

Fed judge can't help blind vendors at dam

By Rachael Conlin

LAS VEGAS SUN

3-22-95

Three blind vendors lost their attempt to get a court order stopping Hoover Dam officials from taking action they say threatens their tourist shops.

Visiting U.S. District Judge Mary Lowe refused Tuesday to grant the preliminary injunction. But at the same time, she turned up the pressure on state and government officials to proceed as quickly as possible with arbitration.

"Nowhere in (Congress or the federal law) do they give me, as a federal judge, the right to say stop it," Lowe said.

The federal judge told the attorneys to report back to her in October whether arbitration between the U.S. Bureau of Reclamation and Nevada Services to the Blind has progressed.

If little happens in the next half a year, then, Lowe said, she would feel comfortable intervening. The arbitration suit, filed by the state on behalf of the three businessmen, is just one month old.

"It's not a win-win situation," said Hoover Dam Store owner Kae Pohe after the hearing. "But it's not a loss."

The conflict between the blind

businessmen and Bureau of Reclamation erupted recently when Hoover Dam officials issued an ultimatum: Give us 10 percent of your gross revenue or we won't let you move into the newly constructed dam parking garage.

Pohe and his colleagues, Bert Hansen and Gene Wilson, refused. They and Nevada Services to the Blind argue that the federal Randolph-Shepard Act does not permit a government agency to profit from its arrangement with the vendors.

The law gives blind vendors first dibs at setting up concession stands in all federal public buildings. Nevada has a similar law.

The bureau contends that receiving 10 percent of the businesses's gross revenue would help replace money the government agency has lost as a result of a shrinking congressional appropriation.

The businessmen argue dam officials are just trying to offset the costs of a \$120 million visitor center and parking garage. Financed over 50 years, the visitor center project will cost \$435.5 million, to be paid by Arizona, Nevada and California power users.