

Anti-Crime Drive

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S.F. Lawyers Subpoenaed

The Federal Organized Crime Strike Force, here to prosecute members of "organized crime," has subpoenaed two attorneys for a number of Tenderloin characters and establishments.

Attorney Gilbert Eisenberg, who has been opposing the Strike Force for his clients since the investigation started last May, declined the subpoena.

But attorney Sonja Sandeman, who also represents Tenderloin characters, appeared voluntarily in answer to the subpoena.

PRIVILEGE

"I gave them my records pertaining to these clients," she said. "I intend to claim the attorney-client privilege when I am asked certain questions. So far they have only asked me my name and address."

Miss Sandeman, asked if she would join Eisenberg's motion to fight giving any more answers, said: "I haven't decided yet."

Eisenberg attacked the

strike force in a court document charging the force with using an illegal wiretap on him.

Through Attorney James Martin MacInnis, Eisenberg filed a motion to quash the grand jury subpoena.

HEARING

Arguments on the motion are to be heard at 10 a.m. next Tuesday before U.S. District Judge William T. Sweigert.

The subpoena, issued by Strike Force Attorney Jack O'Donnell, orders Eisenberg to bring with him all records of his law firm pertaining to 39 persons, corporations or partnerships he has dealt with from July 1, 1964 through June 30, 1971.

The subject under investigation, the subpoena says, is false statements to the government and income tax evasion.

GROUND

Eisenberg said yesterday he hopes to quash the subpoena "because we feel very strongly the government is seeking information protected by the attorney-client privilege."

Other grounds for declining the subpoena are illegal wiretaps, possible incrimination of his client by revelation of confidential material, "abrogation of the guarantee of legal counsel and chilling of the freedom of speech honored by the First Amendment" and invasion of privacy.

RECORDS

An affidavit by Eisenberg, filed with the court documents, says, "I am informed and believe after having read the subpoena duces tecum (bring your records) served on me that the information requested therein could only have been derived by the interception of oral communications to which I was a party."

What O'Donnell is trying to get, Eisenberg's papers charge, are records "which it could not obtain by warrant through application to a U.S. magistrate."

The papers further argue that "the witness here is an attorney. The documents and information sought concern his clients."

To order production of attorney-client records "would ignore the witness' claim of his client's privilege against self-incrimination and his personal privilege."

"The Sixth Amendment guarantee to assistance of counsel would be eroded and its corollary — to right to be counsel — would be destroyed in a fashion at conflict with the due process of law secured to the witness by the Fifth Amendment."

"Both the witness' and his client's reasonable expectation of privacy would be interfered with in violation of the Ninth Amendment."

"Finally, the forced disclosure would chill the exercise of free and unafraid speech guaranteed by the First Amendment to the witness and his clients."