

Oakland, CA
Tribune
(Cir. D. 176,563)
(Cir. Sun. 204,118)

AUG 30 1977

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Dain: 'I Was Wiretapped'

By LANCE WILLIAMS

1304
Transsexual school teacher Steve Dain has sued the Emery School District Board of Education and its superintendent of schools, charging that they wiretapped his telephone, leaked photographs of him to the press and slandered him in an effort to force him from his job.

In a suit filed yesterday in Alameda County Superior Court, Dain — who, until a 1976 sex-change operation was an Emery High School women's gym teacher named Doris Richards — asks for unspecified damages against School Supt. Lewis

Stommel, district counsel William Johnston, school trustees Florence Bigelow, Felix Capellino, Donna Artaxet and Audrose Calhoun, and ex-trustee Bettie Sutton.

Dain also asks for unspecified damages against district teachers Denis Campbell and Rita Dixon, Campbell because he allegedly said Dain was "crazy," Ms. Dixon for allegedly calling Dain a homosexual.

Capellino said he could not comment on the suit since "I haven't even seen it," he said. Stommel is on vacation in Hawaii, he said. None of the other defendants was available for comment.

Dain, 37, was a former "teacher of the year" at Emery High until he underwent an identity altering and hormonal correction operation at Stanford University Medical Center. As a result of his operation, he was suspended. He has already sued the district for false arrest and malicious prosecution because they called the police when he returned to his job after the operation, and he has also contested his suspension before the state Commission of Professional Competence. Both those actions are unresolved, and Dain is living in Union City and working as a laborer awaiting their outcome.

In this latest suit, Dain charges that the district engaged in a wide range of illegal practices to harass him. Chief among them is the wiretapping charge, which alleges that the district had his home telephone tapped and also eavesdropped on his telephone calls while he was still on the job before he underwent the sex change. In a telephone interview, his attorney, Larry Sleizer of Palo Alto, declined to elaborate on that charge.

In addition to wiretapping, the suit alleges that the district leaked photos of Dain's female self to the press without his permission; that the

district "publicized facts" about his operation without his consent, and even that a stormy school board meeting held on the issue was as in legal terms a "personnel meeting that by law should have been closed to the public to protect Dain's privacy.

The suit also charges that the district telephoned a local television station and threatened a lawsuit if the station showed a documentary about Dain that might have brightened his job prospects. The attorney, Sleizer, said he could not remember the name of the station or what the result of the alleged threat was.

The suit saves its heaviest fire for Stommel, who joined the district as superintendent in the midst of the hassle. The suit charges that, among other things, Stommel publicly accused Dain of molesting children, of being a "pervert," of exposing his genitals to children, of encouraging students to engage in homosexual acts, and of being a homosexual himself. All of those charges were false, according to the suit, as were the disparaging remarks that Dain's colleagues allegedly made.

Those actions by the district, as well as their refusing to allow him to teach, caused Dain "humiliation and mental anguish," the suit says. He will amend his lawsuit later to specify what damages he claims.