License Board Postpones Diaz Case Another Week
Promises Definite Decision on Ban on Alleged Female Impersonator at Next Session

LOWELL—The case of "Man-ny" Diaz, disenfranchised night club emcee-entertainer, will be decided next Thursday night "with out fail," the license commission promised Diaz's attorney last night.

The blond, 40-year-old artist's counsel, Atty. F. Bradford Morse, tentatively agreed to wait another week, but reserved the right to change his mind if his client presses him to take the case into court to test the ruling that has kept Diaz unemployed for more than three months.

Diaz has been unable to get an emcee job in Lowell since a license commission ban on "female impersonators" was interpreted to apply to him.

"There has been an infringement of this man's rights," Morse told the commissioners, "and we will be compelled to test the rule. We are prepared to bring the rule to the attention of the courts for correction."

The first legal move would be to secure a temporary order restraining the license commission from its ban of Diaz, Morse said.

Commissioners William F. Barrett and Willis J. Peltier informed Morse that the commission chose not to act last night due to Commissioner Chairman Robert J. Lewis' absence on business.

Place Blame on Chief
Commissioner Peltier said that the commission would lift the ban on Diaz if Police Chief John T. Sayers would "okay it."

"But the chief will not okay it," Morse said. "This board of its own initiative could correct this situation."

"There are two courses," Morse said. "The commission can amend the rule to exclude Diaz from it by name, or the commission can notify the licensees that the rule has no applicability."

Morse referred to potential employers of Diaz, by using the word "licensees."

"I found a job for "Man-ny" at the Weirs," Peltier said, referring to the Lake Winnipesaukee resort, "but he wouldn't take anything outside Lowell."

Diaz does not wish to work anywhere but Lowell, Morse replied. He said he was confident that Diaz could get a job here this afternoon if he were permitted to work.

Matter of Interpretation
Actually the only ban on Diaz is indirect. Diaz has no license. The commission exerts its only influence in his case on any license holder who employs Diaz.

Chief Sayers, who was empowered by the commission to decide which entertainers in Lowell licensed spots are "female impersonators," remains adamant in his contention that Diaz is "... known or reputed to be a female impersonator."

The chief refuses to agree to any change in the rule by the commission that appointed him its agent. The commission could revoke or change its ruling on its own authority, however.

In recent hearings on the case the issue has been entangled by questions of time and the meaning of English language.

Diaz admitted to the commission that about 15 years ago, he sometimes acted as a female impersonator, but will be compelled to test the rule never at any time since. Chief Sayers contends that the words "female impersonator" clearly refer to the present, not to 15 years ago.

Diaz's attorneys have argued that the phrase in the ban, "known or reputed to be a female impersonator," clearly refers to the present, not to 15 years ago. Chief Sayers contends that the words clearly embrace a 15-year point in the past as well.