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## **Backgrounder on Barre Seid, the Billionaire Extremist who Enabled Leonard Leo to Stack the Court and Overturn Roe**

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On August 22nd of this year, the *New York Times* reported that a secretive Chicago industrialist named Barre Seid had transferred more than \$1.6 billion into the control of Leonard Leo, to whom Donald Trump outsourced the packing of the U.S. Supreme Court. (For more on that court-packing, check out Jim Hightower’s piercing series on Leo.)

That story by Ken Vogel and Shane Goldmacher details the non-profit trust Seid created with Leo and his closest confidantes—called the Marble Freedom Trust—to transfer the proceeds of the sale of his business to fund Leo’s dark money operations. They have targeted the Supreme Court and other high offices to implement their shared agenda of repealing decades of legal precedents protecting Americans’ rights, including *Roe v. Wade*.

That same day, *ProPublica* and *The Lever* published a joint investigation into the Marble Freedom Trust, which provides additional details about the massive and secretive trust and more. That story by Andrew Perez, Andy Kroll, and Justin Elliot highlights key elements of Seid’s long history of funding anti-choice politicians.

It also illuminates Seid’s funding of other favored vehicles of Leo, like the Federalist Society, which Leo helps steer, and the law school at George Mason University that Charles Koch along with Seid and Leo have stocked with right-wing lawyers. For example, *ProPublica* noted that an investigation by a student working with UnKoch My Campus obtained emails through an open records request where Seid refers to his allied beneficiaries of his largesse to that school as his “Fellow Members of the Vast Right Wing Conspiracy,” a callout to Hillary Clinton’s early description of the right. (Note: I reviewed that UnKoch report about Seid as part of my prior role as an informal advisor to UnKoch My Campus and its previous fiscal sponsor through the Center for Media and Democracy.)

It turns out that Seid’s massive infusion of money to Leo came on the heels of the 2019 *Washington Post* exposé on Leo and the then more than \$250 million that had been given, mostly from anonymous sources, to groups tied to Leo’s efforts to pack the Court and remake American law. That was the tally of Robert O’Harrow and Shawn Boberg based on non-profit tax filings up through 2017. True North Research updated that figure through 2020 earlier this year and it was up to nearly \$600 million, not including any money raised specifically to block

nominees of Joe Biden. Our tally has been cited by Senator Sheldon Whitehouse (D-RI), who has spearheaded efforts to uncloak and limit dark money engulfing the Supreme Court and undoing our rights and our democracy. He has also sought records about Leo's role in packing the Court.

The *Washington Post's* in-depth examination uncovered that in 2018—after Anthony Kennedy announced his retirement—Leo paid off his 30-year mortgage on his home more than two decades ahead of schedule. The Federalist Society had told reporters that Leo was not being paid for his time “volunteering” to help Trump choose who to give lifetime jobs on the Supreme Court and it did pay him less, according to tax filings. O'Harrow and Boberg also uncovered that on the eve of the vote to confirm Kavanaugh to the Court, in one of the narrowest judicial confirmation votes in history, Leo literally closed on a seaside mansion in Maine the day cloture was invoked to force a Senate vote on Kavanaugh.

Because Leo was not technically a White House employee he was not required to file any financial disclosure reports about any of his sources of income to support such expenditures. That is the case, even though he was playing such a decisive role in judicial appointments and in helping to marshal right-wing groups to push those very controversial nominees through.

Since then, Leo has used that robber baron era, 7,900 square foot palazzo to host political fundraisers for Sen. Susan Collins (R-ME), who basically cast the deciding vote on Kavanaugh. He has also hosted a particularly controversial couple, Supreme Court Justice Clarence Thomas and his wife Ginny Thomas, as Jane Mayer has reported.

One fallout of the *Post's* blockbuster on Leo's dark money operations appears to be that Leo left his day job at the Federalist Society, though he remains a leader of its Board. In early 2020, he told Jonathan Swan and Alayna Treene of Axios that he had launched what we view as an even darker/more opaque set of operations with his friend Greg Mueller. They call it “CRC Advisors” and he described it as a vehicle for telling donors who to give to and then advising those groups that he steers funding to.

The anchor beneficiaries of that effort have been the Judicial Crisis Network (JCN), which also goes by the new name the Concord Fund, along with the 85 Fund (the new name of JCN's affiliate that used to be called the Judicial Education Project).

Through these vehicles, as Coral Davenport of the *New York Times* reported earlier this year, JCN/Concord is by far the biggest donor to the Republican Attorneys General Association (RAGA) as GOP Attorneys General have sought victories from the packed Supreme Court. This included trying to block the power of the EPA and other agencies to regulate corporations. (For more on how the right-wing faction controlling the Court was determined to make it easier to regulate women's bodies than corporations, watch Laura Flanders' interview from May.)

As Davenport reported, JCN/Concord's funding of RAGA is dramatically larger than other donors like Koch Industries and the U.S. Chamber of Commerce—by millions of dollars. The true multi-million dollar donor of those efforts has been kept hidden by Leo, who boasted to a closed-door meeting of the Council on National Policy (CNP) that—due to Trump's

appointments to the Court—America stands at the precipice of what he called the revival of the so-called “structural Constitution,” harkening back to the days before the New Deal. (The watchdog group, Documented, which I co-founded in 2017, has more CNP videos and other materials catalogued [here](#); the full quote from Leo’s speech is reprinted further down below.)

As I noted this May in *Common Dreams*:

***“Our only hope is that people rally together to reject this gross overreach and hold accountable those who have sought to use the Court to roll back our rights. This regressive agenda has been bankrolled by some very wealthy and secretive individuals who do not have the courage to be honest with the American people about who they are, what interests they represent, and the future of America they envision, where women’s rights are nullified but the extremist agenda of a few of the richest is exalted.”***

So was it all mostly from Seid? Was he the biggest source of the big secret bucks being spent as Leo directed in order to pack the Court and capture state supreme courts and attorneys general? That seems likely, since the two of them are apparently so close that Seid gave Leo a gigantic billion-dollar fund to deploy. It certainly will be the case going forward that Leo will be able to throw around millions of dollars to try to make his views binding law on the rest of us.

Over at True North, we have long suspected that it was Seid making million-dollar transfers to the now-defunct Wellspring Committee to fund JCN as it backed Neil Gorsuch, Kavanaugh, and Amy Coney Barrett to pack the Supreme Court with anti-choice activists, a pet issue of Seid’s for decades. But that has not been proven, yet.

We also suspected it is Seid who has been the original funder of the attack on so-called “woke” corporations spearheaded by Will Hild. He is another former Federalist Society staffer who worked with Leo and now helms a previously long dormant special interest group that calls itself Consumers’ Research. Seid did not respond to our request for comment last year when we wrote about his secret role in re-animating that attack group.

So below we are posting an excerpt of our research on Seid from May 2021, which provides additional details about Seid’s history, including his role in secretly funding briefs submitted to the U.S. Supreme Court and more to try limit Americans’ rights. This research was compiled by Lisa Graves and Evan Vorpahl.

### **Consumers’ Research Reborn with Secret Funds via Barre Seid**

In 2013, Consumers’ Research moved from a unit in a DC townhouse owned by [M. Stanton] Evans to a mansion in Northwest DC. Suddenly, between 2013 and 2014, the group received more than \$1.4 million. Five hundred thousand of that came from the Lynde and Harry Bradley Foundation, a fund built from the industrial fortune of the long dead Bradley brothers.

It was staked with at least \$250,000 that came from a secretive multi-millionaire donor. That new detail comes from a trove of Bradley Foundation files that were likely hacked by Russia in 2016 and posted on the web, and then authenticated by the *Milwaukee Journal Sentinel* in 2017.

True North Research reviewed that trove and found a 2013 memo written by a Bradley executive, Mike Hartmann, noting that its grants totalling \$250,000 that year would “match a \$250,000 contribution from the anonymous donor in Chicago.”

That trove also contains documentation of “matching” grants, which indicate that the anonymous donor Bradley was matching in 2013 was “Seid.” The only Seid referred to in numerous Bradley documents — such as executive travel to meet with major donors and to “coordinate” funding — is Barre Seid, a super wealthy Chicago industrialist whose net worth is not publicly known. Seid did not respond to a request for a comment about his funding of Consumers’ Research.

**WHO IS BARRE SEID?** The secretive Seid (who is the son of Russian immigrants) made his fortune running a private company that makes power strips and surge protector products that are in millions of homes and businesses.

Over the years Seid’s name has come up as a major donor for controversial politicians like Steven Baer, a failed Illinois gubernatorial candidate and zealot who wants to end legal abortion in the U.S. Seid has been funding the right wing for decades; he was born in 1932.

Seid’s family foundation has disclosed that it is a major funder of the Heartland Institute, a pay-to-play group notorious for trying to equate people who recognize climate change with the Unabomber. In addition, computer scientist John Mashey’s analysis of Heartland’s biggest funder, dubbed “Anonymous Donor” in leaked documents, indicates it was Seid who secretly gave the group more than \$13 million from 2007-2011 to attack “global warming” science and Obama’s efforts to expand access to health care, according to DeSmog.

The Bradley trove also stated Seid had used DonorsTrust, which *Mother Jones* has called a “dark money ATM,” to cloak some donations. This was noted in [Mike] Hartmann’s 2013 proposal summary about a Florida group called the Foundation for Government Accountability:

Indeed, in 2013, Consumers’ Research received a single grant in the amount of \$250K from Donors Capital Fund, the dark money partner of DonorsTrust. That could well be Seid.

Notably, Salon reported in 2010 that the Clarion Fund inadvertently disclosed that a “Barry Seid” gave it “excess contributions” of more than \$16 million, the year it spent almost that amount distributing an anti-Muslim film called Obsession, which “was widely criticized for its cartoonish portrayal of Muslims as modern-day Nazis.” Clarion released millions of those DVDs in the months before the Barack Obama v. John McCain presidential election in 2008.

Clarion later claimed its tax form release was in error. Tax filings show that DonorsTrust, the dark money conduit noted above, transferred more than \$16 million to Clarion. Seid’s spokesperson said he did not give money “to” Clarion, which is technically true. It appears that DonorsTrust operated as designed, to provide secrecy as well as deniability. (Seid also used DonorsTrust to funnel millions to Shimer College in an apparent bid to capture it.)

In sum, the trove True North Research reviewed indicates that Seid rebooted Consumers’ Research with at least \$250,000, but the total Seid has given to the group is unknown.

Seid is the only known human funder of the group since 2013. The funder, or funders, of its new million-dollar ad campaign against Coca Cola, American Airlines, and Nike are secret.

### **Secret Funds to Consumers' Research Fueled Amicus Briefs and PR**

What did the new funding for Consumers' Research that started in 2013 help underwrite?

As the Bradley trove shows, its 2013 funding to match Seid's anonymous \$250K funding to Consumers' Research was provided to support litigation by Republican Attorneys General. Its focus was on climate issues, to be pursued along the lines of the AGs' attacks on the Affordable Care Act and Dodd-Frank reforms following Wall Street's meltdown in 2008.

**RE SCOTT PRUITT.** According to the trove, funding for Consumers' Research would help launch a "Center for Energy Innovation and Independence" (CEII). Specifically, Bradley wanted to aid then-Oklahoma Attorney General Scott Pruitt and other GOP AGs with "*amicus curiae*," or friend-of-the-court briefs, and support multi-state litigation. It also mentioned Pruitt's efforts to discover if environmental groups were advising EPA on fines. He later became Trump's EPA administrator and was embroiled in numerous controversies.

In the documents, Bradley's Hartmann noted that — in addition to aiding Pruitt — the CEII project would be advised by "C. Boyden Gray, David Rivkin, and George Mason University School of Law professor Todd Zywicki" — all of whom have close ties to oil billionaire Charles Koch's network. Gray is a former White House Counsel, an heir to the RJ Reynolds tobacco fortune, and is linked to front groups that have sought to block regulations.

**SEID AND KOCH.** Gray's name also headlines a special center at GMU, whose law school received two major, secret gifts after Supreme Court Justice Antonin Scalia died in 2016: \$10 million, which turned out to be from the Koch fortune, and \$20 million that has been linked by UnKoch My Campus to ... Seid. Seid has also funded other non-profits closely tied to Charles Koch, including the Cato Institute and the Competitive Enterprise Institute.

The secret gifts to the Scalia law school apparently anointed Leonard Leo — the man who helped pick the Supreme Court candidates Donald Trump chose from — with special powers at the law school. Leo was Executive Vice President of the Federalist Society until after his dark money network, and increase in personal assets, were exposed by Robert O'Harrow and Shawn Boberg in a blockbuster investigation by *The Washington Post* in 2019. Last year, Leo and Greg Mueller of Creative Response Concepts (CRC) launched a for-profit group called "CRC Advisors" as a vehicle to steer secretive donors to select nonprofits.

The \$500K from Bradley to Consumers' Research was described as aid for launching CEII, which Pruitt helped get incorporated in Oklahoma in 2013, the year CEII filed an amicus brief against carbon regulations. It has disclosed no significant income from 2013-2017.

**THE AMICUS BRIEFS.** Starting in 2013, however, Consumers' Research suddenly began appearing as a "friend of the court" in appellate cases filed with Republican AGs. Senator Sheldon Whitehouse (D-RI) has spearheaded efforts to shine a light on dark money amici.

The amicus briefs of Consumers' Research attacked the insurance exchanges under the Affordable Care Act (ACA), which provides health care access to millions of Americans and protects tens of millions who with pre-existing conditions from being denied coverage.

Some of the \$1.4 million the group received in 2013-2014 was spent on briefs to the U.S. Court of Appeals for the Fourth Circuit and the U.S. Supreme Court on behalf of Consumers' Research and Pruitt, plus six other Republican men elected to serve as Attorneys General (Oklahoma, Alabama, Georgia, West Virginia, Nebraska, and South Carolina/Scott Pruitt, Luther Strange, Sam Orens, Patrick Morrissey, Jon Bruning, and Alan Wilson, along with other state officials). These AGs were part of the Republican Attorneys General Association (RAGA), a group that Documented noted was embroiled in the Jan. 6 events. It is known for soliciting money from regulated industries in order to funnel cash toward helping the electoral campaigns of GOP candidates for state Attorney General.

Those ACA briefs were filed by Pruitt and the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, which received \$200K from Consumers' Research in 2014. (*King v. Sebelius* was renamed *King v. Burwell* when the case was argued before the Supreme Court.)

Consumers' Research also submitted a solo amicus brief in that case, which was written by Ronald Cass. In all, Consumers' Research spent more than \$335K in 2014 using tax-free money to fund private law firms to fight the Obama administration. Consumers' Research and the GOP AGs lost their case attacking the ACA's health insurance exchanges, which was spearheaded by the Competitive Enterprise Institute with the Bradley Foundation's support.

**OTHER LITIGATION.** In 2015, the Obama administration's EPA proposed the Clean Power Plan to mitigate the climate changes underway through limits on carbon emissions from power plants. Patrick Morrissey, the Attorney General of West Virginia, sued the EPA, and Pruitt and most other GOP AGs joined, except Nevada. Subsequently, in 2016, Consumers' Research joined with the Attorney General of Nevada, Paul Laxalt, to oppose the measure.

In 2015, Consumers' Research also disclosed that it paid the law firm of Wiley, Rein and Fielding more than \$400K. That was apparently for a brief with the Rutherford Institute in *Matal v. Tam*, a case challenging the federal authority to deny trademarks that disparage people. Consumer's Research's successful First Amendment challenge to the Lanham Act took the same side in the case as the football franchise that was then called the Washington Redskins. The underwriter of that litigation, if any, was not disclosed. In 2016, Consumers' Research spent \$189K on legal fees, although the firms were not listed. With the arrival of Trump, the spigot for amicus briefs attacking the administration appeared to mostly dry up.

**BIG PR, TOO.** From 2013-2019, Consumers' Research spent nearly one million dollars (\$960K) on PR. Most of that spending — more than \$600K — was on CRC, the PR group with close ties to Leonard Leo. (\$110K in 2014, \$300K in 2015, \$200K in 2016, \$133K in 2017; \$120K in 2018; and \$110K in 2019). It is not yet public how much Consumers' Research spent in 2020 or what it will spend in 2021, with its latest surge in secret funding.

**Who is in charge of Consumers' Research now?**

**WILL HILD.** In 2019, William Hild III became the Executive Director of Consumers' Research.

Hild previously worked as a Deputy Director for the Federalist Society, where dark money maestro Leonard Leo worked as Executive Vice President. Hild directed the Federalist Society's regulatory transparency project and its Article I Initiative, which describes itself as focused on restoring Congress' traditional power. What that means in reality is that Hild helped advance the vision of Leo and Steven Calabresi — and their funders — to limit the power of Congress to delegate rulemaking to federal agencies, among other things.

As the *Washington Post* reported in 2019, Leo told funders at the Council on National Policy that because of the people Leo helped get Trump to appoint to lifelong judicial positions:

***“We stand at the threshold of an exciting moment in our republic: the revival of our structural Constitution by the U.S. Supreme Court, a revival in those very important principles of limited constitutional government — separation of powers, federalism, enumerated powers, limits on judicial power, sovereignty — and this is really I think, in recent memory, a newfound embrace of limited constitutional government in our country. I don't think this has really happened since probably before the New Deal, which means no one in this room has probably experienced the kind of transformation that I think we are beginning to see.”***

As True North has noted: “the decades before the New Deal, known as the ‘Lochner Era,’ were marked by extreme judicial activism where courts struck down protections people clamored for to regulate the business activities of industrialists whose wealth and agenda had dominated U.S. law. ‘Limited constitutional government’ is a variation on the ‘limited government’ mantra used by major Koch-funded groups, like Americans for Prosperity, the Cato Institute, and the American Legislative Exchange Council.” Duke University history Professor Nancy MacLean uses the phrase “democracy in chains” to describe this dogma.