

# Man relents, will testify on Mandel

A federal judge yesterday declined to cite a 60-year-old New Jersey man in contempt of court for refusing to testify before a federal grand jury that is again looking into attempts to affect the outcome of the trial of suspended Governor Mandel.

Judge Alexander Harvey 2d rejected arguments on behalf of the witness, Benjamin Greenberg, of Cherry Hill, but ruled out a contempt finding after Mr. Greenberg said he would appear today and testify as ordered.

James T. Vernile, Mr. Greenberg's attorney, had argued that the questions put to his client October 31 may have been based upon illegal federal wiretaps of conversations by Arnold M. Weiner, Mandel's attorney, with a postal inspector posing as Mr. Weiner's assistant and with other persons, including Charles Neiswender.

Neiswender, also of New Jersey, was convicted of obstruction of justice in one attempt to fix the outcome of the Mandel trial.

Mr. Greenberg had invoked the Fifth Amendment protection against self-incrimination in the grand jury, but was granted immunity by Judge Harvey so that nothing he said could be used against him.

He could have been jailed for up to 18 months for contempt of court.

The judge rejected a request by Barnet D. Skolnik, a special assistant United States attorney, that he find Mr. Greenberg in criminal contempt after Mr. Vernile said his client would co-operate.