



*New York State Archives*

**New York State Education Department Native American  
Education Unit Johnson-O'Malley Act Project Files A0728**

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## Overview of the Records

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<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This series consists of correspondence, memoranda, project reports, and state plan drafts concerning the education of New York State Indian children as mandated by the Johnson-O'Malley Act of 1934. Also present are correspondences showing the interaction between state and federal governments regarding the formulation of education policy.
<b>Creator:</b>	New York (State). Education Department. Native American Education Unit
<b>Title:</b>	Johnson-O'Malley Act project files
<b>Quantity:</b>	2 cubic feet
<b>Inclusive Date:</b>	1971-1982
<b>Series:</b>	A0728
<b>Sponsor:</b>	The New York Community Trust - Wallace Special Projects Fund

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## Arrangement

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Arranged by subject.

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## Administrative History

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The Johnson-O'Malley Act (J.O.M.) of 1934 allowed the federal government to contract with the states to provide educational, social, agricultural and medical assistance to Native American populations. Although the act only specifically excluded the state of Oklahoma, Department of the Interior rulings (see below) had determined that the Native American population in New York State was ineligible for services from the Bureau of Indian Affairs (BIA). Thus, applications by New York State for J.O.M. funding were denied prior to amendment of the act in 1972.

Amendments to the Johnson-O'Malley Act in 1972 and passage of The Indian Self-Determination and Education Act of 1975 (as amended, Public Law 93-638) meant that not only was the state able to receive federal funding, but also the Native American communities could enter into contract agreements directly with the BIA.

In response (in part) to correspondence from the New York State Assembly (Box 4, Folder 1), the Bureau of Indian Affairs (BIA) investigated the long-standing policy where-by NYS Indians were considered ineligible for federal programs because they lived on reservations created by New York State and not the US government. A 1965 memo from H.E. Hyden, Associate Solicitor, Indian Affairs to the Commissioner of Indian Affairs confirms that, although New York State was given unique jurisdictions over native populations within its borders, "it does not follow that the United States has abdicated, given up, or terminated its trusteeship responsibilities." A February 23, 1972 letter from James E. Hawkins, Director of Education Programs, Bureau of Indian Affairs (Box 4, Folder 1) to Dr. Ewald B. Nyquist, NYS Commissioner of Education, officially informs him that a "re-evaluation" has determined that "New York State Indians are now eligible for Higher Education Assistance grants and Johnson-O'Malley Act funding."

Until 1977, the New York State Education Department contracted with off-reservation school systems for the education of Indian children within New York State. The Native American Education Unit ceased administration of the program in 1977 when the Federal Bureau of Indian Affairs began dealing directly with the tribal nations.

Catalog agency records NYSV2065780-a for the Native American Unit and NYSV86-a565 for the Education Dept. describes history and functions resulting in creation of the record series.

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## Scope and Content Note

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This series consists of correspondence, memoranda, project reports, and state plan drafts concerning the education of New York State Indian children as mandated by the Johnson-O'Malley Act of 1934. Also present are correspondences showing the interaction between state and federal governments regarding the formulation of education policy.

A large portion of this series is a document (in several iterations) called, "Proposed amendment to NYS plan for education of Indian children under provisions of the Johnson-O'Malley Act of 1934." There are multiple draft copies (at least 5 versions between March and June of 1973) with hand-written marginalia (Box 3, Folder 5) and a final version in Box 4, Folder 4 which needed approval from Native American community leadership (Box 4, Folders 2 & 3) before submission to the BIA. There is also a chronological summary of NYSED efforts to obtain J.O.M. funding from June 22, 1973 - February 21, 1975 (Box 1, Folder 1).

Also prominent in this series are materials related to proposals, program budget requests and documentation of distribution of federal aid (\$30,000 each) to four Native American groups "who showed an interest" (Mohawk, Oneida, Seneca, Tonawanda) during the 1974-1975 fiscal year. Additionally, there is a letter from the BIA disqualifying the Shinnecock and Poospatuck from consideration for funding (Box 3, Folder 1).

The proposal from the St. Regis Mohawk Tribal Council (Box 1, Folder 7) includes the name, grade and school of all school-age children from the reservation, job descriptions and proposed facilities. The proposals from the other three groups contain similar detail. An Oneida Indian Nation Education Committee submission includes a "Background" section on the history of the Oneida Indians (Box 4, Folder 3). Several letters from school districts seeking confirmation from NYSED that they are authorized to deal directly with the BIA are also present.

The folder entitled, "John Bardin's Papers" (Box 2, Folder 7), includes a March 14, 1973 draft of the NYS Plan; a count of "Persons by Race, New York State Counties, 1970"; and information about J.O.M. requirements in Oklahoma and New Mexico. Other states' plans are also contained in Box 3, Folder 4, which includes materials from Minnesota (1969), Oklahoma (1972-73 draft) and New Mexico (1973).

There is also correspondence related to a political power struggle within the Oneida Tribal Council (Box 1, Folder 8) including a notice that Jacob Thompson was removed from office as President; and the minutes of a September 10, 1975 meeting declaring Thompson's removal illegal and dismissing the participants in his removal from the council.

Nothing directly mentioning or related to the "Trail of Broken Treaties Protest" by the American Indian Movement (AIM) or its occupation of the BIA headquarters building from November 3 - 10, 1972 is contained in this series. Several references are made to the "incident" at the BIA building in Washington, D.C. in 1972, but only to the extent that it delayed action on New York State grant and program applications or submissions.

The terms *Indian*, *Native American*, and *Native American Indian* are all used in this series. During the time period covered by this series and within some of the records themselves, discussions of proper descriptive and respectful terminology can be found. In titles of reports and folders, the usage of the documents' creators has been maintained for each individual instance.

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## Related Information

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### Related Material

A0729Series A0729, consists of research files for a Regents paper on Native American education (1964-1975)

B1352Series B1352, is comprised of Indian (Native American) student tuition aid files (1962-1988)

16414Series 16414, has materials related to Indian education tuition and transportation files (1982-1984)

13143Series 13143, consists of subject and correspondence files of the Native American Education Unit (1954-1983).

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## Other Finding Aids

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### Available at Repository

A listing of original folder titles (or indications as to a lack there-of) is available at the repository. A listing of correspondents is also available at the repository.

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## Use of Records

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### Access Restrictions

There are no restrictions regarding access to or use of this series.

### Alternate Formats AvailableAlternate Formats Available

There is no microform or digital version of this series.

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## Administrative Information

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### Processing Information

This collection was physically processed and its description was enhanced as part of the States' Impact on Federal Education Policy Project (SIFEPP), 2005. The New York Community Trust - Wallace Special Projects Fund provided funding for this project.

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## Access Terms

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- Indians of North America--New York (State)--Government Relations
- Indians of North America--Legal status, laws, etc.--New York (State)
- Educating Native American students
- Federal aid to Indians--New York (State)
- Iroquois Indians--New York (State)
- Education and state--New York (State)
- New York (State)
- Indians of North America--Education
- Oneida Indians--New York (State)
- Government aid to education
- Correspondence
- Education and state--United States--States
- Proposals
- New York (State). Education Department