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The Long Road to Freedom



(Rev. Jesse L. Jackson, Sr. with Cleve Heidelberg, **Photo Credit:** Cass Herrington)

PEORIA, IL – In a case that has long haunted this city, a judge on Friday set bond at \$500,000 for Cleve Heidelberg, a 74-year-old African American who has been behind bars for nearly 50 years for a crime he has always maintained he did not commit – the murder of a Peoria County sheriff’s sergeant on a spring night in 1970.

Mr. Heidelberg, his legal team and Rev. Jesse L. Jackson, Sr., were “all smiles” after court. The state had sought a bond of \$5 million.

The request for a \$5 million bond, Mr. Heidelberg’s lead attorney, Andy Hale, told the judge, was “nothing but punishment, nothing but an attempt to keep this man incarcerated for a crime he did not commit.”

Rev. Jackson, who was invited to attend the hearing by Mr. Heidelberg, watched the proceedings from the second row of a crowded courtroom in the Peoria County Courthouse. Rev. Jackson said he was relieved that a “plan for freedom” was finally in place for Mr. Heidelberg, who has back, eye and heart trouble and has been “held as a trophy of the prison industrial complex for far, far too long.”

“When it’s real dark, even a little light will do you,” Rev. Jackson, founder and president of the Rainbow PUSH Coalition, said. “So many poor folks in jail, so many rich folks free. This is a great break through.”

In April, Peoria County Judge Albert Purham vacated Mr. Heidelberg’s murder conviction, granting him a new trial and setting the stage for the bond hearing. But on Friday, Judge Purham rejected the request by Mr. Heidelberg’s lawyers that he be immediately released and allowed to live in Ohio with a friend, who himself was wrongfully convicted of murder and spent 15 years in prison.

Instead, the judge ordered Mr. Heidelberg reside in Illinois and wear an electronic tracking device, pending a decision by prosecutors whether to retry him after 47 years behind bars and with almost everyone involved in the original investigation and trial now dead.

The judge gave Mr. Heidelberg’s legal team and family until May 25 to secure housing in the Chicago suburbs and to raise \$50,000 cash – 10 percent of the \$500,000 bond. Meanwhile, Mr. Heidelberg will remain in the Peoria County Jail.

Even before Mr. Heidelberg was taken back to jail in shackles, half of the \$50,000 was raised when a benefactor stepped forward and pledged \$25,000 of the bond.

“We’re all smiles,” Mr. Hale said. “A few steps forward for Cleave and his quest to walk out a free man.”

Rev. Jackson said the Rainbow PUSH Coalition is working to raise at least \$5,000 for Mr. Heidelberg’s freedom. Prison and criminal justice reform are cornerstones of the coalition’s mission as well as Rev. Jackson’s work, traveling the world, setting “captives free” in Syria, Cuba, the Gambia, Yugoslavia and Iraq.

“America at its best is a just nation,” Rev. Jackson said. “Sometimes there are miscarriages of justice. I believe the case of Cleve Heidelberg is one of those times.”

Mr. Heidelberg was 27 when his nightmare began. He worked at Caterpillar and was blowing off steam at a Peoria tavern on a May night in 1970 when an acquaintance asked to borrow his car to pick up his girlfriend. Mr. Heidelberg handed the man the keys.

The man did not return with the girlfriend or the car. Instead, as Mr. Heidelberg has contended for 47 years, the man gave the car to James Clark to use in the robbery of a drive-in movie theater several miles outside of Peoria. James Clark was broken hearted and angry that night. A few months before, in the bitterly cold, pre-dawn darkness of Dec. 4, 1969, his brother, Mark Clark, 22, and Fred Hampton, 21, the charismatic leader of the Illinois Black Panther Party, were killed in a police raid as they slept in their apartment on Chicago’s West Side.

“Those were days filled with violence and government repression,” Rev. Jackson said. “Cleve Heidelberg got caught in the crossfire.”

Sgt. Raymond Espinoza did, too. He was shot to death as he responded to the robbery of the drive-in on May 26, 1970. The killer escaped on foot after crashing his car with the police in hot pursuit. Mr. Heidelberg, the owner of the car, was arrested a short time later and badly beaten by police.

James Clark later confessed to the killing to his other brother, Matt Clark, and to Mr. Heidelberg. But both brothers, according to media reports, took the fifth during Mr. Heidelberg’s original trial and Mr. Heidelberg was sentenced to 99 years in prison.

James Clark died nearly three years ago. But at a recent post-conviction hearing, Matt Clark

testified that his brother had confessed and Mr. Heidelberg was innocent. Based on the new evidence, Judge Purham vacated Mr. Heidelberg's conviction.

"I did not acquit him," the judge reminded the courtroom during Friday's bond hearing. Another trial is possible.

"If the state wants to retry him, we will answer the bell," Mr. Hale said. "The one thing Cleve Heidelberg wants to prove is his innocence. He's been trying to do that for 50 years."

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Rainbow PUSH Coalition is a multi-racial, multi-issue, progressive, international organization that was formed in December 1996 by the Reverend Jesse L. Jackson, Sr. through merging of two organizations he founded Operation PUSH People United to Serve Humanity (estab. 1971) and the Rainbow Coalition (estab. 1984). With headquarters in Chicago and offices in Washington, D.C., Atlanta, Detroit, Houston, Los Angeles, New York and Oakland, the organization works to make the American Dream a reality for all citizens while advocating for peace and justice around the world. RPC is dedicated to improving the lives of all people by serving as a voice for the voiceless. Its mission is to protect, defend and gain civil rights by leveling the economic and educational playing fields while promoting peace and justice around the world.

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