or propaganda” restriction extends to communications and activities that are “purely partisan” or that constitute “self-aggrandizement.”²⁵

Purely Partisan Propaganda: GAO has determined that government communications are considered purely partisan if they have been designed to support a political party or are entirely

²¹ See, e.g., Chad de Guzman, *Trump’s Taxpayer-Funded Ads Draw Bipartisan Criticism*, TIME (Sept. 28, 2026), <https://time.com/article/2026/09/28/trump-ads-democrats-republicans-bipartisan-criticism-taxpayer-funds/>; Andrew Stanton, *Full List of Republicans Speaking Out Against Taxpayer-Funded Trump Ads*, NEWSWEEK (Sept. 28, 2026), <https://www.newsweek.com/full-list-republicans-speaking-out-against-taxpayer-funded-trump-ads-12496880>; Ali Swenson, *Taxpayers have funded nearly \$1.5M in pro-Trump ads. Criticism is mounting, including from the GOP*, AP NEWS (Sept. 28, 2026), <https://apnews.com/article/trump-government-ads-taxpayer-funded-psa-propaganda-26ae03010d78221d1d93b06c0818d06d>.

²² INTERNAL REVENUE SERV., *SOI tax stats – State data 2025* (Jul. 9, 2026), <https://www.irs.gov/statistics/soi-tax-stats-state-data-fy-2025>.

²³ See Section 718, *supra* note 1.

²⁴ 31 U.S.C. § 721(a).

²⁵ *The Hon. Tom Udall*, B-330107, 2019 WL 4879215, at *2 (Comp. Gen. Oct. 3, 2019).

political in nature and “lack a connection to the agency’s official business.”²⁶ Appropriated funds, therefore, “may never be used ‘in a general propaganda effort designed to aid a political party or candidates.’”²⁷ In one example, GAO determined that the U.S. Department of Education had conducted purely partisan activities when it engaged a contractor to conduct media analyses evaluating whether news articles had reported, among other things, that “the ‘Bush Administration/the GOP [was] committed to education.’”²⁸

The Trump ads lack any connection to official business or functions.²⁹ Rather, they amount to a general propaganda effort designed to aid Republican candidates in the midterm elections. The ad campaign’s messaging parallels the President’s prior attacks on Democrats and support for Republican candidates during his Presidential campaigns.³⁰ The President has repeatedly urged voters in the midterms to vote as if he were a candidate.³¹ The ad campaign coincides with the commencement of voting for the November midterm elections.³² And the “Final Battle” ad is nearly identical to an ad run in support of then-candidate Trump’s 2024 Presidential election campaign.³³

²⁶ *Id.* at *3; see also, e.g., *The Hon. Frank Lautenberg*, B-302504, 2004 WL 523435, at *6-7 (Comp. Gen. March 10, 2004) (*Medicare Modernization*).

²⁷ *Medicare Modernization*, *supra* note 26, at *7 (quoting *The Hon. William Dawson*, B-147578 (Comp. Gen. Nov. 8, 1962)).

²⁸ *The Hon. Frank Lautenberg*, B-304228, 2005 WL 2416338, at *1 (Comp. Gen. Sept. 30, 2005) (*No Child Left Behind Act Video News Release & Media Analysis*).

²⁹ Although some ads reference elements of Trump’s policy platform, such as tax cuts, these appear as campaign slogans and do not educate the public regarding any specific administration policy initiatives or activities.

³⁰ See, e.g., Franco Ordonez, *Trump leans on ‘communist’ messaging as economic angst drives Democrats*, (July 10, 2026), <https://www.npr.org/2026/07/10/nx-s1-5876512/trump-communist-messaging-economy-democrats>; Nandita Bose, *Trump invokes communism 81 times in two weeks as aides test midterms message*, REUTERS (July 8, 2026), <https://www.yahoo.com/news/articles/trump-invokes-communism-81-times-in-two-weeks-as-aides-test-midterms-message-145111380.html>; Steven Sloan, *Trump and Republicans return to communist attacks against Democrats ahead of the midterm elections*, L.A. TIMES (July 2, 2026), <https://www.latimes.com/world-nation/story/2026-07-02/trump-republicans-return-to-communist-attacks-against-democrats-ahead-of-midterm-elections>; David Smith, *Trump attacks Democrats as ‘godless communists’ in test of midterms message*, THE GUARDIAN (June 26, 2026), <https://www.theguardian.com/us-news/2026/jun/26/trump-democrats-communists-midterms>.

³¹ See, e.g., David Smith, *‘I’m on the ticket’: Trump implores Republicans to vote in November at unusual midterm convention*, THE GUARDIAN (Sept. 11, 2026), <https://www.theguardian.com/us-news/2026/sep/11/donald-trump-republican-midterm-convention>; Sarah Davis, *Trump tells voters ahead of midterms: ‘Pretend I’m on the ballot,’* THE HILL, Aug. 27, 2026, <https://thehill.com/homenews/administration/6055367-trump-midterm-republican-voters-pretend-ballot/>.

³² See *2026 Early Voting Dates by State—When Midterm Voting Starts*, CONGRESS COUNTDOWN (Aug. 10, 2026), <https://www.congresscountdown.com/info/early-voting-2026>.

³³ See Wagner, *supra* note 10.

Self-Aggrandizing Publicity: GAO has determined that government communications also violate the prohibition on publicity or propaganda when their “obvious purpose is ‘self-aggrandizement’ or ‘puffery’” or when the communications “‘tend[] to emphasize the importance of the agency, its officials, or the activity in question.’”³⁴ The Trump ads attempt to depict the President as the leader of a “final battle” to defeat an alleged domestic communist menace and usher in a new “golden age.” The “Iran War” ad features remarks by Secretary of War Pete Hegseth praising the President for his handling of the war in Iran, although this has been a subject of pointed public criticism. As noted above, the “Love Me” ad includes text and audio from a 2024 RNC speech extolling the President as “the toughest, most resilient person that I’ve ever met,” while the background track, “Love Me,” is itself a directive to the listener.

The White House has sought to justify the advertisements on the ground that they constitute “public service announcements” similar to those issued by past presidential administrations.³⁵ But the examples offered in the White House statement are wholly distinguishable on a variety of grounds, including that each directly furthered specific administration initiatives, such as health care policy. GAO has stated that it will not defer to an agency’s justifications for publicity or propaganda where the reasons offered “‘are so palpably erroneous as to be unreasonable.’”³⁶ That is the case here.

Expenditures on Publicity Experts: GAO has determined that use of appropriated funds on publicity experts violates the prohibition of 5 U.S.C. § 3107 where media consultants or producers have been engaged to “‘extol or to advertise’” an agency or individuals within an agency, beyond simply “disseminating information to the citizenry about the agency, its policies, practices, and products.”³⁷ Here, the Trump ads are designed to extol the President, rather than to provide information to the public about administration policies or practices. To the extent LMD or any other private firm was paid from appropriated funds to assist in the development, production, or marketing of the Trump ads, GAO’s review should consider whether the administration violated the prohibition on expenditures for publicity experts under section 3107.

Anti-Deficiency Act Violations: GAO has consistently determined that violations of the prohibition on government-funded publicity or propaganda independently constitute violations of the Anti-Deficiency Act.³⁸ The Anti-Deficiency Act, in pertinent part, prohibits federal officials

³⁴ *The Hon. James Inhofe*, B-326944, 2015 WL 8618591 at *7 (Comp. Gen. Dec. 14, 2015) (*EPA Waters of the U.S.*).

³⁵ THE WHITE HOUSE, *Presidential Public Service Announcements Are Nothing New* (Sept. 25, 2026), <https://www.whitehouse.gov/releases/2026/09/presidential-public-service-announcements-are-nothing-new/>.

³⁶ *Medicare Modernization*, *supra* note 26, at *6.

³⁷ *The Hon. Richard Pombo*, B-302992, 2004 WL 2050487, at *10 (Comp. Gen. Sept. 10, 2004).

³⁸ See *EPA Waters of the U.S.*, *supra* note 34, at *1, *19; *No Child Left Behind Act Video News Release & Media Analysis*, *supra* note 28, at *10.

or employees from making or authorizing “an expenditure or obligation exceeding an amount available in an appropriation” for the expenditure or obligation.³⁹ GAO has determined that this provision prohibits not only expenditures in excess of appropriated amounts, but also “[u]sing appropriations for a purpose prohibited by law[.]”⁴⁰ Because the Trump ads violate the propaganda rider, they constitute an unauthorized expenditure and also violate the Anti-Deficiency Act, and the GAO should ensure that appropriate administrative penalties are enforced against the officials or employees responsible and that any who may have engaged in willful or knowing violations are referred for prosecution.⁴¹

Violation of the Hatch Act, 5 U.S.C. § 7324

The ad campaign also evinces violations of the Hatch Act, 5 U.S.C. § 7324, which prohibits covered federal officers and employees from, among other things, engaging in “political conduct” while “on duty.”⁴² OSC is authorized to investigate alleged violations and file charges against the subject officer or employee for adjudication before the Merit Systems Protection Board. Employees and officers found to be in violation are subject to disciplinary action, including removal or debarment from federal employment; assessment of civil penalties; or a combination of the two.⁴³

The federal employees involved in making and disseminating the ads, with the exception of the President himself,⁴⁴ are almost certainly covered employees who were on duty when they did so. As noted above, public reporting reveals that the ads were developed by White House communications staff, and the President’s aide, Natalie Harp, DHS Secretary Markwayne Mullin, Budget Director Russell T. Vought, and the White House Chief of Staff Susie Wiles, were all involved in making, funding, or disseminating the ads.⁴⁵ As employees or officers of federal executive agencies, these individuals are covered federal employees under the Hatch Act.⁴⁶ And those involved were almost certainly “on duty” when they worked in connection with the ads, since OSC has interpreted “on duty” broadly to mean

³⁹ 31 U.S.C. § 1341(a)(1)(A).

⁴⁰ *Matter of U.S. Dep’t of Health & Human Servs.- Obligations for Commc’n Services*, B-332531, 2023 WL 8001912, at *8 (Comp. Gen. Nov. 16, 2023).

⁴¹ See 31 U.S.C. §§ 1349, 1350.

⁴² 5 U.S.C. § 7324(a).

⁴³ 5 U.S.C. § 7326.

⁴⁴ The President and Vice President are exempt from the Hatch Act. 5 U.S.C. § 7322(1).

⁴⁵ See Haberman, *supra* note 5.

⁴⁶ See 5 C.F.R. § 734.101 (defining covered employees to include individuals “employed” or “holding office in” “an executive agency”).

during work hours (for employees with regular work schedules) or while performing “official duties” (for employees with irregular work schedules).⁴⁷

Further, creating and disseminating the ads fits squarely within the Hatch Act’s definition of “political conduct.” “Political conduct” includes any conduct that is “directed toward the success or failure of “a political party.”⁴⁸ For the same reasons that the videos are “purely partisan propaganda”—namely, the timing of their release and partisan messaging—they are clearly directed toward the success of the Republican Party in the midterm elections. As OSC has made clear in a previous opinion, the videos need not reference a specific candidate or party in order to constitute prohibited “political conduct.” In fact, OSC has clarified that the mere use of slogans from previous campaigns—such as “Make American Great Again” and “MAGA”—while on duty, can be considered “political conduct” even if it is not “paired with express advocacy for a candidate or political party.”⁴⁹ The videos in question go far beyond mere political slogans; here, one of the four videos is nearly *identical* to a Trump’s 2024 campaign ads, re-broadcast using taxpayer dollars. Another features audio from a speech at the 2024 Republican National Convention. And all of the videos contain imagery and messaging that evokes the Republican Party’s talking points (e.g., “largest tax cuts in history,” “demolish the deep state,” “American will never be a communist country,” and pro-Iranian war messaging) that, in the midst of a midterm election, can only be interpreted as being directed towards the success of the Republican Party.

The Hatch Act prohibits the use of taxpayer dollars, including federal employee time, for such political advocacy, and violations of that prohibition should not go unchecked.

Conclusion

Senior U.S. government leaders have a duty to uphold the highest standards of professional conduct and safeguard hard-earned tax revenues on behalf of their constituents in accordance with longstanding federal law. Unauthorized federal expenditures on partisan propaganda and vanity projects undermine these basic precepts and erode public trust in government. GAO and OSC should undertake an investigation to determine all U.S. government officials, employees, agencies, and private contractors involved in the development, production, and marketing of this ad campaign; their respective roles; and the sources of funds used to develop, produce, market, and distribute the ads. Further, GAO and OSC should hold all people

⁴⁷ See U.S. OFF. OF SPECIAL COUNS., *Hatch Act Advisory for Teleworking Employees* (2020), <https://www.osc.gov/~assets/docs/hatch-act-advisory-for-teleworking-employees.pdf>.

⁴⁸ See 5 C.F.R. § 734.101.

⁴⁹ U.S. OFF. OF SPECIAL COUNS., *Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans* (2023), <https://www.osc.gov/~assets/docs/hatch-act-advisory-opinion-regarding-the-use-of-presidential-campai-2a7a144a.pdf>.

involved accountable by ensuring that their agencies implement appropriate remedial measures and initiate prosecutions as appropriate.

Sincerely,

A handwritten signature in blue ink that reads "Rob Bonta". The signature is fluid and cursive, with the first name "Rob" and last name "Bonta" clearly distinguishable.

ROB BONTA
Attorney General