

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NEGONSOTT v. SAMUELS, WARDEN, ET AL.

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

No. 91-5397. Argued January 11, 1993—Decided February 24,
1993

Petitioner Negonsott, a member of the Kickapoo Tribe and a resident of the Kickapoo reservation in Kansas, was convicted by a County District Court jury of aggravated battery for shooting another Indian on the reservation. The court set aside the conviction on the ground that the Federal Government had exclusive jurisdiction to prosecute Negonsott for the shooting under the Indian Major Crimes Act, 18 U. S. C. §1153, which encompasses 13 enumerated felonies committed by "[a]ny Indian against . . . the person or property of another Indian or other person . . . within the Indian country." However, the State Supreme Court reinstated the conviction, holding that the Kansas Act, 18 U. S. C. §3243, conferred on Kansas jurisdiction to prosecute all crimes committed by or against Indians on Indian reservations in the State. Subsequently, the Federal District Court dismissed Negonsott's petition for a writ of habeas corpus, and the Court of Appeals affirmed.

Held: The Kansas Act explicitly confers jurisdiction on Kansas over all offenses involving Indians on Indian reservations. Congress has plenary authority to alter the otherwise exclusive nature of federal jurisdiction under §1153. Standing alone, the Kansas Act's first sentence—which confers jurisdiction on Kansas over "offenses committed by or against Indians on Indian reservations . . . to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State"—is an unambiguous grant of jurisdiction over both major and minor offenses. And the most logical meaning of the Act's second sentence—which provides that nothing in the Act shall "deprive" federal courts of their "jurisdiction over offenses defined by the laws of the United States"—is that federal courts shall retain their

jurisdiction to try all offenses subject to federal jurisdiction, while Kansas courts shall have jurisdiction to try persons for the same conduct when it violates state law. This is the only reading of the Kansas Act that gives effect to every clause and word of the statute, and it is supported by the Act's legislative history. In contrast, if this Court were to accept Negonsott's argument that the second sentence renders federal jurisdiction exclusive whenever the underlying conduct is punishable under federal law, Kansas would be left with jurisdiction over only those minor offenses committed by one Indian against the person or property of another, a result that can hardly be reconciled with the first sentence's unqualified grant of jurisdiction. There is no need to resort to the canon of statutory construction that ambiguities should be resolved in favor of Indians, since the Kansas Act quite unambiguously confers jurisdiction on the State. Pp. 2-12.

NEGONSOTT v. SAMUELS

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933 F. 2d 818, affirmed.

REHNQUIST, C. J., delivered the opinion of the Court, in which WHITE, BLACKMUN, STEVENS, O'CONNOR, KENNEDY, and SOUTER, JJ., joined, and in all but Part II-B of which SCALIA and THOMAS, JJ., joined.