SUPREME COURT OF THE UNITED STATES

Syllabus

ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* CALIFORNIA MEN'S COLONY, UNIT II MEN'S ADVISORY COUNCIL

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 91–1188. Argued October 6, 1992—Decided January 12, 1993

In a suit filed in the District Court against petitioner state correctional officers, respondent, a representative association of inmates in a California prison, sought leave to proceed *in forma pauperis* under 28 U.S.C. §1915(a), which permits litigation without prepayment of fees, costs, or security ``by a person who makes affidavit that he is unable to pay.'' The court denied the motion for an inadequate showing of indigency. In reversing that decision, the Court of Appeals noted that a ``person'' who may be authorized to proceed *in forma pauperis* under §1915(a) may be an ``association'' under the Dictionary Act, 1 U.S.C. §1, which in relevant part provides that ``in determining the meaning of any Act of Congress, unless the context indicates otherwise'' ```person''' includes ``associations'' and other artificial entities such as corporations and societies.

Held: Only a natural person may qualify for treatment *in forma pauperis* under §1915. Pp.4–17.

(a)``Context,'' as used in 1 U.S.C. §1, means the text of the Act of Congress surrounding the word at issue or the texts of other related congressional acts, and this is simply an instance of the word's ordinary meaning. Had Congress intended to point to a broader definition that would include things such as legislative history, it would have been natural to use a more spacious phrase. In contrast to the narrow meaning of ``context,'' ``indication'' bespeaks something more than an express contrary definition, addressing the situation where Congress provides no particular definition, but the definition in §1 seems not to fit. Pp.4–6.

(b)Four contextual features indicate that ``person'' in 28 U.S.C. §1915(a) refers only to individuals. First, the permissive language used in §1915(d)—that a ``court *may* request an attorney to represent any such person unable to employ counsel'' (emphasis added)— suggests that Congress assumed that courts would sometimes leave the ``person'' to conduct litigation on his own behalf, and, thus, also assumed that the ``person'' has the legal capacity to petition the court for appointment of counsel while unrepresented and the capacity to litigate *pro se* should the petition be denied. These assumptions suggest in turn that Congress was thinking in terms of natural persons, because the law permits corporations, see, *e. g., Osborn* v. *Bank of the United States,* 9 Wheat. 738, 829, and other artificial entities, see, *e. g., Eagle Associates* v. *Bank of Montreal,* 926 F.2d 1305, to appear in federal courts only through licensed counsel. Second, §1915(d) describes the affidavit required by §1915(a) as an allegation of ``poverty,'' which is a human condition that does not apply to an artificial entity. Third, because artificial entities cannot take oaths, they cannot make the affidavits required in §1915(a). It would be difficult to accept an affidavit on the entity's behalf from an officer or agent in this statutory context, since it would be hard to determine an affiant's authorization to act on behalf of an amorphous legal creature such as respondent; since the term ``he'' used in §1915(a)'s requirement that the affidavit must state the ``affiant's belief that *he* is entitled to redress'' (emphasis added) naturally refers to the ``affiant'' as the person seeking *in forma pauperis* status; and since the affidavit cannot serve its deterrent function fully when applied to artificial entities, which may not be imprisoned for perjurious statements. Fourth, §1915 gives no hint of how to resolve the issues raised by applying an ``inability to pay'' standard to artificial entities. Although the ``necessities of life'' criterion cannot apply, no alternative criterion can be discerned in §1915's language and there is no obvious analogy, including insolvency, to that criterion in the organizational context. Nor does §1915 guide courts in determining when to ``pierce the veil'' of the entity, which would be necessary to avoid abuse. Respondent's argument that there is no need to formulate comprehensive rules in the instant case because it would be eligible under any set of rules is rejected, since recognizing the possibility of organizational eligibility would force this Court to delve into difficult policy and administration issues without any guidance from §1915. Pp.6–14.

(c)Section 1915 manifests no single purpose that would be substantially frustrated by limiting the statutory reach to natural persons. *Wilson* v. *Omaha Indian Tribe,* 442 U.S. 653, 666; *United States* v. *A & P Trucking Co.,* 358 U.S. 121, distinguished. In addition, denying respondent *in forma pauperis* status would not place an unconstitutional burden on

its members' First Amendment rights to associate by requiring them to demonstrate their indigency status, since a court could hardly ignore the assets of an association's members in making an indigency determination for the organization. Pp.15–17.

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939 F.2d 854, reversed and remanded.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and WHITE, O'CONNOR, and SCALIA, JJ., joined. KENNEDY, J., filed a dissenting opinion. THOMAS, J., filed a dissenting opinion, in which BLACKMUN, STEVENS, and KENNEDY, JJ., joined.