

GOVERNMENT MESSAGING ON TRIAL

PSA or Propaganda?

Exploring how U.S. law regulates government propaganda through an examination of the taxpayer-funded Trump ads that aired before the 2026 midterms.

“Paid for by the U.S. Government.”

OPTION A: READ AND DISCUSS · 30 MINUTES

5 min	Hook: watch the ads
15 min	Read: the history and the law
10 min	Discuss

OPTION B: ROLE-PLAY THE DEBATE · 50–75 MINUTES

5 min	Hook: watch the ads
15 min	Read: the Hatch Act & the spending rule
20 min	Role-play: GAO review panel
10–15 min	Discussion & exit ticket



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PSA or Propaganda?

Law, History, and Government-Funded Presidential Messaging

What's new in this update

- **The money trail.** The ads are funded by \$20 million moved out of a Customs and Border Protection account at the Department of Homeland Security (DHS), not by the White House's own budget.
- **The President's role.** The New York Times reports that President Trump personally directed his budget chief to find the money.
- **More ads coming.** CNN reports at least 13 spots have been produced; the White House says the campaign will expand.
- **New voices.** Senate Majority Leader John Thune, FCC Chair Brendan Carr, and the President himself have now weighed in.
- **New in the lesson.** A timeline, a "Follow the money" section, a DHS budget role card, and updated scoring and discussion prompts.

How this "just-in-time" packet is organized

Section	Who it is for	Use it for
1. Teacher Guide	Teacher	Objectives, materials, lesson sequences for Options A and B, key points, answer notes
2. Background Reading	Students (Option A); teacher background (Option B)	The history and the law, stakeholder perspectives, discussion questions
3. Student Handouts 1–4	Students (Option B)	Reading packet, role cards, GAO scoring sheet, discussion questions & exit ticket
4. Sources	Everyone	News coverage, legal sources, and GAO decisions

A note about this Just-in-time lesson. This story is moving quickly. Facts in this packet are current as of October 4, 2026. Spending totals, the number of ads, and the status of complaints may have changed by the time you teach.

1. Teacher Guide

Learning objectives

- Gain knowledge about regulations on government propaganda, including the Hatch Act (limits on federal employees' partisan activity) and the "publicity or propaganda" rule (limits on how appropriated funds are spent on messaging).
- Apply the Government Accountability Office's (GAO) three-part test to a recent government-funded message.

- Trace how public money moves from a congressional appropriation to a television ad and explain why the source of the money matters legally.
- Use media literacy questions to analyze a message.
- Evaluate competing arguments and articulate a position using reasoning and evidence.

Materials

- Videos aired beginning September 2026 and labeled “Paid for by the U.S. Government”:
 1. "Love Me" spot: <https://youtu.be/kGfPcBV4qrA?si=UKxl3o5ynjO6Fvr->
 2. "Final Battle" spot: <https://youtu.be/6Q-8-Zfn7Kk>
- Background Reading (Option A, one per student)
- Handout 1: Reading Packet (Option B, one per student)
- Handout 2: Role Cards (cut apart; one per group)
- Handout 3: GAO Review Panel Scoring Sheet (one per panelist)
- Handout 4: Discussion Questions & Exit Ticket

Lesson sequence: Option A (30 minutes)

Time	Activity	What happens
5 min	Hook	Play one ad cold, with no introduction. Students write one line: <i>PSA, campaign ad, or propaganda? What in the ad made you decide?</i>
15 min	Reading	Students read Section 2, Parts 1 and 2, individually or in pairs.
10 min	Discussion	Students choose one question from Part 3 and answer it in a brief paragraph, then share.

Lesson sequence: Option B (50–75 minutes)

Time	Activity	What happens
5 min	Hook	Play the ad cold, with no introduction. Students write one line: <i>PSA, campaign ad, or propaganda? What in the ad made you decide?</i> Collect a quick show of hands.
15 min	Reading	Students read Handout 1 individually or in pairs and answer the five reading questions. Emphasize the key distinction: who the Hatch Act covers vs. what the spending rule covers.
20 min	Role-play: GAO Review	Assign roles (Handout 2). Groups prep 5 min, then each makes a 90-second case. The GAO panel scores the ad (Handout 3) and announces a finding with reasons.
10–15 min	Discussion + Exit Ticket	Whole-class discussion (Handout 4). Students complete the exit ticket: a three-point test for telling a legitimate PSA from propaganda.

Key points for the teacher

- **The President and Vice President are exempt from the Hatch Act.** The law covers executive-branch employees, including White House staff. So a Hatch Act argument has to focus on the staff who produced, approved, funded, or placed the ads, and on whether they used official authority to affect an election.
- **The “publicity or propaganda” rule is about money, not people.** It applies to any use of appropriated funds, including the President’s office budget and, as it turns out here, the DHS budget. GAO asks whether the spending was self-aggrandizing, purely partisan, or covert.
- **Where the money came from is now a second legal question.** Reporting shows the \$20 million came from Customs and Border Protection funds moved into a DHS “commemorative events” line. Under the Purpose Statute, appropriations may be spent only for the purposes Congress set. This is separate from, and in addition to, the propaganda question.
- **Disclosure matters, but only for one of the three tests.** The “Paid for by the U.S. Government” label answers the covert-propaganda concern. It does not settle whether the content is self-aggrandizing or purely partisan.
- **GAO is very deferential.** It finds violations only when the material is “completely devoid of any connection with official functions.” It rarely finds violations, and its opinions cannot be enforced in court.
- **Enforcement gaps are part of the lesson.** When the Office of Special Counsel finds a Hatch Act violation by a senior presidential appointee, it reports to the President, who decides on discipline. GAO findings lead to reporting requirements, not court orders. As of October 4, no public findings from GAO, the Office of Special Counsel, or the DHS inspector general had been reported, and the FCC chair has said he sees no reason for FCC review.
- **Keep it evenhanded.** Criticism has come from both parties, including the Senate’s Republican leader, and the White House points to earlier government ad campaigns under Presidents Bush, Obama, and Biden. The President says he is “promoting the country,” not himself. Students should weigh the strongest version of each side.
- **Model source awareness.** Much of the newest information comes from anonymous sources and leaked budget documents reported by The New York Times, The Washington Post, and CNN. Ask students how that should affect their confidence, and what would count as confirmation.

Reading question answer notes (Handout 1)

1. Hatch Act: covers people (federal employees, not the President/VP); enforced by the Office of Special Counsel. Propaganda rule: covers spending of appropriated funds; interpreted by GAO.
2. Self-aggrandizement (“puffery”), purely partisan purposes, and covert propaganda. The disclosure label addresses only the third.
3. The 2004 Medicare ads were tied to a new law Congress told HHS to explain to beneficiaries, and were not “purely partisan.” The video news releases were covert: they were made to look like independent news and hid the government’s role.
4. The money was appropriated for Customs and Border Protection and moved into a DHS line Congress described as covering line-of-duty death memorials, agency anniversaries, and commendation ceremonies. Students should connect this to GAO’s “connection with official functions” test and to the question of whether Congress authorized this kind of message. A fair counterpoint: administration lawyers reportedly concluded the DHS funds could be used.
5. Answers will vary. Strong answers note timing (pre-midterm), placement (key markets, sports and cable news), reuse of campaign material, the source of the funds, the absence of practical information for the public, and the White House’s argument that there is no candidate or call to action.

2. Background Reading (Option A)

Part 1. The History and the Law

The case at hand

In late September 2026, weeks before the midterm elections, television spots featuring President Trump began airing nationwide, each closing with the line **“Paid for by the U.S. Government.”** One, “Final Battle,” is nearly identical to a 2024 campaign ad in which the President warns of a “final battle” against “globalists” and “warmongers.” Another, nicknamed “Love Me” for the song on its soundtrack, is a montage of administration accomplishments set to music. A newer spot promotes the war with Iran, with audio from the President and Defense Secretary Pete Hegseth. Watch two examples:

1. “Love Me” spot: <https://youtu.be/kGfPcBV4qrA?si=UKxl3o5ynjO6Fvr->
2. “Final Battle” spot: <https://youtu.be/6Q-8-Zfn7Kk>

Media tracker AdImpact counted at least \$2.5 million spent airing three spots in the first week, with placements during NFL and college football broadcasts and on cable news. CNN reports that at least 13 spots have been produced, from 15 seconds to three minutes long, including one titled “God Made Trump.” The White House calls the spots public service announcements. Critics in both parties call them taxpayer-funded propaganda. Deciding who is right requires understanding a century of American anxiety about government persuasion.

Follow the money

In the first days of the controversy, no one outside the administration knew which agency was paying. That is now clearer. According to budget documents reported by The Washington Post, on **September 19** the Office of Management and Budget moved **\$20 million** out of a \$6.7 billion Customs and Border Protection allocation and into a Department of Homeland Security line for “commemorative events,” a category Congress described as covering line-of-duty death memorials, agency anniversaries, and commendation ceremonies. That line had been budgeted at about \$1 million. On **September 20**, DHS awarded a \$20 million contract for a “national media campaign” to LMD Agency, a Maryland public relations firm.

The New York Times, citing 12 people familiar with the process, reported that President Trump personally directed OMB Director Russell Vought to find the money, and that White House and OMB lawyers concluded DHS funds could be used. CNN reported that Customs and Border Protection leaders “didn’t sign off on it,” and that some administration officials declined to take part because of legal concerns. DHS says it “makes contracting decisions in accordance with applicable laws.”

Timeline

Date	What happened
Sept. 19	OMB moves \$20 million from Customs and Border Protection funds to a DHS “commemorative events” line.
Sept. 20	DHS awards a \$20 million “national media campaign” contract to LMD Agency.
Sept. 23	First spot airs on Fox News and Newsmax.
Sept. 24–25	Democratic lawmakers write to the White House chief of staff; Public Citizen files its first complaint.
Sept. 26–27	“Final Battle” airs during football broadcasts.

Date	What happened
Sept. 29	Public Citizen files a second complaint, adding the FCC and FTC; the \$20 million DHS funding becomes public.
Sept. 30	Reps. Raskin and Whitesides ask GAO and the Office of Special Counsel to investigate; CREW files with the DHS inspector general; the FCC chair says no review is needed.
Oct. 1	President Trump defends the ads: “I’m promoting the country.”
Oct. 2	The New York Times reports the President’s personal role; CNN reports at least 13 ads have been produced.

A century of suspicion

American law has long treated government publicity as necessary but dangerous. In 1913, after the Civil Service Commission advertised for a “publicity expert” for the Office of Public Roads, Congress passed the **Gillett Amendment**, still on the books as 5 U.S.C. § 3107: no appropriated funds may pay a publicity expert unless Congress specifically provides for it. The concern was that agencies would use public money to build public support for themselves, and so escape congressional control.

World War I turned that concern into a lesson. The **Committee on Public Information** (1917–1919), led by journalist George Creel, mobilized films, posters, pamphlets, and tens of thousands of “Four Minute Men” speakers to build support for the war. It was effective, and that was the problem. In the 1920s, writers such as Walter Lippmann and Edward Bernays described how public opinion could be “manufactured,” and “propaganda” became a term of suspicion in American political vocabulary.

The **Hatch Act of 1939** grew out of a different scandal. Investigations of the 1938 elections found that officials of the Works Progress Administration had pressured relief workers to support favored candidates. Senator Carl Hatch’s bill barred most federal executive-branch employees from using “official authority or influence for the purpose of interfering with or affecting the result of an election,” and from taking an active part in political campaigns. Congress relaxed the rules in 1993 to permit most employees’ off-duty political activity, but the core ban on using official authority to affect elections remains (5 U.S.C. § 7323).

After World War II, the **Smith-Mundt Act of 1948** authorized U.S. information programs aimed at foreign audiences while restricting their distribution at home. The 2012 Smith-Mundt Modernization Act relaxed that domestic ban, but the principle it expressed has endured: messages crafted to persuade foreign publics should not be turned on Americans. Beginning in the early 1950s, Congress also added a sentence to its annual spending bills that remains there today: *“No part of any appropriation contained in this or any other Act shall be used directly or indirectly... for publicity or propaganda purposes within the United States not heretofore authorized by Congress.”*

Three different legal tools

These laws are often mentioned together, but they work differently. The distinction is central to the current debate.

The Hatch Act regulates people. It covers executive-branch employees, including White House staff. It does **not** cover the President or Vice President, who are excluded from the statute’s definition of “employee.” The Office of Special Counsel (OSC) investigates violations. For most employees, the Merit Systems Protection Board can impose penalties up to removal. For senior presidential appointees, however, OSC can only report its findings to the President, who decides whether to act. In 2019, for example, OSC recommended that presidential counselor Kellyanne Conway be removed for repeated violations, and the White House declined.

The “publicity or propaganda” rule regulates money. It applies to any office spending appropriated funds, including the Executive Office of the President and DHS. Because Congress never defined “propaganda,” the Government Accountability Office (GAO), Congress’s auditing arm, has developed three categories of prohibited spending: (1) **self-aggrandizement or “puffery,”** material that mainly glorifies an agency or official; (2) **purely partisan** material, designed to aid a party or candidate with no real connection to official business; and (3) **covert propaganda**, material that conceals the government’s role so audiences think it came from an independent source.

The Purpose Statute regulates what money is for. Under 31 U.S.C. § 1301, appropriations may be spent only on the objects for which Congress made them. Spending money on something Congress did not fund can also violate the Antideficiency Act. Critics now argue that paying for presidential TV spots out of border-security funds, through a line meant for memorials and ceremonies, fails this test regardless of what the ads say.

How GAO has applied the rule

GAO is deliberately deferential. Agencies may explain, promote, and defend their policies, and GAO finds a violation only when material is “completely devoid of any connection with official functions.” In **2004**, it declined to fault the Department of Health and Human Services’ television ads for the new Medicare drug benefit (“Same Medicare. More Benefits.”). GAO criticized the ads for omissions but noted that Congress had directed HHS to inform beneficiaries about the law. The same year, it found that HHS’s **video news releases**, pre-packaged segments narrated by a hired “reporter” and aired by local stations as news, were covert propaganda. In **2005**, it reached the same conclusion about the Education Department’s payments to commentator Armstrong Williams to promote No Child Left Behind without disclosure. In **2015**, it found that the Environmental Protection Agency’s social-media campaign for its clean-water rule violated both the propaganda and anti-lobbying provisions.

The pattern is clear: GAO violations have mostly involved **concealment**. Openly attributed messaging has rarely been found unlawful, even when it is one-sided. Enforcement is also weak. GAO’s opinions are advisory. A violation can trigger a report to Congress and the President under the Antideficiency Act, but there is no court order, no private right to sue, and criminal penalties have never been used for this. In practice, the real check is political: Congress’s power over appropriations and public reaction.

Why this case is hard

The 2026 ads are fully disclosed, which removes the covert-propaganda theory that most past violations relied on. The debate therefore turns on the categories GAO has rarely enforced: whether spots featuring the President, recycling campaign footage, and airing in contested markets just before an election are self-aggrandizing or purely partisan, and whether they bear any real connection to an official function. The funding source sharpens that last question: what official function of Customs and Border Protection, or of a “commemorative events” budget, do these spots serve? The Hatch Act question, meanwhile, focuses not on the President but on the staff who produced, approved, funded, and placed the ads.

Legal experts disagree about how close the call is. University of Michigan law professor Samuel Bagenstos told PolitiFact, “It’s basically impossible to come up with a respectable argument to the contrary. All these ads do is aggrandize Donald Trump.” Ethics attorney Brett Kappel said the answer depends on which agency’s appropriation is used and what that agency’s spending law permits. Several experts added that enforcement is unlikely, since the administration oversees the agencies that would act.

Part 2. Stakeholder Perspectives

Consider the varying points of view on this controversy:

The White House and the President

The spots are public service announcements meant to encourage Americans to “love their country and understand what makes it worth defending.” President Trump is not on the ballot, and the ads contain no call to vote or donate. They are openly labeled as government-funded. Presidents of both parties have used appropriated funds to promote their policies, including George W. Bush’s Medicare ads, Barack Obama’s Affordable Care Act outreach, and Joe Biden’s COVID-19 vaccination campaign. The White House calls the spots “educational and patriotic” and says the campaign will expand. On October 1 the President said: “I’m not promoting a candidate. I’m not promoting myself. I’m promoting the country,” adding, “if somebody said that that’s wrong, I’ll gladly pay the money.”

Congressional Democrats

Democratic appropriators called one spot “the sort of government propaganda one might expect in North Korea,” argued that it violates the propaganda ban in the Consolidated Appropriations Act, 2026, and demanded that the ads be pulled and their costs disclosed. In their view the spots are self-aggrandizing and partisan, with no information the public can use, and their timing and placement point to an electoral purpose. Sens. Patty Murray and Chris Murphy wrote to Homeland Security Secretary Markwayne Mullin calling the spending “illegal and a shockingly corrupt misuse of taxpayer dollars.” Reps. Jamie Raskin and George Whitesides asked GAO for a legal decision and OSC for a Hatch Act investigation, citing the propaganda ban (Section 718), the Antideficiency Act, and the federal statute against misusing public money.

Republican critics

Several Republicans objected on grounds of fiscal stewardship and precedent. Sen. John Kennedy said no public official should “spend public money on private ads,” and Sen. Thom Tillis called the ads “inappropriate,” comparing them to practices in Viktor Orbán’s Hungary. Senate Majority Leader John Thune said: “It’s a great message, I like the message, but it shouldn’t be paid for by taxpayer dollars.” Their concern rests less on legal technicalities than on norms: whatever one President does with public money, the next President can do too.

Government-ethics watchdogs

Public Citizen filed complaints with GAO and the Office of Special Counsel, alleging violations of the propaganda rule and the Hatch Act, and later asked the FCC and FTC to tell broadcasters to stop airing the spots. Citizens for Responsibility and Ethics in Washington (CREW) asked the DHS inspector general to investigate under the Purpose Statute and the Antideficiency Act. Watchdogs argue that although the President is exempt from the Hatch Act, the staff who created and placed the ads are not. They see the ads as part of a broader pattern of taxpayer-funded self-promotion and argue that the enforcement system, which depends on advisory opinions and presidential discretion, is not adequate to it.

Broadcasters, regulators, and the media

Stations that air the spots are paid, fully disclosed government advertising. Because the ads are not candidate ads, they fall outside many campaign-advertising rules, such as equal-time obligations, that would otherwise apply before an election. FCC Chair Brendan Carr said he sees “nothing in there that strikes me to merit any sort of FCC review.” The spots have run on Fox News, Newsmax, CNN, and MS NOW, among others. Separately, the

musician JMSN sent a cease-and-desist letter over the use of his song “Love Me,” saying he does not want to be associated with the President. The media’s role raises its own questions: whether to accept such ads, how to label them, and how news coverage frames them.

The public and voters

Viewers, especially in swing districts, are the intended audience. Some may see patriotic messaging and nothing more; others may read the ads as campaign advertising that happens to be paid for with their taxes. Media literacy questions apply: who made the message, for what purpose, using what techniques, for whose benefit, and with what left out?

Part 3. Questions for Discussion

Choose among the following questions to answer, working in a individually or in a small group. Be sure to use evidence and reasoning that reflects what you have learned from reading and viewing.

1. **Drawing the line.** GAO’s violations have mostly involved concealment. Should transparency (“Paid for by the U.S. Government”) be enough to make government messaging legitimate? If not, what additional criteria (content, timing, placement, the presence of the President) should matter, and who should apply them?
2. **Accountability gaps.** The President is exempt from the Hatch Act, GAO opinions are advisory, and discipline for senior staff rests with the President. Is this a design flaw or an appropriate respect for the separation of powers? What reform, if any, would you propose?
3. **Consistency across administrations.** Compare these spots to the Bush Medicare ads and the Biden COVID-19 campaign that the White House cites. What distinguishes informing the public about a program from promoting a political leader? Would your assessment change if a President of the other party ran identical ads?
4. **Persuasion and democracy.** From the Creel Committee to today, democratic governments have needed to communicate persuasively, whether to sell war bonds, encourage vaccination, or explain new laws. At what point does government persuasion undermine the citizen’s role as the judge of government, rather than serving it?
5. **The media’s role.** What responsibilities do broadcasters, journalists, and platforms have when government-funded messaging resembles campaign advertising? Should such ads be subject to the same disclosure and equal-time rules as candidate ads?
6. **Follow the money.** The ads were paid for with funds Congress appropriated for border security, moved into a line for memorials and ceremonies. Does the source of the money change your view of the ads themselves? Who should decide when an agency may redirect funds: the President, Congress, or the courts?
7. **“I’ll gladly pay the money.”** The President said he would repay the cost if the ads were found to be wrong. Would repayment resolve the problem? What does your answer suggest about whether the harm is financial, legal, or democratic?

3. Student Handouts (Option B)

PSA or Propaganda?

Handout 1: Reading Packet

Part A. The controversy (September–October 2026)

In the weeks before the 2026 midterm elections, a series of television ads featuring President Trump began airing across the country. Each ends with the words **“Paid for by the U.S. Government.”** They include:

- **“Final Battle”**: a 30-second black-and-white spot of the President walking down a hallway warning of a “final battle” against “globalists” and “warmongers.” News outlets report it is nearly identical to a 2024 Trump campaign ad. It aired during NFL games.
- **“Love Me”**: a montage set to music, highlighting administration policies on taxes, manufacturing, law enforcement, and opposition to communism. It aired on cable news and broadcast TV. (The nickname comes from the song, used without the artist’s permission; he has demanded it be removed.)
- **A one-minute Mount Rushmore spot** with scenic images and excerpts from a Fourth of July speech.
- **An Iran war spot** with military footage and audio from the President and Defense Secretary Pete Hegseth.

The media tracking firm AdImpact counted at least \$2.5 million spent airing the spots in the first week. CNN reports that at least 13 ads have been made, and the White House says more are coming.

Follow the money

Who is paying? The Department of Homeland Security (DHS), under a \$20 million contract with a Maryland public relations firm.

Where did the money come from? News reports based on budget documents say that on September 19 the White House budget office moved \$20 million out of Customs and Border Protection funds into a DHS line for “commemorative events,” which Congress described as covering memorials for officers killed in the line of duty, agency anniversaries, and award ceremonies.

Who decided? The New York Times reports, citing people familiar with the process, that President Trump personally told his budget director to find the money, and that administration lawyers concluded the DHS funds could be used. CNN reports that border agency leaders “didn’t sign off on it.”

The White House position: these are public service announcements (PSAs) meant to encourage Americans to “love their country and understand what makes it worth defending.” Officials say they are not campaign ads because President Trump is not on the ballot and there is no call to action, such as “vote for” a candidate. They point to earlier government-funded campaigns, including President George W. Bush’s Medicare ads and President Biden’s COVID-19 vaccination ads. President Trump said on October 1: “I’m not promoting a candidate. I’m not promoting myself. I’m promoting the country.”

The critics’ position: Democratic appropriators called one spot “the sort of government propaganda one might expect in North Korea” and say it violates the ban on using taxpayer funds for propaganda. Several Republicans also objected: Sen. John Kennedy said no public official should “spend public money on private ads,” Sen. Thom Tillis called the ads “inappropriate,” and Senate Majority Leader John Thune said, “It’s a great message... but it shouldn’t be paid for by taxpayer dollars.” The watchdog group Public Citizen filed complaints with GAO and the Office of Special Counsel, alleging violations of the propaganda rule and the Hatch Act. Members of Congress

have since asked GAO, the Office of Special Counsel, and the DHS inspector general to investigate. The head of the Federal Communications Commission said he sees nothing that calls for FCC review.

Part B. The Hatch Act (1939)

Congress passed the Hatch Act after reports that federal relief workers were being pressured to support candidates. Today it limits the partisan political activity of executive-branch employees. Among other things, a covered employee may not **“use his official authority or influence for the purpose of interfering with or affecting the result of an election”** (5 U.S.C. § 7323).

Who is covered? Most civilian executive-branch employees, including White House staff and DHS and budget office employees.

Who is not? The President and Vice President are excluded from the law’s definition of “employee.”

Who enforces it? The Office of Special Counsel (OSC) investigates. For most employees, penalties range from reprimand to removal. For senior presidential appointees, OSC sends its findings to the President, who decides what, if anything, to do.

Part C. The “publicity or propaganda” rule

Since the early 1950s, Congress has included this sentence in its annual spending laws, most recently the Consolidated Appropriations Act, 2026:

“No part of any appropriation contained in this or any other Act shall be used directly or indirectly... for publicity or propaganda purposes within the United States not heretofore authorized by Congress.”

This rule is about how money is spent, so it applies to any office using appropriated funds, including the White House and DHS. The law doesn’t define “propaganda,” so the Government Accountability Office (GAO), Congress’s auditing agency, has developed a three-part test. Spending is improper if the material is:

GAO category	What it means
1. Self-aggrandizement (“puffery”)	Material mainly designed to glorify an agency or official rather than inform the public.
2. Purely partisan	Material designed to aid a political party or candidate, with no real connection to official government business.
3. Covert propaganda	Material that hides the fact that the government made or paid for it, so audiences think it comes from an independent source.

Agencies are allowed to explain and defend their policies, and GAO is very deferential. It finds a violation only when material is “completely devoid of any connection with official functions.” GAO’s opinions are advisory. A violation can trigger a report to Congress and the President under the Antideficiency Act, but no court order.

A related rule: the Purpose Statute. Money Congress appropriates for one purpose may not be spent on another (31 U.S.C. § 1301). Critics say that using border-security money, routed through a line for memorials and ceremonies, to pay for TV ads breaks this rule no matter what the ads say.

Precedents: what GAO has decided before

Case	GAO finding
HHS Medicare TV and print ads (2004). Ads promoting the new Medicare drug law (“Same Medicare. More Benefits.”)	Not a violation. Congress had told HHS to inform beneficiaries about the law, and the ads were not “purely partisan.” GAO did criticize the ads for leaving out fees and overstating benefits.
HHS Medicare “video news releases” (2004). Pre-packaged segments with a hired “reporter,” aired by local stations as if they were news	Violation (covert propaganda). Viewers were not told the government produced them.
EPA social media campaign (2015). A “Thunderclap” campaign and links promoting the agency’s clean-water rule	Violation (covert propaganda and anti-lobbying). Messages reached the public without clear government attribution, and some urged contacting Congress.

Reading questions

1. In one or two sentences, explain the difference between what the Hatch Act regulates and what the “publicity or propaganda” rule regulates.
2. List GAO’s three categories. Which one does the “Paid for by the U.S. Government” label address? Which ones does it not address?
3. Why did GAO approve the 2004 Medicare ads but reject the 2004 video news releases?
4. Where did the money for the 2026 ads come from, and what did Congress originally say that money was for? Why might that matter under GAO’s test?
5. Based on the reading, what is the strongest argument that the 2026 ads are legitimate PSAs? What is the strongest argument that they are not?

Handout 2: Role Cards

Cut apart. Each group gets one card. You have 5 minutes to prepare and 90 seconds to present to the GAO Review Panel. Use evidence from the reading. Be ready for one question from the panel.

White House Counsel

Who you are: A lawyer for the Executive Office of the President.

Your goal: Convince the panel the ads are lawful public service announcements.

Arguments to consider:

- The ads are clearly labeled “Paid for by the U.S. Government,” so they are not covert.
- President Trump is not on the ballot, and the ads contain no call to vote for anyone.
- Presidents routinely use public funds to explain and promote their policies (Bush’s Medicare ads, Biden’s COVID-19 ads).
- GAO’s standard is deferential: messaging connected to official functions is allowed.
- The President says the ads promote “the country,” not himself, and has offered to repay the cost if they are found improper.

Be ready for: Why reuse a 2024 campaign ad? Why run the ads in key midterm markets right before an election? Why pay for them with border-security money?

Congressional Appropriators (Democrats)

Who you are: Members of the committee that writes the spending laws, including the propaganda ban.

Your goal: Convince the panel the ads violate the “publicity or propaganda” rule and should be pulled.

Arguments to consider:

- The ads glorify the President personally rather than giving the public useful information (self-aggrandizement).
- Themes and footage mirror campaign messaging and air just before midterms (purely partisan).
- Congress never authorized funds for this type of messaging. The \$20 million was appropriated for Customs and Border Protection.
- You have demanded a cost breakdown and removal of the ads.

Be ready for: The Medicare ads also promoted a President’s policy, and GAO allowed them. What makes this different?

Congressional Republicans (Critics)

Who you are: Members of the President's own party who have publicly objected, such as Sen. Kennedy, Sen. Tillis, and Majority Leader Thune.

Your goal: Explain why this concerns you even though you support many of the administration's policies.

Arguments to consider:

- Public money should not pay for what look like private or campaign ads.
- Precedent: whatever one President does, the next President (of either party) can do too.
- Responsible use of taxpayer dollars is a conservative value.
- Comparisons to leaders who use state media to promote themselves.
- You can like the message and still object to who is paying for it.

Be ready for: Is your concern legal (the law was broken) or about norms (it's inappropriate even if legal)?

Public-Interest Watchdog

Who you are: A nonpartisan government-ethics group that has filed complaints with GAO and the Office of Special Counsel.

Your goal: Argue that both the propaganda rule and the Hatch Act are implicated, and that enforcement needs to be stronger.

Arguments to consider:

- The Hatch Act does not cover the President, but it does cover the staff who produced, funded, and placed the ads.
- Airing ads in markets with key midterm races may be using official authority to affect an election.
- GAO opinions and OSC reports on senior staff lack real teeth; the system relies on voluntary compliance.
- This fits a pattern of taxpayer-funded messaging, such as large banners of the President on federal buildings.
- The FCC chair has already said no review is needed, which shows how much depends on who runs the enforcing agencies.

Be ready for: Your complaint names no specific staff member. Who exactly violated the Hatch Act, and how would you prove intent?

DHS Budget Officer

Who you are: A career official at the Department of Homeland Security whose agency's funds are paying for the ads.

Your goal: Explain to the panel how the money moved and whether you think the spending fits what Congress approved.

Arguments to consider:

- The \$20 million came from Customs and Border Protection funds and was moved into a "commemorative events" line normally budgeted at about \$1 million.
- That line is meant for line-of-duty death memorials, agency anniversaries, and commendation ceremonies.
- Administration lawyers reportedly concluded the funds could be used; your department says it follows applicable law.
- Reports say border agency leaders did not sign off, and some officials declined to take part.

Be ready for: If your boss tells you the lawyers approved it, is that enough? What would you do if you disagreed?

Broadcast Station Manager

Who you are: The manager of a local TV station in a swing district that has been paid to air the ad.

Your goal: Decide whether to keep running the ad and explain your reasoning to the panel.

Arguments to consider:

- The ad is paid, disclosed, and comes from the federal government.
- Your station has obligations to serve the public interest and treat candidates fairly.
- Viewers may complain the ad is political; others may complain if you pull it.
- Unlike a candidate's ad, this isn't covered by federal campaign ad rules. Should it be?
- A watchdog group has asked the FCC to tell stations to stop airing the ads; the FCC chair says they raise no concerns. A musician says his song was used without permission.

Be ready for: Would you run the same ad if it had been paid for by a campaign? What would change?

Voters in a Swing District

Who you are: Residents of a district with a close midterm race who saw the ad during a football game.

Your goal: Tell the panel how the ad came across to you and what you think it was for.

Arguments to consider:

- Did you notice the "Paid for by the U.S. Government" label? Did it change how you read the ad?
- Did you learn anything practical (a benefit, deadline, safety tip) that you could act on?
- Did it make you feel more positive about the President or his party?
- Members of your group may disagree. That's fine; present more than one view.

Be ready for: Does it matter whether an ad is legal if it still changes how people vote?

GAO Review Panel (3–4 students)

Who you are: Attorneys in GAO's Office of General Counsel.

Your job: Listen to each group, ask each one question, and score the ad using Handout 3. Apply GAO's actual standard: agencies get deference, and a violation requires material with no real connection to official functions. Announce your finding and your reasons to the class.

Remember: Your opinion is advisory. In your announcement, say what you think should happen next and who has the power to make it happen.

Handout 3: GAO Review Panel Scoring Sheet

Panelist name: _____ Ad reviewed: _____

For each test, circle a rating and write the strongest evidence you heard on each side.

Test	Key question	Rating	Evidence (for / against)
1. Self-aggrandizement	Is the ad mainly designed to glorify the President rather than inform the public?	No / Unclear / Yes	
2. Purely partisan	Is it designed to help a party or candidate, with no real connection to official business?	No / Unclear / Yes	
3. Covert	Does it hide that the government made or paid for it?	No / Unclear / Yes	
4. Congressional authorization	Did Congress authorize funds for this kind of message (as it did for the 2004 Medicare ads)? Does the ad serve the purpose of the account that paid for it?	No / Unclear / Yes	
5. Hatch Act (staff)	Is there evidence that covered staff used official authority to affect an election?	No / Unclear / Yes	

Panel finding

- ☐ No violation ☐ Violation of the “publicity or propaganda” rule ☐ Improper use of funds (Purpose Statute)
☐ Possible Hatch Act issue (refer to OSC)

Your reasoning:

FOR DISCUSSION: What should happen next, and who has the power to make it happen?

Handout 4: Discussion Questions & Exit Ticket

Whole-class discussion

1. **Defining the line.** What makes a message a PSA rather than propaganda: its content, its timing, where it airs, who appears in it, or whether it gives viewers something useful to do?
2. **The label.** The ads say “Paid for by the U.S. Government.” Does that transparency make them acceptable? What does disclosure fix, and what doesn’t it fix?
3. **The gaps.** The President is exempt from the Hatch Act, GAO’s opinions can’t be enforced in court, and discipline for senior staff is up to the President. Are these gaps a flaw, or a reasonable way to handle a separate branch of government? Who should have the final say?
4. **Old or new?** The White House compares these ads to earlier administrations’ Medicare and COVID-19 campaigns. Where are they similar, and where do they differ?
5. **Both sides.** Critics include members of both parties. Why might this issue cross party lines? How would your view change if a President of the other party ran identical ads?
6. **Follow the money.** The label says the government paid, but not which agency or from what account. Would you read the ad differently if it said “Paid for with Customs and Border Protection funds”? How much should a disclosure have to tell you?
7. **How we know.** Much of what we know about the funding comes from unnamed sources and leaked documents reported by news organizations. How confident should we be? What would you want to see to be sure?
8. **Media literacy lens.** Apply the core questions to the ad: Who made it? What is its purpose? What techniques (music, black-and-white footage, patriotic imagery) does it use? Who benefits? What is left out?

Exit Ticket

Name: _____

Write a **three-point test** anyone could use to tell a legitimate government PSA from government propaganda. For each point, explain in one sentence why it matters.

1.

2.

3.

Apply your test: Does the ad you watched today pass? ☐ Yes ☐ No ☐ Partly. Why?

4. Learn More: Sources

News coverage

- Axios, [“White House defends taxpayer-funded Trump ad Democrats want pulled,”](#) Sept. 25, 2026.
- TIME, [“Trump’s Taxpayer-Funded Ads Draw Bipartisan Criticism,”](#) Sept. 28, 2026.
- Associated Press (via WWNY), [“Trump administration airs 2024 Trump campaign ad in latest taxpayer-funded messaging,”](#) Sept. 28, 2026.
- PBS NewsHour / Associated Press, [“Homeland Security spending \\$20M in taxpayer funds for pro-Trump ads,”](#) Sept. 29, 2026.
- PolitiFact (via WRAL), [“Fact-check: Are taxpayer-funded Trump ads public service announcements or ‘propaganda’?”](#) Sept. 30, 2026.
- Al Jazeera, [“US FCC head says controversial Trump ads do not raise concerns,”](#) Sept. 30, 2026.
- The Washington Post, [“Trump ads use money for border security and slain officers’ memorials,”](#) Oct. 1, 2026.
- ABC News, [“Trump defends spending millions on taxpayer-funded promotional ads: ‘For the country,’”](#) Oct. 1, 2026.
- The New York Times, reporting of Oct. 2, 2026, on the President’s role in directing the funding, as summarized by Mediaite, [“Trump Official Reportedly Funneled \\$20M for Border Security to Pay for President’s TV Ads.”](#)
- CNN, [“Trump admin creates at least 13 ads for taxpayer-funded campaign,”](#) Oct. 2, 2026.

Complaints and congressional letters

- Public Citizen, [“Taxpayer-Funded Trump Ad Violates the Hatch Act,”](#) Sept. 25, 2026.
- Public Citizen, [“New FCC and FTC Complaint Demands Broadcasters Cease Airing Trump’s Illegal Taxpayer-Funded Ads,”](#) Sept. 29, 2026.
- Reps. Jamie Raskin and George Whitesides, [letter to GAO and the Office of Special Counsel,](#) Sept. 30, 2026.
- Citizens for Responsibility and Ethics in Washington, [complaint to the DHS Office of Inspector General,](#) Sept. 30, 2026.

Law and precedent

- Hatch Act, 5 U.S.C. §§ 7321–7326; Gillett Amendment, 5 U.S.C. § 3107; Purpose Statute, 31 U.S.C. § 1301. U.S. Office of Special Counsel, [Hatch Act guidance.](#)
- U.S. GAO, B-302504 (Mar. 10, 2004): [Medicare flyer and print/TV advertisements.](#)
- U.S. GAO, B-302710 (May 19, 2004): [HHS/CMS video news releases.](#)
- U.S. GAO, B-305368 (2005): Department of Education contract with Armstrong Williams.
- U.S. GAO, B-326944 (Dec. 14, 2015): [EPA social media campaign on the Waters of the United States rule.](#)
- U.S. Office of Special Counsel, Report on Kellyanne Conway (June 2019).
- Legal Information Institute, Cornell Law School, [“Publicity or propaganda”](#) (Wex).