

Sticking to his guns

Greenville's Sloan fights to clean up SC government

By BILL DAVIS, editor

AUG. 1, 2008 -- If he were cuter or fuzzier, Ned Sloan might remind people of the Energizer Bunny because of the way he keeps going and going and going.

But the way the 79-year-old retired Greenville road construction executive keeps suing and suing and suing government, he must seem more like the T-800 model Terminator to bureaucrats across the state.

In total, Sloan, with the help of attorney Jim Carpenter and the South Carolina Public Interest Foundation, has sued South Carolina governments and agencies as many as 60 times since 1989.



Davis



In an interview with *Statehouse Report*, Sloan said he couldn't remember exact numbers, or what he first sued over in 1989.

Carpenter said his client had sued the state between 10 and 15 times, with some wins bigger than others, and all "partial wins" cropped together under Sloan's "losses" column.

Sloan's biggest win may have been *Sloan v. Wilkins* in which he first sought to stop legislators from "bobtailing" several disparate and unrelated items onto a popular single bill. The S.C. Supreme Court ruled in his favor, limiting the legislature to bills that dealt with single issues or germane topics.

That same issue came up again this year, and off Sloan went to court, successfully, to stop the bobtailing of several amendments onto a popular ethanol fuel bill. Sloan wasn't completely satisfied, as the courts allowed for the striking down of portions of a bill instead of the entire bill.

"Elected officials and bureaucrats know the laws are not self-enforcing," Sloan said this week as he and Carpenter headed to Columbia in a legal attempt to recoup five years' worth of legal fees in their battle to open the financial books of the Friends of the Hunley.

"If they violate the law, they'll get a way with it unless someone sues them," said Sloan, reading from a prepared response. "If they are sued and lose, there are very rarely negative consequences to them, so they repeat the violation."

Past bobtailing, most galling to Sloan is what he sees as legislators who continually cross the "nebulous" line between the roles and powers of the legislative branch and begin acting as if they were members of the executive branch.

Sloan has argued for a stricter separation of powers. When asked which legislator he would like to sit down with, face-to-face, and talk about changing their ways, he was blunt on the cusp of being gruff.

"I don't believe talking to people in office would work," Sloan said. "It seems to me that their sole interest is not in doing a good job, but in getting reelected."

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-- Government watchdog Ned Sloan of Greenville

When pushed and asked if he were given a magic wand that could get any one legislator back in line, Sloan was quick to respond. "Leatherman," he said, referring to Sen. Hugh Leatherman (R-Florence), chair of the powerful Finance Committee.

Leatherman could not be reached for comment, as he was on a family vacation, but another Republican senator serving on Finance did return calls for comment, Sen. Kevin Bryant (R-Anderson).

More reforms coming, lawmakers say

Bryant, an ally of Gov. Mark Sanford and a supporter of increasing the executive branch's sphere of power, said that while not completely versed in all of Sloan's lawsuits, he did agree that "the legislature does do more administration of things than it should."

While he doesn't believe the courts are the best path for resolving Sloan's issues, Bryant said many of them would be solved when already-approved state government structural reforms went into place during the next governor's administration.

Senate President Pro Tempore and very good friend of the Hunley Sen. Glenn McConnell (R-Charleston) said he shared some common ground with Sloan, especially when it came to bobtailing. But the senior senator pointed out the state's constitution allowed for some blurring of the line between branches.

McConnell highlighted an issue as seemingly rudimentary as who controls the state's various databases housed under Budget and Control Board. Since that board serves both legislative and executive purposes, sole control of a database by a single branch would lead to complaints of meddling in the affairs of the other.

And that would lead to -- you guessed it -- more lawsuits.

Sloan's struggles latest chapter of long tale

According to University of South Carolina political science professor Blease Graham, Sloan's fights aren't just one man's struggle against government, but the latest chapter in the history of the state's battle to balance power between its various branches.

This battle, according to Graham, started back when the state's constitution was changed in 1895. Further changes came as a result of a national effort when Woodrow Wilson lead the Progressive movement to clean up government by running it like a business. In South Carolina, reforms from the 1940s and 1990s, when the treasurer was added to the Budget and Control Board, added further balance.

Graham argued the fight is also heavily influenced by the parties embroiled in it. As such, the late Gov. Carroll Campbell was a deft political mover who found compromise in that balance in much the same way the enmity between the legislature and Gov. Mark Sanford has not made it easy to resolve.

Several calls to Sanford's office for comment went

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unanswered.

Crystal ball: Until South Carolina figures out exactly how it wants power shared between its political branches, the fight will continue. And so will, Sloan -- up to a point. At 79, Sloan said he didn't think he'd be fighting much longer, and would look to others to take up his crusade.

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