

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK G. KRIEMELMEYER,

Defendant.

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OPINION and ORDER

07-CR-052-C-01

In this criminal action, the United States charges defendant Frederick Kriemelmeyer with four counts of making false statements in connection with the filing of his income tax returns. Trial is scheduled for August 13, 2007. Defendant is unrepresented.

Now before the court is defendant's "quo warranto complaint for the vacating of the 07-CR-052-C." Although the government argues that defendant's filing is no more than incomprehensible "gibberish," the language of the "complaint" is every bit as comprehensible as Lewis Carroll's famed poem:

*'Twas brillig, and the slithy toves  
Did gyre and gimble in the wabe:  
All mimsy were the borogoves,  
And the mome raths outgrabe.*

Although defendant's syntax and vocabulary may be unconventional, the gist of his filing is clear. I construe his "complaint" as a motion to dismiss the indictment on the ground that the court and the government have refused to translate all court-related documents into the dialect in which defendant's filings are written. Although plaintiff has the right to draft his filings in whatever language he chooses, the court is under no obligation to conform its practices to defendant's preferences. Therefore, the motion will be denied.

At the outset, it is helpful to provide a bit of background. Defendant is a follower of David Wynn Miller (a.k.a. : David-Wynn: Miller), the leader of a subgroup of tax protestors within the Sovereign Citizen Movement. Fundamentally, Miller and adherents of his philosophy believe that their income may not be taxed and that federal courts do not have jurisdiction over them because they are persons without citizenship, sovereign unto themselves. In most ways, the underlying beliefs of Miller and those who follow him are not distinguishable from those of other tax protesters, whose arguments have been well documented elsewhere. See, e.g., Danshera Cords, Tax Protestors and Penalties: Ensuring Perceived Fairness and Mitigating Systemic Costs, 2005 BYU L. Rev. 1515, 1537; Francis X. Sullivan, The Usurping Octopus of Jurisdictional /Authority: The Legal Theories of the Sovereign Citizen Movement, 1999 Wis. L. Rev. 785.

There is one characteristic that distinguishes Miller's group from others, however. The hallmark of David Wynn Miller and his followers is their use of an English dialect they

call “In the Truth.” The dialect, invented by Miller, purports to be based on mathematics and is characterized by the abundant use of prepositional phrases, the absence of action verbs (except in gerund form) and the overuse of hyphens and colons. In addition, speakers of the dialect reject the use of pronouns, adjectives and adverbs. E.g., David Wynn Miller’s website, available at <http://dwmlc.com/dwm/pages/category.php?category=6> (last visited July 27, 2007) (demonstrating formula for creating sentences using In the Truth); see also notations by David Wynn Miller on the back of each page of the exhibits attached to dkt. #18 (purporting to offer suggestions for translating court orders and government filings to In the Truth).

Although defendant addressed the court in standard, intelligible English at his arraignment and at the end of his most recent hearing before the magistrate judge, his recent filings have been drafted using In the Truth. (David Wynn Miller’s signature and thumb print appear on these filings, leading me to infer that Miller has drafted the papers on defendant’s behalf.) During the majority of his last hearing, plaintiff spoke in the dialect as well. Now, despite his well-documented prior use of standard English, defendant has moved the court to dismiss the indictment on the ground that it is not written in a language he “comprehends.” Moreover, defendant appears to argue that all filings in this case are “fictitious” because they are written in standard English (which defendant refers to as a “fictional” or “fraudulently conveyed” language).

Setting aside the question why a nonexistent indictment would require dismissal, I come quickly to the obvious: as much as defendant might wish it were otherwise, the charges against him are serious and the indictment is valid. As much as defendant may wish it were otherwise, he is a citizen of the United States, subject to the jurisdiction of this court. Although defendant is free to speak and write in whatever language or dialect he chooses, the official language of the court is standard American English. It is in that language that the government has drafted its filings and the court has issued its orders and it is in that language that the court, the government, and witnesses will speak at defendant's August 13, 2007 trial. Because the court's use of standard English is not a ground for dismissing the indictment against defendant, his motion will be denied.

#### ORDER

IT IS ORDERED that defendant Frederick Kriemelmeyer's "Quo Warrento

Complaint with the Vacating of the 07-CR-052-C” is DENIED.

Entered this 26<sup>th</sup> day of July, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge