

Francis Garaba¹

TRUMP(ETING) EVIDENCE CONCEALMENT: RECORDKEEPING TURMOIL IN THE UNITED STATES OF AMERICA AND LESSONS ON PRESIDENTIAL RECORDS WITHIN THE EASTERN AND SOUTHERN AFRICA REGIONAL BRANCH OF THE INTERNATIONAL COUNCIL ON ARCHIVES (ESARBICA)²

Abstract

Purpose: *Presidential records define and amplify the relationship that exists between the governing and the governed. As such, they should be treated as public records in the broad interest of transparency and accountability to promote good governance. The tumultuous events recently witnessed at the National Archives and Records Administration in the United States of America should be an eye opener to the global archives community and provide a window of opportunity to advance the cause for archives. Evidence management has been at the epicentre of the archival profession since time immemorial as this defines who we are as archivists and this piece attempts to highlight this as it dissects this watershed moment in archival discourse. An attempt is also made to draw lessons from this incident for the benefit of archival institutions within the East and Southern African region and to reignite the contentious debate on archival ethics.*

Methods: *This is a desktop study that qualitatively draws on a review of relevant archival scholarship and online publications. A desk top study also known as a desk study is a research method that involves collecting, reviewing and analysing existing information and data from secondary sources without fieldwork.*

Results: *The findings highlight the vulnerability of the records profession to the whims of politicians in view of the evidence that recordkeepers protect in these records. These insights underscore the broader challenges faced by the record-keeping profession in managing records of a country's leader. The sanctity of evidence is what makes our calling as archivists as we are guardians of the*

1 Assoc. Prof. Francis Garaba, Information Studies Department, University of KwaZulu-Natal (UKZN), email: garaba@ukzn.ac.za.

2 NB. This paper attempts to provoke discussion of archival issues (presidential records) and re-ignite the debate on archival ethics and is an original article not submitted to any publication.

truth. Enacting specific legislation that informs the management of presidential records could help solve this conundrum especially for archival institutions within ESARBICA.

Discussion: *By interrogating President Trump's destabilization of the record-keeping profession, this article assesses the seismic professional impact it has had. The incident highlights several lessons that can be drawn from this event which inter alia include the need to enact specific legislation that informs their stewardship and re-ignites the contentious debate on archival ethics. Lastly, it is argued in this article that this incident provides a window of an opportunity from an advocacy point of view for us to defend the recordkeeping profession as we need an evidence management campaign in this regard.*

Keywords: *Archival ethics; advocacy; Presidential records, evidence; archival activism, presidential records legislation*

1 INTRODUCTION

The 7th of February 2025 could arguably be heralded as a troubling chapter for the records and archives profession in the United States of America (USA) with the White House's forcing out of the National Archives top leadership in a major shakeup. The national archivist, Colleen Shogan, the first woman ever in the USA to assume this position got the sack which triggered forced and voluntary resignations en masse, something unprecedented in American archival historiography. This chain of events sent shock waves to the global archives community as this incident serves to highlight how vulnerable our profession is to the whims of politicians. To state that archives follow the flag is not an understatement as this incident underscores the political dynamics behind recordkeeping and archival control.

The politicization of the archives has never been so dramatized as this leadership change is an attempt to wrestle control of the national archival institution, the National Archives and Records Administration (NARA), and bring it under political influence with appointed loyalists or sycophants. The American Historical Association (AHA) (2025a) noted that political interference into professional curatorial practices places at risk the integrity and accuracy of historical interpretation and stands to erode public trust in our memory institutions. Theodore R. Schellenberg, one of the most influential American archival theorists, should be turning in his grave as he firmly believed in professional neutrality and accountability as this incident is an ethical affront to the sanctity of evidence (see Schellenberg, 1956). The NARA incident serves to illuminate how archival concepts of public accountability, national memory and state custody have evolved from the French Revolution in 1789 into institutional practice. The thesis of this records incident is that records of leadership belong to the public and must be preserved and accessed to uphold democracy and accountability.

2 THE BACKGROUND

During President Trump's 1st term (first presidency), between 2017–2021 is when this recordkeeping drama unfolded as NARA as the designated recordkeeping entity by law was a key player (whistle-blower) in this case about his mishandling of classified records. These records contain information deemed sensitive by a national government, disclosure of which for instance could jeopardise a coun-

try's national security. Records designated as classified at the time of their creation form a very significant part of public records produced by state and public administration bodies in a broad sense (Čtvrtník, 2022, 129). The issue at stake is that when he left office in early 2021, Mr. Trump allegedly took dozens of boxes of presidential papers, including nearly 340 documents bearing classified markings, to his home in Florida. However, according to the Presidential Records Act (PRA) of 1978, once a president leaves office, all presidential records must be transferred to the archivist of the United States, who makes them available to the public over time unless the national archivist requests that the records be kept private (Ginsberg, 2014). The PRA is the primary law governing the collection and preservation of, and access to, records of a former President (Ginsberg, 2014). Presidential papers are the records created by the office of a president of the United States of America (Society of American Archivists Dictionary of Archives Terminology, 2025a; see also Wilson, 1997, 339). These presidential papers are historical resources that capture each incumbent's conduct in presidential office and are provided to NARA upon departure from office (Ginsberg, 2014) and there was non-compliance in this regard. Mr. Trump was eventually charged with 40 felonies, including for allegedly refusing to turn over some of the papers (Watson, 2025). This is popularly known as the Mar-a-Lago documents event, named after the former president's residence in Florida. Mar-a-Lago "was not an authorized location for the storage, possession, review, display, or discussion of classified documents" after Trump left office. Documents were stored in a ballroom, a bathroom and shower, an office space, his bedroom, and a storage room (Smith, 2023) and yet these were supposed to be in the custody of NARA. Colleen Shogan was a victim of this political malfeasance as she was not the archivist at the time the agency was attempting to retrieve boxes of presidential records from Trump's estate in 2021 and 2022. However, Trump viewed NARA with suspicion since the investigation and has openly described its top staff as complicit in efforts to damage him politically (Watson, 2025).

The commencement of his 2nd term (second presidency) between January 2025 to present could be viewed as payback time as this is when the upheavals started with the firing of the national archivist, Colleen Shogan, the forced retirement of the Deputy Archivist, and the appointment of Secretary of State Marco Rubio as Act-

ing Archivist—a position for which he has no professional qualifications, let alone hours in the day (Baron, 2025). There are reported plans to purge Archives officials who sought the recovery of records the then-former president had failed to return to the federal government despite repeated requests to do so (Baron, 2025).

Baron (2025; see also Kiayabo & Mnjama, 2012; Ginsberg, 2014) notes that in response to President Richard Nixon's abuses of power, Congress passed the Presidential Records Act (PRA) of 1978 to ensure that White House records were owned not by presidents but by the American people. The PRA sets strict rules for presidential records created during a president's term. That law has required every president since Ronald Reagan to turn over custody of official White House records to the Archivist on or before the day they leave office. In this regard, public records define the relations of the government to the governed and are the main source of information on all its activities (Schellenberg, 1956, 9–10). According to data from NARA, the volume of records created by Presidents has been growing exponentially, and the platforms used to create records are also expanding. This includes records created on ephemeral technologies like email, Facebook, Twitter (now X) and YouTube (Ginsberg, 2014; see also Johnson, 2018).

The foregoing narrative provides a condensed insight on the Mar-a-Lago documents event which could inform archival institutions within the Eastern and Southern Africa Regional Branch of the International Council on Archives (ESARBICA) on their stewardship of presidential records.

3 THE EASTERN AND SOUTHERN AFRICA REGIONAL BRANCH OF THE INTERNATIONAL COUNCIL ON ARCHIVES (ESARBICA)

ESARBICA is a professional body dedicated to advancing archives and records management in the region through cooperation. ESARBICA has grown to include 13 member countries, and these are Angola, Botswana, Eswatini, Kenya, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. Among the 13 ESARBICA member countries, none have legislation specifically titled a Presidential Records Act similar to the Republic of Korea or United States of America models. As testament to this fact, one archivist within ESARBICA lamented the lack of a policy on how presidential records could be accessed and sought advice by reporting that:

“Assist me develop a policy to this effect. How do i go about this --- the example from where i am coming is like those cabinet records returned to the records centre after being repatriated from (anonymous) have not yet been opened to the public because the country does not have a policy on how to handle them”³.

Kiyabo and Mnjama (2012) reported that in Tanzania, the management of presidential records, apart from the Founders of the Nation initiative⁴, is not clearly regulated by existing laws and policies. This could also be extended to other countries within ESARBICA with regards to their records and archives laws that should be covering this genre of records. Archival institutions with their respective countries within ESARBICA need to develop first a legal framework for the management of presidential records. Consequently, as recommended by Kiyabo and Mnjama (2012, 94), this calls for the need to review all the records legislation acts to formulate one act to include the management of presidential records. In doing so, it will be clear as what these records are: definition, scope, management, and custody. The Republic of Korea, for instance provides a framework as to how presidential records need to be managed. Enacted in 1999, the Korean Public Records Management Act (PRMA), for the first time, contained items that deal with the systematic management of and public access to presidential records (Articles 8 and 13 of the Act and its Enforcement Decree 28, as cited by Lee 2006,117). Before these laws were enacted, presidential records were not managed systematically as public papers. Upon retirement from office, former presidents destroyed their records for various political reasons or simply took the documents (Lee, 2006, 118-118).

However, despite the lethargy on the development of a Presidential Records Act within ESARBICA, there have been notable developments in the establishment of presidential libraries in Kenya, Tanzania, Nigeria, and South Africa. In Kenya for instance, there was an announcement in June 2018 by President Uhuru Kenyatta that papers and mementos of former Presidents Jomo Kenyatta, Daniel Arap Moi, and Mwai Kibaki would be acquired for preservation by the state and housed in a presidential library, museum and exhibition centre (Kamau 2018). In

3 The identity of this informant is anonymized for security and ethical reasons.

4 In accordance with The Founders of The Nation Honouring Procedures Act, promulgated in 2004, the government of Tanzania is planning to create a centre to commemorate the first president of Tanzania, Mwalimu Julius Nyerere, and the first president of Zanzibar, Sheikh Abeid Amani Karume (Nelson Mandela Foundation 2007).

May 2022, President Uhuru Kenyatta commissioned to the public the newly built Uhuru Gardens Monument and Museum. An archivist has since been assigned to oversee the building and stocking of content for the Archives section of the Museum (ESARBICA Kenya country report, 2023). However, Kamau (2018) correctly notes that presidential libraries should not be pyramids of hero-worshipping but should help in demystifying the presidency. Hero worship often happens when public monuments centre powerful figures like founding presidents or military leaders, rather than the collective people who fought or sacrificed. However, a positive development in Kenya has been the reviewing in 2022 of the Public Archives and Documentation Service Act, CAP 19 as the new law has an official (Director) who will be specifically in charge of Presidential Archives Services (ESARBICA Kenya country report, 2023). In Tanzania, the Mwalimu Nyerere Foundation holds the papers and books of its contemporary. Nigeria has witnessed the establishment of the Olusegun Obasanjo Presidential Library with its primary aim of promoting accountability and transparency for those who occupy Nigeria's highest political office thus deepening democracy (Olusegun Obasanjo Presidential Library, 2022). In South Africa, it is interesting to note that presidential records are generally considered public records but in practice their custody is private, self-owned by their creators and not by state or government. South Africa's archival legislation act states that records with archival value should be transferred to archival custody, in accordance with the National Archives and Records Service of South Africa Act (No. 43 of 1996, as amended). To the contrary, South Africa's former presidents have proceeded to establish their own presidential libraries modelled on the Republic of Korea and the USA. The Nelson Mandela Foundation (NMF) holds the papers of Nelson Mandela in private custody. The University of South Africa (UNISA) is collaborating with the Thabo Mbeki Foundation to create a presidential library for former president Thabo Mbeki who happens to be its Chancellor. This equally applies to the Jacob Zuma Foundation that holds private papers for former President Jacob Zuma.

The foregoing provides a brief insight into the developments within the ESARBICA region with regards to presidential papers/records and an attempt will be made in the next sections to highlight some valuable lessons that can be drawn from this Mar-a-Lago incident.

4 LESSONS TO BE DRAWN FROM THIS SAGA

Mar-a-Lago casts the issue of archival ethics in the spotlight as this is a violation of professional recordkeeping principles with this improper political pressure. The ethics trinity conundrum could not have been better exemplified by this incident – as archivists, is our obligation to the record, government or to society? Archivists struggle to uphold all the three values at once. However, archivists should be neutral as their primary responsibility is to serve society and ensure that the public has access to the records of government for accountability and transparency purposes to promote good governance and democracy – the latter needs archives to thrive. According to one of the leading thinkers in the archival discipline, Hilary Jenkinson (1937), the archivist's role is the physical and moral defence of the archives (apolitical – neutrality) - committed to the complete historical record—not sanitized narratives. Section 1 of the International Council on Archives (ICA) code of ethics (1996) is pointed on the need for archivists to protect the integrity of archival material and thus guarantee that it continues to be reliable evidence of the past and it further states that:

The primary duty of archivists is to maintain the integrity of the records in their care and custody. In the accomplishment of this duty they must have regard to the legitimate, but sometimes conflicting, rights and interests of employers, owners, data subjects and users, past, present and future. The objectivity and impartiality of archivists is the measure of their professionalism. They should resist pressure from any source to manipulate evidence so as to conceal or distort facts (International Council on Archives code of ethics, 1996).

In the case of the incidents at NARA, the agency as the nation's top recordkeeping auditor, had every right to pursue the classified records from Trump's estate in 2021 and 2022, notwithstanding the fact that Shogan wasn't working for the agency at the time. This means that archivists must be prepared to resist state pressure whenever this is applied and Jimerson (2007, 215) agrees with this assertion in order to protect public interests and support open government. Archives should thus be free from ideological censorship in view of the fact that the integrity of archives is critical to preserving democratic legitimacy. A partisan archivist could assist the administration in distorting the historical record for ideological purposes. The good, the bad, and the ugly parts are all worth saving because they

tell the full history of a country. Politicizing archives erodes democracy and can only take us in the direction of authoritarianism (Charles F. Kettering Foundation, 2025; see also Sangmin, 2009). Outside influence should not inform archival stewardship and Section 8 of the International Council on Archives (1996) notes that archivists should not allow people outside the profession to interfere in our practice and obligations.

This stance might sound ambiguous when one considers the relationship that should exist between employer and the archivist. The South African Society of Archivists Code of Ethics (1993) notes that at all times, the archivist must act within the parameters of the policy laid down by his/her employer. NARA was ethically correct to use their discretion in the pursuit of these papers that were improperly taken from the White House to ensure that these classified records were taken care of so as to protect them from removal, damage, and theft. Baron (2025) correctly notes that NARA archivists fulfilled their statutory responsibility by not shying away from insisting that a former president's government turn over government records still in its custody. To protect public interest, archives can be used to hold political leaders accountable for their actions (Jimerson, 2007, 215). The NARA archivists honoured their duty by informing law enforcement officials about the national security implications of finding top-secret classified documents in returned boxes (Baron, 2025).

The tragedy is that Trump treated White House records as his own personal property which flies in the face of transparency, accountability, and good governance. Trump acted in apparent ignorance of his recordkeeping obligations by allegedly ripping up documents and even going so far as to flush records down the toilet (Baron, 2025) which is in contempt to recordkeeping principles and ethos as this is a nation's evidential history. Records about government business, classified or unclassified, are not his personal records. In a democracy, the public has that right to know how decisions were made and not honouring this was a violation of the Presidential Records Act during Trump's first term. For records, transparency and accountability are core values (Cox, 2007, xxxi) and the former NARA Archivist David Ferriero could not have put it better when he remarked that records management is the backbone of open government (National Archives and Records Administration, 2010).

To put it simply, the government cannot be accountable if it does not preserve—and cannot find—its records (National Archives and Records Administration, 2010). Open government is thus about providing access to government records for transparency purposes. Everything that happens in the government, domestically and internationally, generates records. As the nation’s recordkeeper, the Archives tells the story of a country – its founding, breakdowns, mistakes, and triumphs (Swenson & Fields, 2025; see also Kamau, 2018). In other words, the records function because of the evidence contained in there makes it possible to hold to account individuals in terms of how they arrived at decisions during their term in office. Jimerson (2009, 331) correctly noted that:

“Records are powerful tools. Most political figures attempt to restrict or limit access to their papers and to governmental records, fearing consequences of public disclosure”.

In consequence, the need for professional independence cannot be over-emphasized as this will help to ensure neutrality, transparency, and integrity in preserving public records. The National Archives (TNA) in the United Kingdom, as a non-ministerial department, operates free from direct political influence – a standard of professional independence that should guide the governance of archival institutions globally.

Professional associations and sister organizations have been united in voicing their stance with regards to Mar-a-Lago. Solidarity messages in protecting USA’s full history have come from the Society of American Archivists (SAA) and its chapter affiliates, as well as from its broader watchdog and intellectual alliance partners like the Charles Kettering Foundation and the American History Association respectively. Such collaboration is what Millar (2023, 31) refers to as a collective consciousness, which comes with a shared understanding of “truth” and of facts and evidence. Evidence protection is sacrosanct to our profession and defines who we are as archivists and we are guardians of the truth. Millar (2019, xvi) correctly remarked that archivists are evidence keepers and protectors of proof. The SAA (2025) said its leadership was alarmed by the news and said the firing with no stated cause “does harm to our nation and its people.” (SAA, 2025). The SAA as the main professional association in the USA, condemned the decision of the White House to terminate substantial numbers of archivists and cultural heritage workers at the NARA (SAA, 2025).

In this time of authoritarian creep, the Charles F. Kettering Foundation (2025) noted that:

“It is not the job of an archivist to save materials from a presidency or organization that only show the president or organization in a good light, but rather to follow the core values such as identifying and preserving the historical record, organizing and maintaining the historical record, providing a means of accountability, providing access to materials, and preserving materials from our diverse communities”.

The AHA⁵ dispatched a letter to the White House in which they highlighted the legal oversight of the dismissal and that the history of the United States rests on unfettered access to the archival record (American History Association, 2025b). Despite these solidarity stances, they all acknowledge their powerlessness to address this which further validates the political clout and power that governments have over the public record. Bastian (2014, 109) aptly observed that the professional associations that promulgate these codes often feel unable to enforce them. However, our archival institutions need to maintain an above reproach ethical paradigm in handling presidential records to avoid these being politicized or weaponised. In consequence, our code of ethics needs to be revised in view of such powerlessness to include the need for archival activism. According to the Society of American Archivists Dictionary of Archives Terminology (2025b; see also Doncabe & Garaba, 2025, 11; Novak, 2017, 973–974), archival activism is about striving to move the archives profession so that the voice of the record is heard not only within the high echelons of power but in society at large. As noted by Millar (2019, xiv), we need an evidence movement that makes a call to arms for the protection of authentic evidence. Novak (2017, 992–993), further notes that another issue central to archival activism is the significance of archivists in holding governments, political or cultural leaders, or other institutions or people in power accountable for their actions. This includes maintaining, preserving and making accessible records that document criminal, unethical or other un-just actions.

5 The American Historical Association (AHA) had a tremendous influence in the establishment of most archival institutions in the USA and Schellenberg (1965:22) notes that one of the matters to occupy the attention of the association was the establishment of a national archival institution. See also Jimerson (2009, 93, 99-105)

Bastian (2014, 101) correctly noted that ethical positions may be expressed in protocols and codes, but in the end, it is people who must make the often-difficult determinations about right or wrong actions. Our profession needs records and archives activists. The luminary of South African archives, Verne Harris, is one shining example of archival activism who between 1993–1994, spoke fearlessly about the destruction of records by the apartheid government in the transition to a new South Africa (Harris, 1999; see also Harris, 2000, 73–75). That said, archivists need more autonomy and independence and legal protection in their discharge of duties. Victimization has rarely been as evident as in the recent dismissal, forced resignations, and reported buyouts at NARA. The morale impact on the profession is not difficult to discern as this is disempowering. The Society of American Archivists as the main professional body for records professionals in the USA will need to undertake a survey to assess public sentiment in the wake of this devastating records controversy and evaluate its seismic impact on the profession.

In safeguarding presidential records, professional acumen should never be sacrificed for political expedience. Records and archives professional associations should have a say in the appointment of national archivists. Arguably, advocacy in this regard has not been forthcoming for most professional associations worldwide as we have failed to exploit the power we have in our hands in view of the evidence that we keep. We need national archivists with archival credentials, who are apolitical, and not political appointees hence the need for their neutrality and impartiality. Selecting and distorting the archival record to suit those in power should be sanctioned by our code of ethics as dereliction of duty. Jimerson (2009, 362) aptly averred that archivists should commit themselves to preventing the archival profession's explicit or implicit support of privileged elites and powerful rulers at the expense of people's rights and interests.

Public offices from which presidential records are generated are tax-payer funded and so the public have every right to know how they are governed. As stewards of evidence management, we thus need to defend its authenticity and integrity (Millar, 2019, xvi). In light of the Mar-a-Lago incident, we need to step up the gear by advocating for stronger ethical standards similar to the Hippocratic oath⁶

6 The Hippocratic Oath is a traditional ethical code historically taken by physicians, swearing to practice medicine honestly, ethically, and responsibly. It's named after Hippocrates, a Greek physician often called the „father of medicine (Miles, 2005,5-6).

for the medical profession as our loyalty should be guided by the management of evidence. Archival leadership requires specialized or technical knowledge in stewarding collections and the input of professional associations will assist in vetting candidates. In addition, involving professional associations will also help in generating public trust as such endorsements ensure transparency in the appointment process. Lastly, professional associations should act as deterrents against such hand-picked appointments so as to preserve an archival institution's autonomy from political interference.

5 CONCLUSION

Presidential papers should be treated as public records and have an important role in contributing to the cultural patrimony of a nation. The need for legislation, especially within the ESARBICA region, needs no emphasis. Any attempts to conceal the evidence contained in there, as is the case in the USA recently, is a travesty to recordkeeping principles and practices as this undermines public trust and accountability. This Mar-a-Lago document controversy provides a real and classic case of archival ethics study for practitioners, scholars, academics, and graduate students in the archival profession awaiting interrogation. Another positive spin is that this episode has cast the recordkeeping profession in the spotlight, which provides an opportune moment to advocate for our profession. The sanctity of evidence is what makes our calling as archivists and defines who we are as a profession as we should remain defenders of the truth. The digital environment, now embedded in our information systems, introduces complex ethical challenges—particularly as emerging strategic technologies increase the temptation to create, alter, or delete records with ease. It should remain our primary duty to hold public officials to account by preserving the records they generate in the interest of transparency, accountability, and good governance. It is in this light that archival activism should be fathomed and understood as we are the vanguards of societal memory.

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