

SUPREME COURT OF THE UNITED STATES

No. 91-1188

JAMES ROWLAND, FORMER DIRECTOR, CALI-FORNIA
DEPARTMENT OF CORRECTIONS,
ET AL., PETITIONERS V. CALIFORNIA
MEN'S COLONY, UNIT II MEN'S
ADVISORY COUNCIL

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT
[January 12, 1993]

JUSTICE KENNEDY, dissenting.

In determining whether the context of a statute indicates an intent to confine a word to a meaning more narrow than the one contained in the Dictionary Act, 1 U. S. C. §1, it seems to me permissible to ask whether the broad Dictionary Act definition is compatible with a workable construction of the statute. To the extent the Court attempts to uncover significant practical barriers to including artificial entities within 28 U. S. C. §1915, its analysis is quite appropriate and ought not to be condemned as policymaking. The problem, in my view, is that the Court does not succeed in this attempt. As the dissenting opinion by JUSTICE THOMAS well illustrates, the broad definition of "person," the one the Dictionary Act tells us to prefer, is not inconsistent with a common sense, workable implementation of §1915.

With this observation, I join JUSTICE THOMAS'S dissenting opinion.