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Obey the law

Sloan's crusades in court force government to do right thing

'The law ... is written in clear black letters.

I'm simply saying the government must obey the law'

By TOM LANGHORNE
Staff Writer

He has forced the governor of South Carolina to stand in a courtroom with him and plead for understanding before members of the state's highest court.

As a businessman and as a citizen in retirement, he has confounded environmental regulators, taking them on — and sometimes winning — for more than 30 years.

He has collected 14 checks from local and state government agencies — one of them for a quarter-million dollars — reimbursing him for legal fees incurred in lawsuits, most of which he initiated. He displays copies of these war trophies, he says, "like farmers used to nail skunks' hides to the barn door."

Edward D. Sloan Jr. is a self-described crusader against government attempts to overstep its authority.

Retired from his job as president of Greenville-based Sloan Construction Co. for nearly 20 years, Sloan will not comment on his net worth other than to acknowledge that he lives comfortably. His income nowadays is derived from investments and a rock quarry in Inman that he leases to mining companies.

But his passion — the thing that gets him up in the morning — is suing the government.

From his cluttered five-room office in the basement of a small business strip in east-side Greenville, the 74-year-old Sloan runs a thriving personal litigation enterprise from which he wanders into any legal territory that suits his sense of justice.

One suit, currently before the S.C. Supreme Court, claims that Gov. Mark Sanford's holding of a commission in the U.S. Air Force Reserve violates the state constitution.

Following arguments by attorneys for both sides on Dec. 3, Sanford himself asked the high court to consider his personal reasons for joining the Air Force Reserve and his decision to stay. Characteristically, Sloan fired off a letter to the court the very next day asserting his own right to speak for himself.

Another of Sloan's pending suits seeks to force Friends of the Hunley, the caretakers of the Confederate submarine H.L. Hunley, to disclose its financial dealings. Sloan says he doesn't know what the Freedom of Information Act would reveal about the nonprofit corporation, but he alleges an "incestuous relationship" between it and the Hunley Commission, a state agency.

30 lawsuits in 6 years

Still another suit, settled on appeal, accused the Greenville County School District of trying to exceed a debt limit imposed on it by state law when it created a nonprofit organization to sell bonds to finance a \$763 million school construction program.

A majority of the 30 lawsuits Sloan estimates he has filed over the past six years accuse local government agencies, usually in Greenville County, of procuring construction projects without taking competitive bids as mandated by state procurement law and without securing the required bonds. He says about a third of those cases have been concluded, while others are on appeal or are pending.

Sloan does not attempt to profit from his lawsuits, typically seeking only reimbursement for his expenses.

Carpenter

No political agenda

A common theme in Sloan's cases is that the government should obey the law like everyone else, especially when it spends taxpayer money. He, however, says he doesn't concern himself with government's motives, has no political agenda and is not trying to save the public any money.

"When I was in business submitting bids as a paving contractor from 1954 to 1984, government agencies procuring construction without taking bids was unheard of," he says.

"The law, in all of these matters that I litigate, is written in clear black letters. I'm simply saying the government must obey the law. And if the law is bad, what better way to get it changed than to make sure it is enforced?"

'A genius'

It is, of course, Sloan's willingness to do more than complain that sets him apart from others who grouse about the government.

Mixing the gumption to take complaints about issues that don't affect him into the court system with the financial wherewithal to pursue cases until the bitter end, Sloan possesses a potent combination.

Then add what his supporters call an intellectual agility, and the result is that rare plaintiff to whom even lawyers sometimes defer.

"Ed Sloan is a genius, a man with great mental capacity," said Roy McBee Smith, Spartanburg County's attorney for the past 40 years and a lifelong Sloan friend. "In addition to everything else he does, he is one of the foremost authorities in South Carolina on the history of South Carolina."

Sloan, whose office features books on American history and marine law, acknowledges having once transcribed the memoirs of a little-known Confederate officer for the South Carolina Historical Society.

"Sometimes (Sloan) expects me to get as upset as he does about things," Smith said. "But I was an English major in college, and my natural inclination is to weep over something. He's an engineer, so he wants to straighten it out."

Government thinks twice

Smith, who said he has never represented Sloan, said his friend performs an important service merely by making government agencies think twice before acting.

"I think it's a healthy thing if they stop to think, 'What about that Sloan fella?'" he said, laughing.

Greenville attorney James G. Carpenter, who estimated he has represented Sloan in more than two dozen procurement cases against government agencies, said Sloan usually is right when he says something is against the law. Carpenter pointed to Sloan's engineering degree from The Citadel and his experience as a paving contractor.

"Mr. Sloan is a knowledgeable client," he said. "He has a wealth of practical experience with government contracts, and he knows procurement law — but he has continued to educate himself on state and local procurement codes. He's a good resource for me."

"Bringing taxpayer lawsuits, we have established some precedents and some case law."

"I've heard of government agencies in the Upstate who have refused opportunities to skirt the law because of fear of Ed Sloan."

History

To understand the pride with which Sloan displays those copies of government checks in his office, one must understand the combustible mix of human factors that fuels his legal warfare against government.

Sloan's father founded Sloan Construction in the 1930s. In 1954, after a two-year stint in the U.S. Army, Sloan joined the business. Among its largest customers, contracting to build highways, were state governments in South Carolina, Georgia and Florida.

Overregulation

Sloan says government overregulation was not a problem when he began his career, but it became progressively more so until he retired in 1984.

"There were too many government bureaucrats who said they were trying to help me; they made it no fun for me anymore," he said. "We spent so much time dealing with them that it was hard to make a profit."

Sloan Construction already had begun to spar with state environmental regulators in the late 1960s. Sloan found he relished the combat with government officials, whom he regarded as meddling paper pushers.

Over the years, he resisted the state's attempt to shut down his company's asphalt plant, fought for the right to dredge sand from a river adjacent to his land, and embarked on a complex and extended fight with regulators over the question of contaminants in his quarry.

Taking on DHEC

In 1992, Sloan and the state Department of Health and Environmental Control went at each other when the agency declared that it wanted to go onto his land to clean up after a mining company extracted granite from his quarry.

Several years of litigation and negotiations followed.

The state won, but Sloan appealed. Before a ruling could be issued, the two sides agreed to undergo mediation — at which point Sloan dug in his heels and declared he would not settle without being paid something. After a three-hour meeting, DHEC finally agreed to pay him \$1,000.

"I felt I was being harassed," Sloan says now.

"They felt I was harassing them, and they were right. They irritated me."

His friends say Sloan has a soft spot for those in need. Smith says Sloan has paid out of his own pocket for young men and women to attend college and has given generously to charitable organizations.

Sloan declined to discuss those matters.

Critic speaks up

Gary Poliakoff, a Spartanburg-based environmental attorney and longtime critic of Sloan's environmental record, says the man is a puzzle.

"I've seen records to indicate his involvement with several significantly contaminated sites," Poliakoff said. "He has a record of escaping DHEC enforcement."

But Poliakoff expressed "great admiration" for Sloan's history of bringing public interest lawsuits.

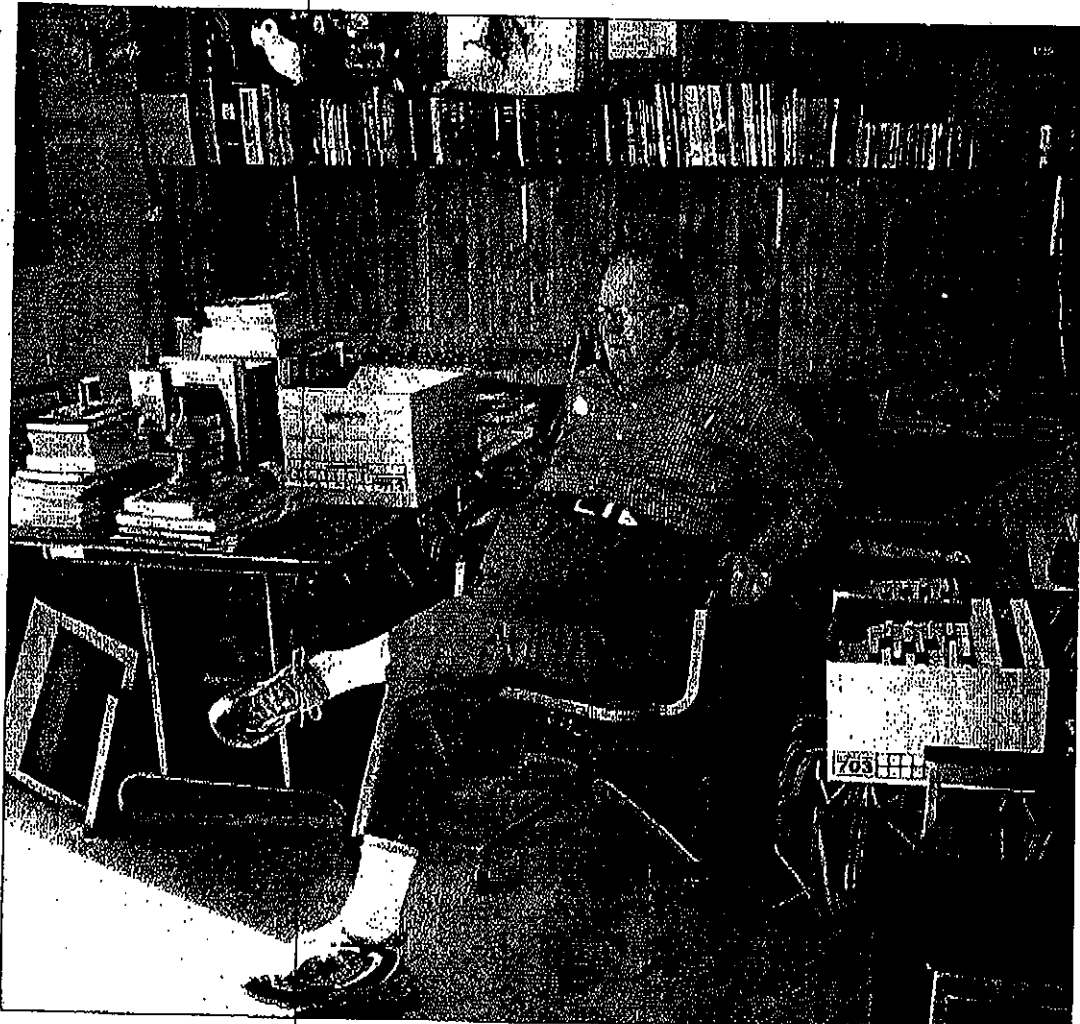
"His litigation over the years has resulted in several positive public interest rulings," Poliakoff said. "It's definitely in the public interest to obtain clarification of the law where public interest issues are involved."

"Certainly (the Sanford case) is of no financial benefit to him. I view it as a man who has the means and the will to obtain a clarification of the law."

Contemplating the apparent contradiction of a man with what he calls a deplorable environmental record selflessly serving the public interest with litigation, Poliakoff called Sloan "obviously a complex character."

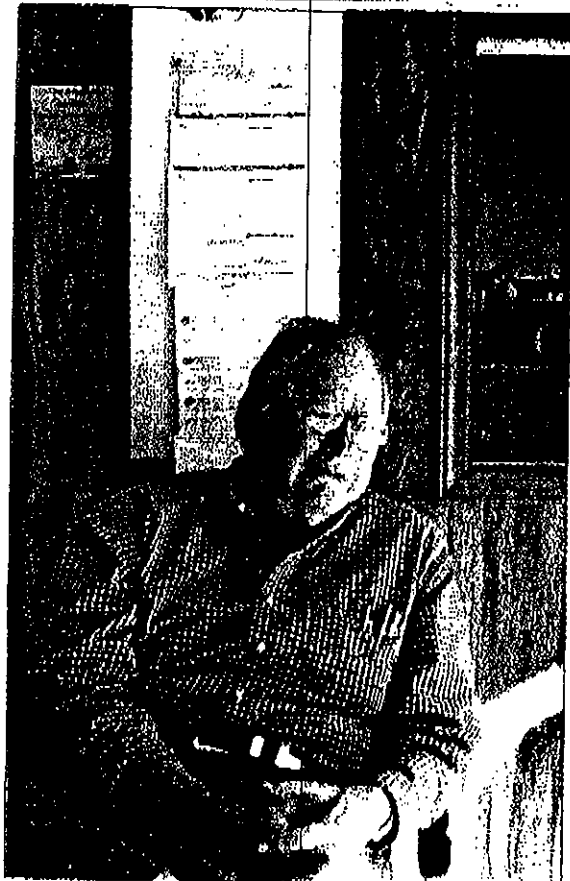
Sloan said there's nothing complex about him.

"I create these disputes because I want government to obey the law," he said. "A lot more people ought to be doing what I'm doing."



GERRY PATE/STAFF

Edward D. Sloan Jr., the retired president of Sloan Construction Co. has the deep pockets and the willingness to sue the government when he feels authorities are breaking the law.



Edward D. Sloan Jr. hangs a collection of checks he has received from government agencies on the wall of his East North Street office in Greenville. The retired president of Sloan Construction Co. calls the checks trophies he has accumulated by making the government obey the law.