IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE, Plaintiff, v. DONALD J. TRUMP, in his official capacity as President of the United States, THE WHITE HOUSE OFFICE, OFFICE OF MANAGEMENT AND BUDGET, and U.S. DEPARTMENT OF HOMELAND SECURITY, Defendants.	Civil Action No. 1:26-cv-3506 (LLA)

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DNC'S MOTION FOR A PRELIMINARY INJUNCTION AND § 705 STAY

Pursuant to Federal Rule of Civil Procedure 65, the Democratic National Committee (DNC) respectfully moves for a preliminary injunction prohibiting Defendants White House Office, Office of Management and Budget (OMB), and U.S. Department of Homeland Security (DHS) from continuing to use Congressionally appropriated funds to develop, distribute, air, stream, or promote specific advertisements and videos that are domestic publicity and propaganda. The DNC further respectfully moves for a § 705 stay under the Administrative Procedure Act (APA), staying OMB's allocation of federal funds for the purpose of obtaining advertising slots for these specific advertisements and videos and DHS's contracting and procurement that obligates federal funds to obtain advertising slots for these specific advertisements and videos.

This Court has already found that Defendants likely used taxpayer dollars to air advertisements that are domestic publicity and propaganda until restrained by federal courts. *See DNC v. Trump*, No. 1:26-cv-3506, 2026 WL 3228366, at *6–7, 9, 12 (D.D.C. Oct. 28, 2026) (Doc. 26). These activities are blatants violation of the ban on use of appropriations for domestic

"publicity or propaganda purposes." Consolidated Appropriations Act for FY2026, Pub. L. No. 119-75, § 718, 140 Stat. 173, 495 (2026); *see also DNC v. Trump*, 2026 WL 3228366, at *7, 12. Defendant White House Office crafted the partisan campaign, Defendant OMB shifted $20 million to pay for it, and Defendant DHS has carried it out. These unlawful actions are *ultra vires* and violate the APA.

The DNC is likely to succeed on its claims because using taxpayer dollars to develop, distribute, air, stream, or promote propaganda ads violates a core principle of modern appropriations law: federal funds may not be used for "publicity or propaganda." *See, e.g.*, *D.C. Common Cause v. Dist. of Columbia*, 858 F.2d 1 (D.C. Cir. 1988); *see also DNC v. Trump*, 2026 WL 3228366, at *12. Defendants cannot bear the "heavy burden" to make it "absolutely clear" that their "wrongful behavior could not reasonably be expected to recur" if orders restraining their conduct were lifted. *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC) Inc.*, 528 U.S. 167, 189–90 (2000); *see also DNC v. Trump*, 2026 WL 3228366, at *13; *Common Cause v. Dep't of Homeland Security*, No. 1:26-cv-8882, 2026 WL 3043900, at *8–10 (S.D.N.Y. Oct. 12, 2026). Absent relief, the DNC faces ongoing and irreparable electoral and competitive harm. *See, e.g.*, *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 82 (2026); *Shays v. FEC*, 414 F.3d 76, 85–86 (D.C. Cir. 2005); *see also DNC v. Trump*, 2026 WL 3228366, at *8–9. The balance of equities and public interest also favor enjoining the unlawful use of government funds. *See, e.g.*, *League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016); *see also DNC v. Trump*, 2026 WL 3228366, at *15.

The DNC respectfully requests that the Court:

1. Enjoin the White House Office, OMB, and DHS from using appropriated funds (including through staff time, contracting, or procurement) to develop, distribute, air, stream, or promote

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specific publicity or propaganda advertisements and videos; allocating appropriated funds to air or promote these materials; and obligating appropriated funds to air or promote these materials;

2. Enjoin the White House Office, OMB, and DHS from distributing, airing, or promoting the following specific publicity or propaganda advertisements and videos through linear television advertising, streaming television advertising, streaming video platform advertising, social media, or any other video distribution platform—with or without a "Paid for by the U.S. Government" tag—including providing the videos to any third party for distribution, airing, or promotion, or authorizing or permitting any officer, agent, servant, employee, or attorney to do the same:

   a. The Love Me Ad, https://www.youtube.com/watch?v=kB2tJV8bMnU;

   b. The Maduro Ad, https://x.com/whitehouse/status/2103661173497266315;

   c. The Final Battle Ad, https://www.ispot.tv/ad/SIF4/white-house-the-final-battle;

   d. The Mount Rushmore Ad, https://www.youtube.com/watch?v=wzR-9ek2unA;

   e. The American Military Power Ad, https://www.youtube.com/watch?v=SviB6yBIBkc;

   f. The Every Democrat Ad, https://www.youtube.com/watch?v=tZRfNIrGTJg;

   g. The $5000 to Americans Ad, https://video.snapstream.net/Play/3UXHcnSuULUe5XoaW6DaMs?accessToken=78grc0jkuv5g;

   h. The Man in the Arena Ad, https://www.youtube.com/watch?v=0ImmQBafX7Y;

   i. The Stephen Miller Ad, https://www.youtube.com/watch?v=GgnvR9UJ-Sc;

   j. The Retribution Ad, https://www.youtube.com/watch?v=AkGLdI8BDTc; and

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k. The Cost of Socialism Ad, https://www.facebook.com/AmericaFirstPolicyInstitute/videos/-the-white-house-just-released-a-new-video-breaking-down-the-real-costs-of-socia/1692584839161709;

3. Stay final agency action by OMB and DHS to allocate or obligate funds in relation to the development and broadcast of these specific ads and videos using taxpayer dollars, including any action to enter or fulfill contracts with LMD Agency or any other advertising agency, media buyer, or other third-party contractor;

4. Require the White House Office, OMB, and DHS to file a status report within 72 hours of the issuance of a preliminary injunction describing their compliance with the Court's order.

Pursuant to Local Civil Rule 65.1(d), the DNC respectfully requests a hearing no later than 21 days after the filing of the instant motion. The DNC does not presently intend to present live testimony at any such hearing but reserves the right to reconsider based on Defendants' submissions.

This motion is supported by the accompanying memorandum of law and accompanying materials. A proposed order is attached hereto.

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Respectfully submitted,

Dated: November 5, 2026

/s/ Benjamin B. Klubes
Benjamin B. Klubes
(Bar No. 428852)
Adam Miller
(Bar No. 496339)
Klubes Law Group
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 753-5054
blkubes@klubeslaw.com
amiller@klubeslaw.com

Respectfully submitted,

/s/ Daniel J. Freeman
Daniel J. Freeman
(Bar No. 90038422)
Nicolas F. Garcia*†
Democratic National Committee
430 South Capitol Street SE
Washington, DC 20003
(202) 863-8000
freemand@dnc.org
garcian@dnc.org
* Admitted *pro hac vice*.
†*Not admitted to the D.C. Bar. Admitted to the bars of New York and Florida only. Practice in the District of Columbia is strictly limited to in-house counsel services for the Democratic National Committee pursuant to D.C. App. R. 49(c)(6) and matters before U.S. courts pursuant to D.C. App. R. 49(c)(3).*

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