Board Postpones Impersonator Case

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interpreted the order to allow leniency to Diaz because of the 15-year passage of time.

Opposing this principle of public interest is that raised by Atty. F. Bradford Morse of the law firm of Morse and O'Dea, counsel for Diaz. Morse declared that the right to earn a living by his calling is one of those rights existing at the heart of the U.S. Constitution.

Threatens Court Action

Morse informed the commissioners that the next step in seeking equity for Diaz would be to test the commission’s rule in the courts, if “a reasonable decision” is not made by the commission.

Specifically, the ruling provides that no holder of an entertainment license may employ for entertainment or allow to take part in entertainment on the licensed premises any person “known as and reputed to be a female impersonator.”

The ruling gets its teeth from horse sense. The commission can suspend or revoke a night spot’s entertainment license if this rule is violated.

Arguments over the meaning of the words “to be” were exchanged between Atty. Morse and Chief Sayers. The attorney said the words refer to the present time. The chief insisted that the meaning embraces the past as well.

At one point the commission pondered the possibilities of merely assuring potential night spot employers of Diaz that the ruling does not apply to the blond, 40-year-old emcee.

This proved to be no alternative, however, when Chief Sayers announced that he would consider it his duty to bring before the commission any license holder who violated the ruling by permitting Diaz to perform.

If this were to occur, the chief said, the commission would still have the ultimate decision to make—to continue enforcement of the rule or to change the rule.