

# Major Crimes Act

The **Major Crimes Act** (18 U.S.C. § 1153) is a law passed by the United States Congress in 1885. It places 15 major crimes under federal jurisdiction if they are committed by a Native American against another Native American in Native territory.

These crimes include:

- Murder
- Manslaughter
- Kidnapping
- Maiming
- Felony under ch. 109A
- Incest
- Assault with intent to commit murder
- Assault with a deadly weapon
- Assault resulting in serious bodily injury
- Assault against a minor under 16 years old
- Arson
- Burglary
- Robbery
- Felony crimes under (18 U.S.C. § 661)
- Felony child abuse or neglect

The act was passed in response to the Supreme Court of the United States's affirmation of tribal sovereignty in their ruling in *Ex parte Crow Dog* (109 U.S. 556 (1883)), wherein they overturned the federal court conviction of Brule Lakota sub-chief Crow Dog, who was convicted and sentenced to death for the murder of principal chief Spotted Tail on the Rosebud Indian Reservation in Dakota Territory. The Court reasoned that the ability of the tribe to deal with such an offense was an attribute of tribal sovereignty that had not been specifically abrogated by an act of Congress.

The Major Crimes Act reduced the internal sovereignty of native tribes by removing their ability to try and to punish serious offenders in Indian country. The theory underlying it was that Indian tribes were not competent to deal with serious issues of crime and punishment. The constitutionality of the Major Crimes Act was upheld in United States v. Kagama (118 U.S. 375 (1886)), a case in which two Indians were prosecuted for killing another Indian on a reservation. While the Court agreed that the prosecution of major crimes did not fall within Congress's power to regulate commerce with the Indian tribes, it ruled that the trust relationship between the federal government and the tribes conferred on Congress both the duty and the power to regulate tribal affairs.