



By Eric Ward

Ned Sloan is a very serious man, with a deep knowledge of South Carolina's Constitution and Code of Laws, even deeper pockets — and not much taste for pleasantries. "I don't care whether I get any attention or not," the 75-year-old Sloan says about statewide publicity showered upon him the past several years.

Call him ... the litigator. Born 1929 in Greenville, where he lives, Sloan wages a one-man crusade using his knowledge, wealth and free time in an

effort to terminate what he sees as unconstitutional and unlawful governance.

"I've done a lot of things since '85," says Sloan, who sold his Sloan Construction Co. that year and retired. "I was involved in shrimp farming for several years. I made several investments. More recently I've been involved in promoting school choice, and in defending the [S.C.] Constitution, and in suing governments that I think have violated the [state] procurement law, and several things like that."

Several things indeed — like 30 to 40 lawsuits targeting everyone from officials in his hometown to Gov. Mark Sanford. In Greenville, Sloan is an individual wrecking crew demolishing back-slapping government largesse. He has prevailed in court against Greenville County, the city of Greenville and the Greenville County School District.

At his cluttered, multiroomed office — "It's sort of an investment company that's not very active, and it's a place to get away from home," he says — Sloan displays copies of 14 checks from government agencies. The money, totaling nearly \$250,000, was reimbursement for legal fees in cases he settled or won.

Sloan's newest case, filed May 26 in Greenville County Circuit Court, challenges Clemson University's procurement deals for development of a wind tunnel at Clemson's International Center for Automotive Research. "This is taxpayer money being spent with no accountability and no competitive process," says Greenville lawyer James Carpenter, who's handling the case.

Among Sloan's pending lawsuits, perhaps the most high-profile one finds the General Assembly defending its longstanding practice of "bobtailing," whereby lawmakers cobble together unrelated bills into Christmas tree-like legislation. In this case, Sloan argues that the Life Sciences Act, which the Legislature passed in the spring, contains disparate items and the constitution mandates that legislation address one subject only. Among other things, the act grants four-year status to USC Sumter and provides incentives to drug and other companies that expand in South Carolina.

Gov. Mark Sanford vetoed the act initially, calling it replete with bobtailed pork, then threatened to sue the General Assembly after lawmakers overrode his veto. Sanford didn't make good on the threat, but after Sloan visited his perspective upon the situation, he didn't have to.

Besides the at least philosophical support of Sanford, Sloan has another, and unusual, heavyweight on his side in the case. S.C. Attorney General Henry McMaster, the defense lawyer when the state gets sued, recently concluded that the Life Sciences Act is unconstitutional, according to McMaster spokesman Trey Walker. "And he is going to take

that position in the lawsuit," Walker says.

For his part, the gov certainly is familiar with the litigator. Last fall, Sloan sued Sanford over the governor's membership in the Air Force Reserve, alleging that the constitution prohibits the chief executive from "holding a commission from another power."

In February the Supreme Court disagreed.

While winning the case, the governor didn't take the lawsuit personally, Sanford spokesman Will Folks says. "It was a question of the law, and a disagreement on interpretation," Folks says. "Mr. Sloan was always very professional and respectful in the way he raised his points and the governor certainly never had a problem with the way he conducted himself."

Folks says he thinks Sanford has a healthy respect for Sloan. "He's somebody who's involved in the process in a way that, you know while at times can be annoying perhaps to certain people, it's still somebody who cares enough to challenge the status quo, and in a lot of ways that's what the governor's all about, although certainly by vastly different means."

Despite Sloan's possibly irritating effect, Folks adds, "It's nonetheless better than being one of the many that just turn the whole process off."

Columbia lawyer Jay Bender, who as a specialist in the S.C. Freedom of Information Act also sues government entities regularly, says he admires Sloan's courage. "He can stand up and take action and say things that people with less courage and fewer resources would be reluctant to say," Bender says.

Carpenter, who handles most of Sloan's cases, says people appreciate the gadfly's efforts. "People come up to me every so often and say, 'I know you represent Ned Sloan and I just want you to know I really appreciate what he's doing.'"

Sloan is married with four children. He was graduated from The Citadel in 1950 with a B.A. in civil engineering before serving in the Army for two years. "I've been to Africa, the Middle East and Europe and Russia and Australia," he says. "I didn't realize how much fun I was having until I had to come home." Upon returning to Greenville, Sloan began working at the construction firm, which his father started in the mid-'30s.

In the interview that follows, Sloan sat down in his office to discuss his cases, and while the litigator might not succeed in his latest one, in all likelihood, he'll be back.





Ned Sloan in his Greenville office beside copies of checks to him from government agencies reimbursing him for legal fees when he sued the agencies. Photo by Eric Ward

Ned Sloan: I don't consider myself a taxpayer watchdog. I have been labeled a gadfly and I'm not sure what that means but it's probably accurate. I'm interested in a lot of things, and one of them is that the government obey the laws. And I guess that started 20 years ago when state government started talking to me about regulations and at that time regulations were never published. Regulations seemed to be whatever the bureaucrats said they were. Since then that situation has improved and regulations are published as a part of the state Code of Laws.

Free Times: Have you ever considered running for office?

NS: No. Don't want to be among that crowd.

FT: How many cases have you brought against government agencies?

NS: There are a whole lot of them. They're in the computer. I can't begin to remember them. It's about 30 or 40 I guess. The first procurement case I was involved in was '96.

FT: Tell folks about a couple of the cases you feel particularly good about. I guess you don't like having to sue people, but ...

NS: No I like to sue them. I think local government [in Greenville County] has to some extent started obeying the law because of some of those suits. But they're slow learners and they still haven't totally learned.

FT: What about your case against the governor?

NS: It had absolutely nothing to do with dual office holding. That is what a lot of newspapers reported and that isn't the complaint. The case was about a constitutional prohibition of a governor holding a commission by another power. And a college professor recently commented to a friend of mine that Sloan's suit was silly because the amount of the Air Force salary that Sanford drew was such a small amount that the case was just silly. And the case had absolutely nothing to do with his salary or if he received no salary at all.

FT: That was one you didn't win.

NS: That's correct. The constitution lost. The Supreme Court said the Air Force Reserve was a part of the militia.

FT: How did you learn the constitution and the law so well?

NS: Well I assume everybody's read it. If they haven't they should. I don't know the law that well but I've learned a lot since I started suing. I decided that talking to a politician about anything is a waste of time. The only thing that gets their attention is to sue them.

FT: How about your lawsuit against the General Assembly?

NS: The governor indicated he was going to sue the General Assembly and he was slow about it. So I sued them.

FT: That's quite an undertaking to sue the Legislature.

NS: No it costs \$100 to file a suit. I have not seen a single newspaper editorial expressing the opinion other than I should win. And the best one is the Sun Times in Myrtle Beach. And that editor had the guts to say what a lot of people think. He put it in writing — that the job security of the five [Supreme Court] justices is dependent on the grace of the Senate. That's what made the constitution lose in the Air Force Reserve case. (The April 10 editorial was unsigned.)

FT: What do you think about all the attention you've been getting?

NS: I don't care whether I get any attention or not.

FT: Ever had people call and say you should sue so and so?

NS: Frequently. But most of them are anonymous — whistleblowers. And that has generated several of these suits. I don't remember which ones.

FT: Have you ever been threatened or told to back off?

NS: Not that I heard. Suit me fine to get threatened. I think I can defend myself.

FT: You sued the Friends of the Hunley also.

NS: They say that the [state] FOIA law [Freedom of Information Act] does not apply to them.

FT: How many cases do you have pending now?

NS: I don't know without counting. There are a lot of them. Frequently in these procurement cases the procurement operation is complete long before we ever get a court hearing. Some of those have been going on for four or five years.