

Judge Indira Talwani Becomes New National Security Threat

By Garland Favorito, September 3, 2026

EO14399 Background

On March 31, 2026, President Trump issued Executive Order (EO) 14399 entitled *Ensuring Citizenship and Integrity in Federal Elections*. The EO orders the Department of Homeland Security (DHS) United States Postal Service (USPS) and the Attorney General (AG) **to take steps within their power to secure mail-in balloting and ensure all voters in federal elections are U.S. citizens.**

Section 2 orders the DHS Secretary to transmit to each State a list of confirmed U.S. citizens who will be above the age of 18 at the time of an upcoming Federal election. It requires the list to be updated and transmitted to State election officials no fewer than 60 days before each regularly scheduled Federal election, or promptly upon request by a State for such an election. It provides for individuals to access their records and update or correct them and for States to routinely supplement or provide suggested modifications through a designated DHS contact.

Section 3 ordered the Postmaster General to initiate proposed rulemaking provisions specifying that all outbound ballot mail must be mailed in an envelope that:

- (a) is marked as Official Election Mail;
- (b) contains tracking technology such as a unique Intelligent Mail barcode;
- (c) has undergone a mail envelope design review by the USPS to ensure compliance with USPS mailing standards.

The rulemaking provision order further specifies that:

- (d) no fewer than 90 days prior to a Federal election, any State may choose to notify the USPS if it intends to allow for absentee ballots to be transmitted by the USPS.
- (e) any notifying State should further indicate whether it intends to submit to the USPS, no fewer than 60 days before the election, a list of state voters eligible to vote in a Federal Election to whom the State intends to provide an absentee ballot to be transmitted via the USPS;
- (f) the USPS shall not transmit absentee ballots from any individual unless those individuals have been enrolled on a State-specific list;

- (g) the USPS shall provide each State with a list of individuals who are enrolled with the USPS, for absentee ballots provided by the State, along with unique ballot envelope identifiers for their absentee ballots;
- (h) the USPS shall enable each State to routinely supplement and provide suggested modifications to the State's Absentee Participation List in advance of any Federal election, consistent with applicable State law.

Section 4 orders the Attorney General to enforce compliance with the applicable Federal statutes and prioritize the investigation and potential prosecution of State and local officials or others who issue Federal ballots to individuals not eligible to vote in a Federal election as per Section 2.

CONSTITUTIONAL AUTHORITY

While the U.S. Constitution allocates the conduct of elections to the states, **it provides overriding legislative authority to Congress:**

- *“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Place of Chusing [sp.] Senators”* Art. I Sec. IV

The Constitution provides the President **undisputed authority to enforce all laws** made by Congress or the states:

- *“...he shall take Care that the Laws be faithfully executed...”* Art. II Sec. III:

Federal law clearly prohibits non-citizens from voting:

- *“(a)It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives ...”* 18 U.S. Code § 611
- *“(f)Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)— Shall be fined under this title or imprisoned not more than five years, or both.”* 18 U.S. Code § 1015

Federal law also prohibits mail fraud:

- *“Whoever, having devised or intending to devise any scheme or artifice to defraud, ... or attempting to do so, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or knowingly causes to be delivered by mail... shall be fined under this title or imprisoned...”* 18 U.S. Code § 1341
- *“Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter... Shall be fined under this title or imprisoned...”* 18 U.S. Code § 1708

There are also a variety of other laws **the President has a duty to enforce** such as:

- 18 U.S. Code § 2 - Principal offenders against the U.S.
- 18 U.S. Code § 241 - Conspiracy against U.S. citizen rights
- 18 U.S. Code § 371 - Conspiracy to defraud the U.S.
- 18 U.S. Code § 1001 - Falsifications against the U.S.
- 18 U.S. Code § 10307 - Prohibited Election Acts
- 52 U.S. Code § 20511 - Criminal Penalties

LEGAL CHALLENGES

Although EO14399 is constitutionally sound as explained above, several legal challenges were filed by Democrat aligned state AGs, Senators and civic groups seeking temporary and permanent injunctions against the order. The most prominent lawsuit is *California v. Trump* which 23 Democrat AGs filed in Massachusetts where they correctly believed would offer favorable rulings.

Cal. v. Trump Plaintiffs allege that Section 2 of the EO transgresses State Constitutional power to determine the manner of elections by creating a federal State Citizenship List that conflicts with state voter rolls. They contend that States are only authorized to issue a ballot to individuals not on the list. They also allege that Section 3 of the EO transgresses State Constitutional power to determine manner of elections by creating new limitations on voters using mail-in voting.

But there are basic fallacies in these claims:

- A federal state citizenship list is not a voter roll;

- States may still issue ballots for state elections to individuals not on the list;
- There is no new burden imposed on voters. States simply notify the USPS of any individuals for which the state wants to use the USPS for federal ballot delivery.

TALWANI'S UNCONSTITUTIONAL INJUNCTION

But on June 25, 2026, Massachusetts federal Judge Indira Talwani, **an Obama appointee who should have recused herself for [donating](#) to Democrat Presidential and Senatorial candidates, [agreed](#)** with the Plaintiffs' arguments in *Cal. v. Trump* and went much further.

She claimed: "Therefore, because the States determine who is eligible to vote for their state legislators, the Constitution indirectly grants the States authority to determine who is eligible to vote for federal legislators." That is like claiming a bank will determine who can access your bank account.

After admitting she has no statutory authority to judicially review Plaintiffs' claims, she authorized herself to do it anyway: *"a claim alleging that the President acted in excess of his statutory authority is judicially reviewable even absent an applicable statutory review provision."* Talwani also admitted that: *"the EO explicitly requires that its directives comply with the law."* but then **Talwani refuses to accept it** and *"...considers whether the President has the authority to issue the EO regardless of the qualifying language."*

The EO does **not** address voter eligibility, but Talwani concluded: *"The Constitution provides that only the States determine voter eligibility requirements..."* even though there is **no such Constitutional clause**.

Although 18 U.S.C. §§ 611, 1015 explicitly mandate that only citizens can vote, Talwani ignored those laws and only considered the 2002 Help America Vote Act (HAVA) saying: *"Notably, nowhere in HAVA does Congress prescribe who should be included on State voter lists."* She further rationalized that: *"Accordingly, ...the President lacks any authority to compile voter lists for each State"* even though a federal ballot mail list is not a voter list. She also noted: *"However, no law enacted by Congress delegates authority to control mail-in voting to USPS"* despite the reality that establishing federal ballot mail criteria in no way attempts to control the entire state mail-in voting process.

To contend claims were **ripe** for her to adjudicate, **she speculated** without citations that: *"It is clear that the federal agencies charged with compiling Confirmed Citizen Lists lack the ability to create complete and accurate lists of the U.S. citizens residing in every State."* She **further speculated** that: *"The Lists are being used as an enforcement mechanism that ... will chill local election officials from complying with legal obligations to ensure that all eligible citizens may vote."*

Remarkably, the 1st Circuit Court of Appeals in Massachusetts **upheld** Talwani's **speculative** claims adding **its own speculation** on top of hers: *"...were the (executive order) to take effect for the elections...in November, it would sow confusion and threaten disenfranchisement of many eligible voters"*

U.S. SUPREME COURT OVERTURNS TALWANI

But the U.S. Supreme Court admonished Talwan's bizarre arguments and [reversed](#) both her and the Appeals Court.

In regards to preparing citizenship lists in Section 2(a), the U.S. Supreme Court concluded:

- ***"This provision is an internal directive from the President to a subordinate. It imposes no obligation on the States so they suffer no concrete harm..."***;
- ***"This internal directive does not regulate the States' voter registration processes. Nor does it impinge on the States' authority to create and enforce a legal code for elections."***

In regards to instructions for the AG the Supreme Court added: ***"The States lack standing to challenge §2(b) for much the same reason: It does nothing to them"*** and ***"Setting prosecutorial priorities lies within the President's Article II power."***

They further concluded that: *"Section 3 orders the Postal Service to initiate the process of proposing a rule that might bind the States in the future... **And it imposes no legal requirements on the States** (or, for that matter, on anyone outside the Executive Branch)."*

The U.S. Supreme Court quoted precedents to explain the procedural fallacy of Talwani's injunction:

- ***"Standing requires an injury that is concrete, particularized and imminent rather than conjectural or hypothetical."***

- ***“Ripeness forbids federal courts to adjudicate disputes that are dependent on contingent future events that may not occur as anticipated, or indeed may not occur at all.”***
- ***“But the States cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending.”***

The U.S. Supreme court issued an even more pointed series of comments for how Talwani speculated claims in attempting to give herself authority to adjudicate them:

- ***“At the time this suit was filed—the time when standing is measured—the District Court had to engage in a string of speculations to find this suit justiciable.”***
- ***“It first had to speculate about whether the Postal Service would propose a rule.”***
- ***“Then it had to speculate about how the agency would weigh the comments it received.”***
- ***“Then it had to speculate about whether the agency would issue a final rule.”***
- ***“Then it had to speculate about what the final rule would say.”***
- ***“Finally, after all that, the District Court still had to speculate about whether the text of a hypothetical final rule would harm the States.”***

The U.S. Supreme Court continued with more admonishments: ***“When a federal court improperly intrudes on a coordinate branch in this way, interim relief is justified. Such harm exists here because the injunction meddles in the workings of the Executive Branch, preventing it from even trying to lawfully implement the Order.”***

The Supreme Court explained: ***“The Executive Order makes no demand of the States, so staying the District Court’s injunction will not concretely harm them. That is why this suit was not justiciable in the first place.”***

The Supreme Court reiterated: ***“But the Order itself does not harm the States, so the District Court lacked jurisdiction to bar the Government from trying to implement it.”***

Finally, the Supreme Court removed the injunction citing: ***“And for the reasons discussed, that injunction is likely to irreparably harm the Government if it remains in place while the appellate process runs its course.”***

CIRCUMVENTING THE U.S. SUPREME COURT

Although Talwani was forced to rescind her previous injunctions against President Trump's federal election integrity EO, the Supreme Court remand did not stop her. The very next day, August 27, **Talwani issued a temporary restraining order with the same flaws the Supreme Court disallowed.** That [order](#) was issued in a new [complaint](#), *Cal v. USPS*, filed by the same AGs against the new USPS mail-in ballot [rule](#) that establishes secure criteria for federal ballot mail. Talwani's new order did not mention the new complaint and USPS rule had only been **published a day earlier.** Contrast that to those of us who have waited years to have federal election cases heard.

Talwani's new injunction concludes: *"Now that the USPS has published the Final Rule, Plaintiffs' challenges are ripe."* But she cites only a **new round of speculative claims that the Supreme Court banned based on conditions of what may likely happen after the Rule is implemented:**

- *"The Final Rule's mandatory requirements necessitating immediate action of Plaintiff States likely constitute concrete injury-in-fact..."*
- *"Similarly, Plaintiff Organizations are likely to have standing..."*
- *"Plaintiff Organizations are also likely to have standing based on the significant risk ..."*
- *"If Plaintiff States are unable to comply with the Final Rule, ... they will violate their obligations..."*
- *"Through the Final Rule, the USPS is refusing to send mail ballots to eligible voters unless States or local election officials submit their mail ballot envelopes and return envelopes..."*

Although the USPS regulates all mail, Talwani finds: *"the court is unaware of, and no party has proffered, any delegation Congress has made that would permit the USPS to regulate election mail."* Despite decades of [all types of ballot fraud](#) dating at least to Lyndon Johnson's 1948 U.S. Senate Election, Talwani claims: *"The record continues to lack any evidence regarding fraudulent absentee or mail-in voting".*

She then uses her new speculations to again attempt to usurp the authority of the Executive Branch by issuing an injunction against USPS preparatory steps to mandate:

- Federal Ballot Mail Envelope standards
- Return Federal Ballot Mail Envelope standards

- Federal Ballot Mail Portal registration
- Federal Ballot Mail Portal voter enrollment
- USPS verification that Outbound Federal Ballot Mail meets enrollment standards

THE NATIONAL SECURITY THREAT

In summary, Judge Indira Talwani:

- made speculative, unconstitutional and dangerous rulings that were overturned by the U.S. Supreme Court;
- jeopardized 2026 elections by actively fighting to delay implementation of mail-in ballot security and U.S. Citizenship verification provisions for months
- used false arguments to side with State AGs of her political party on issues that facilitate election cheating over the interests and protection of American voters;
- demonstrated a clear political agenda in attempting to falsely rule on the *Cal v. USPS* case the day after it was filed;
- ignored explicit instructions from the U.S. Supreme Court to limit her Constitutional overreach and conform with basic judicial procedures that determine harm;
- betrayed American voters by placing the most radical demands of her political party over the clear authority of all three branches of the federal government.

These actions pose a clear national security threat for all American voters. They even treasonously aid China, given recently declassified intelligence showing China's massive interference campaigns in U.S. elections including potential absentee ballot fraud. Americans demand accountability and Congress must muster courage for impeachments especially for such a poster child case of judicial corruption in our elections.