

for material on THE CALIFORNIA TRAIL. It may be that other material (emigrant diaries, etc.) will turn up in these various FWP collections. (This is something I would do myself but it is a job beyond any one person.) The best place to look first is the Library of Congress where the lion's share of the FWP collection (plus numerous unpublished book manuscripts) is held. The latest word has it that the Library's FWP collection is now largely available to the public for examination. If any other OCTA members in the states I mentioned in this article wish to dig into their respective FWP data collections, just let me know and I will provide you with the locations of the other repositories.

NOTES:

1. - For information on this series and the Federal Writers Project, read Jerre Mangione's book, THE DREAM AND THE DEAL, (1972, 1974, and 1983 editions - the 1983 edition was published by the University of Pennsylvania Press); pages 376-396 of this book give a comprehensive list of FWP/Writers Project publications.

2. - The three published FWP highway guides are: THE OCEAN HIGHWAY (1938); THE OREGON TRAIL (1939); U.S. ONE (1939).

3. - National Archives' file on THE CALIFORNIA TRAIL.

4. - Personal communication between Jerre Mangione and Jan Roberts in June 1988.

5. - Guidebooks on U.S. 101, U.S. 91, and U.S. 50 were in the process of being prepared and/or considered in 1938/39. The correspondence in THE CALIFORNIA TRAIL file indicated that U.S. Highway 101 was in preparation and next in line to be published after THE CALIFORNIA TRAIL guide was published; the U.S. 50 guidebook was planned to cover the Overland Mail and Pony Express routes through Nevada; the guidebook on U.S. 91 was planned to be a "border to border" guide but little else has turned up on this planned book other than that Vardis Fisher, the Idaho FWP Director, was asked to consider to do the U.S. 50 and U.S. 91 highway guides. And he may

UNMARKED GRAVES AND THE LAW

by Mary Conrad, Archeology Committee

In the last two decades native peoples throughout the world have been calling for societies to be cognizant of their beliefs about death and burials.

Many Native Americans feel that Indian skeletal remains have been viewed for too long as archeological specimens. They feel that the remains have not been accorded proper respect. Many Native American cultures exemplify the belief that the dead cannot continue their journeys in the afterlife as long as the journeys have been interrupted. Thus many American Indians would be opposed to the permanent curation of their ancestors' skeletal remains and any burial goods which were intended for use in these long journeys. The journey is complete only when the flesh, bones and burial goods have all returned to dust and thus have rejoined Mother Earth.

Over the years American laws and customs have been developed by a society which is largely non-Indian. Mainstream America, like other parts of the world, often has not been concerned about what the native populations would want. However, times are beginning to change. Some governments have instituted laws which require the reburial of excavated human remains and the accompanying burial goods. The federal government of the United States is considering a reburial law, but, in the meantime, over two dozen states already have passed laws governing procedures to follow when unmarked graves are discovered.

Why should this reburial issue be of concern to OCTA members? Even though the impetus for the passage of reburial laws has come from Native

have; Mangione reported in his book on the FWP that Fisher complained to him that three of Fisher's book manuscripts prepared for the FWP apparently were lost in the FWP bureaucracy in Washington, DC. The FWP material sent to Washington, DC, went mostly to the Library of Congress.

Americans, these state laws usually pertain to any unmarked burials that are encountered. As OCTA has had and continues to have a very active program of marking graves and sites along the trails, this exemplifies OCTA's dedication to historical preservation. OCTA wishes to continue to support these activities which are completed in appropriate ways.

Trails enthusiasts who are interested in preserving emigrants graves need to become familiar with the unmarked graves law in their own state, so that they are assured that they are operating within the law. These state laws vary considerably. As more states adopt unmarked graves laws, what was legal in one state last year may not be legal this year. This is true for Kansas, which adopted a reburial law in 1989.

When preservationists "fix up" emigrant graves by adding fences, signs, etc., state authorities charged with upholding an unmarked graves law likely would not be concerned. However, if human skeletal remains and/or burial good are exposed, a state grave site law more likely could be violated. I repeat that these state laws vary greatly, so an individual needs to become familiar with the local legalities. Even if the exposed bones and/or goods are old enough to be considered archeological in nature, the appropriate authorities need to be contacted. The preservationist who wants to cover up the exposed bones himself, out of respect, may or may not be able to do this legally, depending on the particular state law. If exposed human bones appear to be quite old, Kansas law now would require that the local authorities contact the Kansas State Historical Society, which would assume jurisdiction.

If your state has an unmarked graves law, you need to become familiar with the state's definition of an "unmarked grave." Emigrant graves may or may not be considered unmarked graves depending on the circumstances and on the local law.

As preservationists, we may need to be aware of the laws of each state.