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LEGAL & PUBLIC AFFAIRS UPDATE
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TINUBU OPPOSES FURTHER RELEASE OF FBI AND DEA RECORDS

What the President's latest U.S. court filing actually says

President Bola Tinubu has formally asked a United States federal court to reject Aaron Greenspan's attempt to obtain further disclosure of FBI and Drug Enforcement Administration records concerning him.

In a 16-page submission filed on 28 August 2026, Tinubu's lawyers requested that Judge Beryl Howell deny Greenspan's summary-judgment motion and allow the FBI and DEA to maintain their existing redactions and withholdings.

Tinubu is not the original defendant in the Freedom of Information Act case. He joined the proceedings as an intervenor to protect his claimed privacy interests in records concerning him.

His lawyers argue that although certain information connected with the 1993 civil-forfeiture proceeding is already publicly available, that earlier disclosure does not eliminate his privacy interest in the remaining contents of the investigative files.

> "Regardless of the prior disclosure in the forfeiture proceeding, Intervenor retains a privacy interest in potential disclosure of the investigative files sought by Plaintiff."

Tinubu's legal team also argues that Greenspan's principal objective is to obtain documents bearing Tinubu's name and that FOIA should not be used to extract information about an individual merely because that information may be politically valuable.

THE CLAIMS - AND THE NECESSARY DISTINCTIONS

The filing reportedly refers to an intention to "influence politics in a foreign nation." This appears to concern the possible use of the requested records in Nigerian politics. However, reports suggesting that Tinubu expressly admitted the records would cause him to lose the 2027 presidential election go beyond the wording presently available. That is an interpretation advanced by his political opponents and their representatives - not an established statement by the court.

Most importantly, the latest submission is not an admission that Tinubu trafficked heroin, possessed a criminal record or was convicted of a criminal offence in the United States.

The records being sought are criminal-investigative records connected with an early-1990s investigation into heroin trafficking and money laundering. The fact that a person was identified in investigative records does not, by itself, establish that the person committed an offence.

Tinubu was not convicted of drug trafficking in the United States. Approximately $460,000 associated with accounts linked to him was forfeited to the U.S. government in a 1993 civil proceeding, but civil forfeiture is legally different from a criminal conviction.

In April 2025, Judge Howell ruled that the FBI and DEA could no longer refuse to confirm or deny the existence of Tinubu-related investigative records. Official U.S. government documents had already publicly acknowledged that Tinubu was a subject of an investigation involving those agencies.

The court therefore ordered the FBI and DEA to search for responsive records and process all reasonably segregable, non-exempt information for disclosure. However, the ruling did not require the agencies to release every document without redactions.

The present dispute concerns the next legal question: whether the particular information still being withheld is protected by legitimate privacy and law-enforcement exemptions.

THE PUBLIC-OFFICE QUESTION

A significant public-interest question nevertheless remains.

Tinubu currently occupies Nigeria's highest public office. It is therefore difficult to treat his interest in secrecy as though he were simply an ordinary private citizen whose history has no consequence for the public.

Nigerians have a legitimate interest in information that may bear upon the background, integrity and fitness for office of their President. Holding public office does not eliminate every personal privacy right, but it should substantially reduce the expectation of privacy regarding matters directly relevant to public trust and leadership.

At the same time, American FOIA law does not determine disclosure solely by asking whether Nigerians want the information. The legally recognised public interest generally concerns whether disclosure would illuminate the conduct and operations of the United States government.

The decisive questions may therefore include what the records reveal about the FBI's and DEA's investigation, how American authorities handled the matter, and why the proceedings resulted in civil forfeiture without a criminal prosecution of Tinubu.

Judge Howell must now balance those public interests against Tinubu's remaining privacy rights and the agencies' claims concerning confidential sources, investigative methods and personal safety.

The accurate position is therefore neither that Tinubu has admitted heroin trafficking nor that the records must automatically remain secret. He is actively opposing further disclosure, and the court must decide whether the FBI's and DEA's existing withholdings are legally justified.

That decision has not yet been made.

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