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By the Grace of God
Rabbi Shmuel Spritzer
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June 1, 2009
9 Sivan, 5769

Hon David A Paterson
Governor, State of New York
Executive Chambers State Capital
Albany NY 12224

Re: Richard Berger 86 C 0790

Dear Governor:

I wish to take this opportunity to introduce myself. I head the prison division in the United States, for the world-wide Chabad-Lubavitch Jewish outreach organization; we provide spiritual support and guidance to Jewish inmates. In our role as spiritual advisor, we visit prisons to conduct classes in Judaism, worship, as well as assist in the celebration of our various holidays throughout the year. We support inmates spiritually and emotionally through visits and tireless written correspondence, counseling and support. We also publish and distribute a free monthly called Reaching Out, a copy of which I have enclosed. I am sure that you are familiar with Chabad - Lubavitch which has close to 150 Regional offices in NY State and over 4,000 offices throughout the United States and the world. As you know we are under the leadership and guidance of the Revered Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, leader of world Jewry, and our primary purpose is to help bring Jews closer to their spiritual roots.

I am writing to you on behalf of inmate Richard Berger who is currently serving the 23rd year of a long sentence for crimes that included second degree murder at Greenhaven Correctional Facility. His earliest parole eligibility date is currently in 2037. I understand that there are others writing on his behalf also who can speak to legal matters that we are not qualified to speak of, and I am focused in this letter on Richard's character and the profound changes in him which have caused us to get involved in advocating for his release, which is very rare for our organization.

Through Chabad's prison outreach division, we have gotten to know Richard very well and have had a relationship with him now for over eighteen years. His growth in his spiritual commitment and observance of Judaism and moreover the changes in his behavior that see him now a vital part of the inmate support and rehabilitation programs at the various correctional facilities where he has been housed, have prompted Chabad's direct intervention in this case. We deal with Jews incarcerated in every state and federal facilities and as I mentioned previously, only rarely get requesting clemency or commutations as we see our role expressly as offering spiritual assistance. But again, in this particular case we feel compelled to go beyond our normal role and support such a request for Richard Berger.

We are fully aware of the crimes of which Richard Berger was convicted and we are requesting your genuine consideration for an early release with full knowledge of these facts. The changes we have witnessed over the course of our relationship are so profound that he is not the same person he was when he first entered the prison system and the significant sentence that he has already served it not better served by more time.

Beyond his spiritual development, Richard Berger has been involved in bettering the positions of his fellow inmates. Richard Berger has over 100 (one hundred) certificates for AVP, the Alternative to Violence Program,

where he started in 1991 as the only participant of the course. He is now a Gold Certificate holder and moreover, is a Facilitator of the AVP Program helping countless other inmates deal with and overcome their anger and violence issues. Most recently at Wende CF, where he was from 2002 to 2006, he was a team leader and base for them holding up to ten (10) AVP sessions a year. These three day courses help to build personality and confidence while helping participants identify sources of stress and confusion and deal with them as thoughtful learning experiences, consciously removing violence from the situation.

In addition to his significant contribution to the prison community and his work in rehabilitation and reducing recidism in the AVP program, he also undertook and has also later taught the Legal Research Course. His certificates from the State, and Buffalo Law School, allow him to help those less fortunate than himself in preparing and understanding the finer points of the Legal System, so that they may possibly help themselves in the long run. These inmates that he has helped, can now write letters and prepare papers and motions that they couldn't begin to understand before.

Based on his profoundly changed nature, his active role in rehabilitation of others and some 16 years of work on his own anger management now having been qualified to counsel others in this regard, his deep spiritual commitment and the fact that he has now served close to 23 years, we are respectfully requesting you to grant an earlier release or commute his sentence. His behavior as an inmate suggests that at this point, Richard Berger is largely a strain on the all important budget of the prison system.

Chabad-Lubavitch will continue to stand by him, support him on a spiritual and emotional level outside of the prison setting and will play an active role in his release and reintegration well beyond the initial period of his release itself. In general, it is well documented that religion in itself can serve as a solid structure for a person released back into society. We intend to be there for him, making sure our rabbis will be available in any city he will live - Chabad has been involved often in such reintegration's and the close-knit nature of the religious community has been very helpful in ensuring success. The community is accepting and looks to current behavior not past. The frequency of religious communal observance also helps to keep re-entrants focused on the here-and-now and a constructive future.

Finally as regards his financial support, both his family and Chabad will insure that he is not at any time a burden to the state.

As mentioned earlier in my letter, Chabad rarely gets involved beyond the spiritual guidance and support of the inmates that we counsel. We believe this case is a real exception. If I wasn't fully confident in Richard Berger, and did not feel strongly that the balance of his sentence was not a punishment beyond measure, we would not even have thought to get involved in any active manner. We write in behalf of Richard Berger because he is definitely a drastically and positively changed person, in no manner a threat and having served by all accounts a very real and very long sentence, almost half his life. As you can well understand dealing only with prisoners makes us aware of things that most would never know. And all things considered we strongly believe that he deserves a chance to prove himself as soon as possible.

I am of course available to discuss our position with your office, and can be reached on the contact information above. Again, we respectfully request that you grant Richard Berger early release and may God provide you the compassion to do so.

With kindest regards,

Rabbi Shmuel Spritzer
Lubavitch Prison Department