

BEFORE THE HUNTSVILLE POLICE CITIZENS
ADVISORY COUNCIL

VIDEO-CONFERENCE INTERVIEW

OF

BENARD SIMELTON

APRIL 14, 2021

2:00 P.M.

COURT REPORTER: Nancy Pannell, CCR

1 A P P E A R A N C E S

2

3 [ALL APPEARING VIA VIDEO CONFERENCE]

4

5 INDEPENDENT COUNSEL FOR HUNTSVILLE POLICE

6 CITIZENS ADVISORY COUNCIL:

7 MR. JACKSON R. SHARMAN

8 MS. ELIZABETH H. HUNTLEY

9 MR. ROBERT J. SEWELL

10 LIGHTFOOT FRANKLIN & WHITE

11 400 NORTH 20TH STREET

12 THE CLARK BUILDING

13 BIRMINGHAM, ALABAMA, 35203

14

15 MEMBERS OF ADVISORY COUNCIL PRESENT:

16 Ms. Victoria Guerrieri, Chair

17 Mr. Willie Love

18 Ms. Shelly McCulley

19

20 APPEARING FOR MR. SIMELTON:

21 MS. CAROLYN R. SHIELDS

22 ATTORNEY AT LAW

23 1683 MASSEY ROAD

1 ALABASTER, ALABAMA 35007

2

3 ALSO PRESENT:

4 Ms. Susan Harper, White-Collar
5 Specialist Paralegal with Lightfoot,
6 Franklin & White

7 Ms. Nancy Pannell, Court Reporter
8 with Birmingham Reporting
9 Zoom Host, Birmingham Reporting

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1 I, Nancy W. Pannell, a
2 Certified Shorthand Reporter of
3 Birmingham, Alabama, and a Notary Public
4 for the State of Alabama at Large, acting
5 as Commissioner, certify that on this
6 date, there came before me VIA
7 VIDEO-CONFERENCE, commencing at
8 approximately 2:00 p.m. on APRIL 14, 2021,
9 BENARD SIMELTON, for oral examination,
10 whereupon the following proceedings were
11 had:

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14 MS. HUNTLEY: Ms. Shields
15 and Mr. Simelton, thank you both for being
16 here this afternoon as we're working hard
17 to complete this report.

18 All information is important
19 information when you're conducting an
20 investigation like this, so we appreciate
21 your willingness to talk with us today,
22 Mr. Simelton, so that we can hopefully get
23 some clear information about the rally

1 that was made available to the public by
2 the NAACP on June 3rd specifically, as
3 well as any other knowledge you might have
4 about the events surrounding the protest,
5 so thank you so much for your time this
6 afternoon.

7 MS. SHIELDS: Okay.

8 MS. HUNTLEY: And I will ask
9 our Chairwoman --

10 MR. SIMELTON: Hold on just
11 a second.

12 MS. HUNTLEY: Mr. Simelton,
13 your screen is frozen.

14 MR. SIMELTON: Can y'all
15 hear me?

16 MS. HUNTLEY: I can hear you
17 great now. Thank you.

18 MR. SIMELTON: Okay, yeah,
19 my internet has been a little unstable, so
20 if you could go back over the last
21 statement you made, I didn't hear that.

22 MS. HUNTLEY: Sure. It was
23 really more of a gratitude statement

1 thanking you for your time this afternoon
2 to visit with us, to provide information
3 that will help the CAC with this
4 investigation as we're wrapping up the
5 report.

6 I'm going to turn it over to
7 our Chairwoman so that she can open up
8 this interview. And as you know, this is
9 in front of any of the CAC members that
10 would like to hear what it is that -- what
11 information that you're able to give us
12 today, so I'll turn it over to Vicki to
13 get us started.

14 MS. GUERRIERI: Thank you,
15 Liz.

16 My name is Vicki Guerrieri,
17 and I'm the Chair of the Huntsville Police
18 Citizens Advisory Council.

19 And I would like to take
20 this opportunity to say thank you to
21 Mr. Simelton for joining us today with
22 your attorney as part of this ongoing
23 review of the protest events of June 1st

1 and 3rd.

2 Since it's difficult for
3 some of our members who work full time to
4 join us today, I will go through the roll
5 call asking anyone who is in the room to
6 please say yes.

7 Willie Love?

8 MR. LOVE: Yes.

9 MS. GUERRIERI: John
10 Olshefski?

11 (No response.)

12 MS. GUERRIERI: John

13 Reitzel?

14 (No response.)

15 MS. GUERRIERI: Ruben

16 Flores?

17 (No response.)

18 MS. GUERRIERI: David

19 Little?

20 (No response.)

21 MS. GUERRIERI: Gregory

22 Bentley?

23 (No response.)

1 MS. GUERRIERI: Jonathan

2 Rossow?

3 (No response.)

4 MS. GUERRIERI: Shelly

5 McCulley?

6 MS. MCCULLEY: Here.

7 MS. GUERRIERI: Wiley Day?

8 (No response.)

9 MR. SIMELTON: Now, I did

10 receive correspondence that Wiley Day will

11 try to join us in progress, and also Ruben

12 Flores is making some schedule

13 adjustments, so he may be able to join us.

14 And at this point I will

15 turn it back to Liz. Thank you very much.

16 MS. HUNTLEY: Thank you, so

17 much, Vicki, and thank you to the CAC

18 members that could attend today.

19 So, Mr. Simelton, you know,

20 obviously I'm sure you have been involved

21 in multiple interviews, press conferences

22 and things of that nature, and there's

23 just a few background questions that we

1 would like to ask just for some context.

2 MR. SIMELTON: Okay. Before
3 we go there, can we -- I may have to go
4 get some water, but can we -- I would like
5 to get a mission statement on what the
6 Huntsville Citizen Advisory Council, what
7 their mission is?

8 MS. GUERRIERI: We were
9 established -- we were established by city
10 ordinance in 2010 to provide an
11 opportunity for citizens to network with
12 police more efficiently and establish
13 better communication between the community
14 and Huntsville Police Department.

15 We also give advice on
16 different policies that might be
17 implemented by the police department.

18 We have had community
19 meetings in every district over the past
20 ten years. Unfortunately, they were never
21 well attended.

22 And due to COVID, we have
23 not been able to have any public community

1 meetings, but we do intend to start those
2 back again once the COVID restrictions are
3 lifted by the Alabama Department of
4 Health.

5 We have contributed to
6 numerous changes in policies and
7 procedures, including the abortion
8 protests that were occurring on a regular
9 basis downtown and submitting a policy
10 that the counter-protesters would be on
11 one side of the street and the other
12 protesters on the other.

13 We also were instrumental in
14 establishing when power is going to be out
15 in a neighborhood for more than four hours
16 that increased patrols are automatically
17 sent into those neighborhoods because
18 security systems are down.

19 We also worked with the
20 towing services. The policy with
21 Huntsville City is there's called a First
22 in Line, and when that particular contract
23 or holder is not available, they call

1 another wrecker company.

2 Well, we discovered that
3 that wrecker company was charging
4 exorbitant fees which was unfair to the
5 citizens, so we established a policy and
6 it was approved by City Council that if a
7 First in Line service was called, they had
8 to charge the same amount as the city
9 contractor did because people were being
10 gouged.

11 Willie, do you want to
12 contribute here on some of the other
13 things that we have done?

14 MR. LOVE: Well, I think,
15 Vicki, you gave a good overall preview of
16 it and I would encourage you, sir, to look
17 at the website. We've got some additional
18 information there.

19 MR. SIMELTON: Okay.

20 And again, Ms. Huntley,
21 Attorney Huntley, will you be doing all
22 the questioning or members of the
23 committee?

1 MS. HUNTLEY: I will do it,
2 and then if the members of the committee,
3 once I'm done, if they feel like there's
4 an additional question they may have, then
5 that's the way we've conducted all of the
6 interviews so far.

7 I try to be thorough so that
8 we don't have many follow-up questions,
9 but occasionally they think of something I
10 didn't think of.

11 MR. SIMELTON: Okay.

12 MS. HUNTLEY: Okay. Well,
13 just from a background perspective,
14 Mr. Simelton, do you live in the
15 Huntsville area? I know you're the state
16 president of the NAACP; correct?

17 MR. SIMELTON: Yes. I live
18 [REDACTED], which is in the Huntsville
19 area.

20 MS. HUNTLEY: Okay. And is
21 that hometown for you, like with family in
22 the area of that nature?

23 MR. SIMELTON: Well, I mean

1 it's home now, but I'm originally from
2 Mississippi, and I've been here for
3 20 years -- in June it will be 20 years
4 we've been here.

5 MS. HUNTLEY: Okay. And so
6 20 years in Huntsville, and do you have
7 any affiliation personally, be it friends,
8 family, or otherwise with whether it be
9 HPD, Madison City, or the Madison County
10 Sheriff's Department?

11 MR. SIMELTON: Do I have any
12 --

13 MS. HUNTLEY: Any family
14 members, friends, close affiliation with
15 any of those -- any members of those
16 entities, whether it be --

17 MR. SIMELTON: Oh, no, no,
18 no. No, I do not.

19 MS. HUNTLEY: All right.
20 And any state troopers?

21 MR. SIMELTON: No.

22 MS. HUNTLEY: Okay. And are
23 you employed outside of your role as NAACP

1 state president?

2 MR. SIMELTON: No, I'm not.
3 Just I'm retired. And the NAACP, for your
4 records, I'm not employed by the NAACP.

5 You're elected to that position
6 and there's no pay, so it's all --

7 MS. HUNTLEY: Well, wow,
8 that sounds like a job with perks, huh?

9 Okay. And, Mr. Simelton,
10 are you involved in any other
11 organizations outside of the NAACP in the
12 Madison County, Huntsville area?

13 MR. SIMELTON: Yes, my
14 fraternity, Phi Beta Sigma. Also my
15 church, Indian Creek, which is on Indian
16 Creek Road in Huntsville.

17 And I've previously been
18 involved in Community Action Huntsville,
19 Limestone County. Those are some of the
20 other organizations I'm involved in.

21 MS. HUNTLEY: Now, would
22 that Community Action be the Community
23 Action Partnership of North Alabama?

1 MR. SIMELTON: Well, it's
2 not -- it was Community Action Partnership
3 of Huntsville, Madison, and Limestone
4 County.

5 MS. HUNTLEY: Okay. I
6 assume you're married and live in the
7 Huntsville area with your family?

8 MR. SIMELTON: Yes, my
9 wife's [REDACTED] --
10 well, in the Madison County, Huntsville
11 area.

12 MS. HUNTLEY: And is she
13 related or have an affiliation with any
14 law enforcement members, whether it be
15 Madison County Sheriff's Department,
16 Madison City, or Huntsville PD, or the
17 state trooper's office?

18 MR. SIMELTON: No. You're
19 saying relatives, right?

20 MS. HUNTLEY: Relatives
21 and/or close friends or affiliations with
22 any law enforcement.

23 MR. SIMELTON: Well -- and

1 let me back up because through our
2 fraternity, we have I think one or two
3 fraternity brothers I think that are still
4 members of the Huntsville Police
5 Department.

6 MS. HUNTLEY: Okay.

7 MR. SIMELTON: But I mean
8 they're not close friends. We're in the
9 same fraternity.

10 MS. HUNTLEY: Correct.

11 Okay. Thank you for that and thank you
12 for that background information.

13 And so how long have you
14 been in your current position as the state
15 president of the NAACP?

16 MR. SIMELTON: Okay. This
17 is my 12th year serving --

18 MS. HUNTLEY: Wow.

19 MR. SIMELTON: --
20 volunteering to serve.

21 MS. HUNTLEY: If you could
22 get paid a dollar for every day, huh?

23 So with that length of

1 service in this position, you are no
2 stranger to a rally or a protest, things
3 of that nature; is that correct?

4 MR. SIMELTON: That's
5 correct.

6 MS. HUNTLEY: And so how
7 many rallies and/or protests over your
8 career just during the 12 years as NAACP
9 state president do you think you may have
10 been involved in?

11 MR. SIMELTON: I don't know.
12 Probably, probably 70 or 80.

13 You know, we do about five
14 or six a year kind of major rallies and
15 stuff, you know, so at least 70 to 80, you
16 know, probably more than that.

17 MS. HUNTLEY: And let me ask
18 you of all of those rallies and/or
19 protests or marches, however you chose to
20 characterize them, because I know they've
21 all served different purposes over the
22 years, how many of them have ended or a
23 percentage, if you can think of it, have

1 ended in some sort of conflict with law
2 enforcement at the conclusion of the
3 event?

4 MR. SIMELTON: I would say
5 probably about, including the one in
6 Huntsville, three or four.

7 MS. HUNTLEY: And do you
8 recall the general nature of the conflict?
9 Was it a use of some mechanism to disperse
10 the crowd that you characterize as a
11 conflict?

12 MR. SIMELTON: No. Of
13 course, the one here in Huntsville was
14 much different than the others.

15 The others were just where
16 we did a peaceful protest in Senator
17 Sessions' office and it was -- we were
18 arrested and it was -- I want to say it
19 was planned, that type of thing.

20 MS. HUNTLEY: Okay. And do
21 you recall any of the others?

22 MR. SIMELTON: There were
23 two of those, and then there may have been

1 one other where we were protesting in
2 Montgomery I think and, you know, the
3 police -- I'm trying to remember, it may
4 have been something in Montgomery with
5 Senator Sanders or something like that,
6 but those three that I'm sure of, but the
7 other, you know, is not that --

8 MS. HUNTLEY: Now, were
9 those three involving the large crowds
10 like the crowd that participated --

11 MR. SIMELTON: No, no,
12 nothing that large.

13 MS. HUNTLEY: Okay. And I
14 believe I recall the incident with Senator
15 Sessions' office and that was a small
16 group of people; correct?

17 MR. SIMELTON: Right. We
18 had about -- we had probably about a total
19 of 50 to 70 people there at one time, and
20 then once we went into the building, you
21 know, the crowd became smaller.

22 MS. HUNTLEY: And we'll get
23 into more details about the June 3rd

1 protest, but I'm just trying to compare it
2 to your other experiences with rallies and
3 protests.

4 What was your estimate, your
5 best guess, because you've dealt with
6 crowds a lot over the years in your role,
7 of the amount of people that were out in
8 Big Spring Park or in the downtown
9 Huntsville area for June 3rd's rally?

10 MR. SIMELTON: You say what
11 was the estimated crowd size?

12 MS. HUNTLEY: Yes. Yes,
13 sir.

14 MR. SIMELTON: Well, I don't
15 really know. You know, the number that I
16 heard was 1500, and I don't know if that's
17 accurate or inaccurate, but that was the
18 number that I heard.

19 I know that there was quite
20 a few -- there were several hundred people
21 there.

22 Whether it was 1500 or not,
23 I cannot, you know -- have no way of

1 knowing that for sure.

2 MS. HUNTLEY: And during
3 your 12-year tenure as president, was that
4 one of the largest crowds you had at
5 rallies?

6 MR. SIMELTON: Yes, right.

7 MS. HUNTLEY: Would you
8 consider it the largest crowd you've
9 had --

10 MR. SIMELTON: Well, here in
11 the state of Alabama. You know, at our
12 national conventions we participated in
13 rallies and things like that, but this is
14 the largest one that I've participated in
15 here in the state of Alabama.

16 MS. HUNTLEY: Thank you for
17 that background and context with regard to
18 prior protests.

19 And I know we're here to
20 specifically talk about the June 3rd
21 protest or rally because that's the one
22 you were actively involved in, but just
23 for context sake, were you familiar with

1 the June 1 protest and did you
2 participate?

3 MR. SIMELTON: No, I did not
4 participate in that one. I was aware
5 hours before familiar with it, and of
6 course, familiar with it afterwards as
7 well.

8 MS. HUNTLEY: Okay. And
9 were you familiar with it by virtue of
10 what was in the media or were some of your
11 members affected in some way where they
12 reached out to you in your capacity as the
13 state president of the NAACP?

14 MR. SIMELTON: Well, some of
15 our members stated that they were going to
16 attend the rally, you know, just as kind
17 of that we're going down to attend the
18 rally and it wasn't like, you know, they
19 were getting permission.

20 Just, you know, kind of
21 matter of fact that we're going down to
22 participate in the rally.

23 MS. HUNTLEY: Did you get

1 any feedback from them after they

2 participated in terms of --

3 MR. SIMELTON: Yes.

4 MS. HUNTLEY: -- what

5 happened? What was the feedback?

6 MR. SIMELTON: Basic

7 feedback was that they thought the --

8 thought that law enforcement overreacted

9 to the protesters and their -- the

10 protesters wanting to express their

11 concern about, you know, what had happened

12 and that, you know, the police used

13 excessive force in getting the crowd under

14 control.

15 MS. HUNTLEY: Now, by way of

16 background, when the June 1 protest had

17 occurred, the NAACP had already made a

18 decision even prior to that protest that

19 it was planning a rally for June 3rd;

20 correct?

21 MR. SIMELTON: Right,

22 exactly.

23 MS. HUNTLEY: Can you tell

1 me a little bit about that planning, like
2 how that decision came about to have one
3 in the Huntsville area?

4 MR. SIMELTON: Well, it kind
5 of started out with some of our youth and
6 college units, or members rather, wanting
7 to do something because they had observed
8 what had happened to George Floyd in
9 Minneapolis.

10 And we had talked about it I
11 think for about a week because we have a
12 process that we have to go through, which
13 we not only plan things, but we have to
14 have approval from our national office,
15 especially where there's something that's
16 potentially contentious that's going to
17 occur, we try to make sure that we're
18 covered.

19 And also in this particular
20 case, we had to have insurance. The city
21 required us to have insurance as well as
22 our national office required us to have
23 insurance so that if something happened,

1 you know, the NAACP's name is protected in
2 terms of someone trying to sue us or
3 something like that, you know.

4 MS. HUNTLEY: Mr. Simelton,
5 may I interrupt and just quickly ask so I
6 don't lose it, that was very important.

7 You said that, you know,
8 that the nature of this rally could, you
9 know, be contentious. What was that
10 grounded in? What was that premise? I
11 know there's some obvious answers, but I'm
12 asking you to hear from you --

13 MR. SIMELTON: Well, kind of
14 because of what was happening across the
15 country, you know, what had happened at
16 previous rallies.

17 And we certainly made sure
18 that, you know, and we told our national
19 office that, you know, we were not going
20 to have a rally that more or less
21 antagonized law enforcement.

22 Our intent was to have our
23 voice heard in a peaceful manner to make

1 sure that that was what we were able to
2 accomplish.

3 And I want to say right now,
4 and you'll probably get into this later,
5 but I want to make sure that everyone
6 understands that the NAACP's portion of
7 what happened on June the 3rd, 2020 ended
8 at approximately 5:30 or six o'clock when
9 we finished things down at the park. That
10 was the end of the NAACP's event.

11 MS. HUNTLEY: And to your
12 knowledge, there were no incidents during
13 your event?

14 MR. SIMELTON: Yeah,
15 exactly. There were no incidents during
16 our event that I'm aware of.

17 MS. HUNTLEY: So, and thank
18 you for that statement. So backing up to
19 the decision to host a rally and pulling
20 together all of the logistics, being
21 insurance, sounds like confirmation from
22 national or the authority from national to
23 proceed with the event, who were sort of

1 the key people or the core group that were
2 involved in making that decision and sort
3 of planning the events for the rally?

4 You've already mentioned
5 some of the college students. I assume
6 that was UAH; correct?

7 MR. SIMELTON: Right.

8 MS. HUNTLEY: Okay.

9 MR. SIMELTON: Yeah. Jerry
10 Burnet he's the -- then he was the
11 president of the Madison County NAACP, and
12 so he was key in helping to plan and also
13 he was key in helping to get the permit
14 from the city to have the rally.

15 MS. HUNTLEY: And there were
16 other speakers there at the rally?

17 MR. SIMELTON: Yes.

18 MS. HUNTLEY: I've seen
19 someone from maybe Limestone County or
20 some other counties. I don't remember
21 exactly.

22 Were they a part of the
23 planning of the event or were they just

1 invited speakers?

2 MR. SIMELTON: Well, I mean
3 they were not part of the -- I guess, I
4 mean, because we talked about it on our
5 weekly conference call and what we were
6 doing, and we invited others to attend to
7 support, as well as we did invite some
8 others to attend to speak.

9 And, you know, we had, you
10 know, the mayor was out there. The mayor
11 spoke. And we had Representatives Hall, I
12 think she was there, and some other city
13 council members were there and they spoke.

14 I think Devyn Keith was
15 there, Will Culver and some more of the
16 community leaders in the African-American
17 community.

18 MS. HUNTLEY: Now, did Will
19 Culver did he speak as well?

20 MR. SIMELTON: I'd have to
21 go back and think. I think he did. I
22 think he spoke.

23 MS. HUNTLEY: And --

1 MR. SIMELTON: I know
2 Representative Daniels also was there and
3 I know Representative Daniels spoke.

4 MS. HUNTLEY: And so this
5 wasn't your first rodeo clearly --

6 MR. SIMELTON: No, it
7 wasn't, no.

8 MS. HUNTLEY: -- hosting an
9 event? And I presume, and I think
10 rightfully presume, that NAACP has a
11 relationship with these leaders within the
12 community.

13 Had there been such a rally
14 for a different subject organized for the
15 City of Huntsville before by the NAACP?
16 Obviously not as large of a crowd, but a
17 different subject where some of those
18 dignitaries would have been invited?

19 MR. SIMELTON: I mean yes.
20 I'm trying to think of some specific ones,
21 but I know we've had rallies and press
22 conferences, you know, before in
23 Huntsville.

1 And usually we let the local
2 branch take the lead, but this was -- we
3 saw this as certainly a much larger event
4 than what we had had previously, and so,
5 you know, the state was organizing it in
6 conjunction with the branch, the local
7 branch, and so -- but, yes, we've had
8 events before.

9 MS. HUNTLEY: And so when
10 you had those events before, was there a
11 process through which you would obtain a
12 permit as well?

13 MR. SIMELTON: Yes. You
14 know, we always look at, you know, the
15 event, look at what's going on.

16 And we also look at the
17 timing, you know, if it's something that
18 is just a press conference, you know,
19 where it's just going to be the NAACP
20 people invited, you know, we may not, you
21 know, get a permit.

22 Or if it's something -- if
23 it's small that we're just going to be on

1 the sidewalk -- and I apologize for my
2 voice, but, you know, different cities
3 that we found even within the state of
4 Alabama have different requirements, you
5 know.

6 And we tried to work with
7 the city officials to, you know, let them
8 know what we're planning, what we're going
9 to do, you know, who we've invited and so
10 that, you know, it won't be any surprise
11 to them as to what we're trying to do.

12 And so, you know, we always
13 if the city requires a permit, we seek to
14 get that. But on the other hand, if we
15 are having a press conference, and, you
16 know, we protested Mo Brooks on numerous
17 occasions and we have not applied for a
18 permit because, you know, we feel that if
19 we're on public property and for our own
20 protection more or less, meaning the
21 NAACP's purposes, our name, you know, we
22 may not seek a permit.

23 Now, we don't tell that to

1 our national office because, you know,
2 we'll get in trouble, but we try to
3 certainly, you know, when we think
4 something is going to be contentious or
5 there's potential that someone is going to
6 do a counterprotest or something like
7 that, then we make sure that all the i's
8 are crossed -- I mean i's are dotted and
9 t's are crossed.

10 MS. HUNTLEY: That's fair
11 enough, and thank you for that explanation
12 of your process.

13 So with regard to this
14 particular rally on June 3rd, you've
15 already talked about the decision was
16 made, you collaborated with the local
17 chapter, obtained the insurance based on
18 your belief of a possibility of things
19 being contentious and sought the permit.

20 Now, you know, we've seen
21 the permit and you've seen the permit and
22 the permit request was for a march;
23 correct?

1 MR. SIMELTON: Right.

2 MS. HUNTLEY: And where in
3 downtown Huntsville was the original
4 request made to march?

5 MR. SIMELTON: Our original
6 request was on the steps of the courthouse
7 that faces west, we were going to assemble
8 there, march around the courthouse and
9 then come back and have our speeches --
10 no, I think we were going to speak first
11 and then march around the courthouse and
12 then disperse.

13 That was our going in plan,
14 what we had spoken to the police
15 department about, and that's what, you
16 know, we requested. I think it was that
17 Monday --

18 MS. HUNTLEY: Mr. Simelton,
19 I'm sorry, I didn't mean to interrupt you.

20 So I was going to try to
21 take it in pieces, and I also wanted to
22 say if you need to step away for a minute
23 and get a bottle water or glass or water,

1 we can certainly pause.

2 MR. SIMELTON: Let me do
3 that.

4 MS. HUNTLEY: Please do.
5 Please do.

6 (Off the record.)

7 MR. SIMELTON: Okay, sorry
8 about that. Not sure if it's any better
9 but hopefully it will get better.

10 MS. HUNTLEY: No apology
11 needed and if we need to take an
12 additional break, just let us know and we
13 can pause.

14 MR. SIMELTON: Okay.

15 MS. HUNTLEY: Thank you for
16 your time this afternoon.

17 So compartmentalizing this,
18 these steps that were taken. So you
19 decided you wanted to do the rally.
20 Decide that what you wanted to do was to
21 meet on the courthouse steps, have
22 speakers, do a march around the courthouse
23 square and then disperse.

1 MR. SIMELTON: Disperse,
2 right.

3 MS. HUNTLEY: And then you
4 said that, you know, when we made the
5 application we talked to law enforcement.

6 To be clear, who went and
7 had that conversation with law enforcement
8 about what it was that the NAACP wanted to
9 do?

10 MR. SIMELTON: Mr. Burnet
11 had the initial conversation, and then I
12 was brought in on via telephone as to, you
13 know, what we wanted to do and why and
14 tried to explain that to everyone so that
15 everyone would understand what it was that
16 we were, you know, trying to do.

17 MS. HUNTLEY: To be clear,
18 you said Mr. Burnet went in and then you
19 were called in, so if you don't mind I
20 just want to get the steps.

21 So he went in, made the
22 application. Was it while he was there
23 meeting with the captain to make the

1 application or was it a time thereafter
2 when you were on a phone call?

3 MR. SIMELTON: Yeah, it was
4 time after that I was on the phone call.

5 MS. HUNTLEY: Okay. So the
6 original application was made by
7 Mr. Burnet.

8 And then at some point was
9 there a call about explaining what you
10 want to do or was there a call about a
11 change? What happened next after you made
12 the application?

13 MR. SIMELTON: Well, there
14 was an initial call about explaining what
15 we were wanting to do and where we wanted
16 to march and everything --

17 MS. HUNTLEY: And do you
18 recall who you were talking to on the
19 phone for that call? And I'm sorry to
20 interrupt you, I apologize.

21 MR. SIMELTON: I don't
22 remember the officer's name but it was one
23 of the -- I might could look back in my

1 notes, but I just don't know his name. I
2 don't remember his name.

3 MS. HUNTLEY: That's fair.
4 It's been a while.

5 And so was that call to
6 discuss what you wanted to do, was it
7 before a final permit was issued?

8 MR. SIMELTON: Yes, yes.
9 Again, let me try to explain it again.
10 The initial call was just to say well this
11 is what we want to do, and, you know,
12 making sure that, you know, the police
13 officers and really the city understood
14 what we were wanting to accomplish out of
15 this march and rally.

16 I thought the permit had
17 been approved to do what we wanted to do
18 at the courthouse.

19 And then subsequently, we
20 received a call that says no, they don't
21 want us to do the courthouse, they wanted
22 to offer us a better location where it
23 could accommodate more people, and that

1 was in the park.

2 And we tentatively agreed to
3 that if after the speeches and everything
4 that we were going to be able to march up,
5 you know, and march around the courthouse,
6 and the reason the courthouse is -- and I
7 realize this is city, but the reason the
8 courthouse is so important to us is it's
9 the center of government in that county,
10 and so -- and that's who our target was.

11 Again, I know the courthouse
12 is the county but it's still we kind of
13 consider it center of government, and so
14 we had a tentative agreement, at least
15 that's what I thought, we had a tentative
16 agreement that after our -- we agreed to
17 move it to the park.

18 And after the park we were
19 going to march around the courthouse.
20 Now, I think it was the day of or maybe
21 the night before unbeknownst to me at that
22 particular time there was a conversation
23 between Jerry and the police department

1 that said no, you're not going to have the
2 march.

3 And Jerry and I -- Jerry did
4 not communicate that to me that we were
5 not going to have the march.

6 And the only way I found out
7 that we were not going to have the march
8 was when we were setting up in the park
9 there, I was walking up the steps trying
10 to figure out well now how are we going to
11 get all of these people up these steps.
12 If you know the backdrop of where we were
13 set up.

14 MS. HUNTLEY: I do.

15 MR. SIMELTON: The steps
16 going up there are narrow, and so I went
17 up there and trying to look and see how we
18 were going to get up there.

19 And I ran into an officer up
20 there and asked him I said well, you know,
21 how are we going to get up the steps to
22 march around the courthouse.

23 He said well, there's not

1 going to be a march. I said, well, yes,
2 it is. I said that's what we're approved
3 for.

4 And so after he insisted
5 that there was not going to be a march,
6 and actually he called the -- I wish I
7 could remember the lieutenant's name, but
8 that was more or less who I had spoken
9 with before, and he agreed that, you know,
10 yes, there's not going to be a march.

11 So at that time I went back
12 down to where the speakers were and I
13 called Jerry over to the side, and I said
14 well, I just walked upstairs and the
15 police are saying that there's not going
16 to be a march.

17 And Jerry said well, yeah, I
18 forgot to tell you that they called me
19 and, you know, they're not going to let us
20 march.

21 MS. HUNTLEY: Okay. So --

22 MR. SIMELTON: And so -- go
23 ahead.

1 MS. HUNTLEY: So we can
2 unpack that a little bit.

3 Back to your belief based on
4 that conversation you described with law
5 enforcement, you can't remember who, what
6 it was you wanted to do, I know you didn't
7 have a permit in your hand at the time,
8 but was it a verbal agreement that they
9 expressly agreed to you that you could do
10 the rally in the park and then the march
11 at the courthouse?

12 MR. SIMELTON: Right, right.
13 Exactly. That was just, you know, over
14 the phone they said yeah, we can, you
15 know, if y'all will agree to just move it
16 down to the park, you know, we'll help
17 facilitate, you know, getting the crowd
18 up, you know up to the -- around the
19 courthouse where we could, you know,
20 march.

21 And so that was, you know --
22 that was, you know, our thinking until,
23 you know, like I said, I went upstairs to

1 see how we're going to get that many
2 people, you know, together up there and
3 that's when I found out there was not
4 going to be a march.

5 MS. HUNTLEY: So let's step
6 back then to what the NAACP would have
7 communicated to the public about what was
8 going to happen that day.

9 So what were your methods of
10 communication to the public? How does the
11 NAACP communicate when they're hosting an
12 event?

13 MR. SIMELTON: Well, we do
14 it several different ways. Of course, we
15 use a flyer and we use social media, and
16 in this particular case it was mostly on
17 Facebook, you know, where people were
18 saying yes, I'm coming, I want to be there
19 and stuff like that, you know, and so that
20 was the primary method.

21 MS. HUNTLEY: Were there any
22 printed flyers for this event?

23 MR. SIMELTON: Yes -- well,

1 I mean people don't usually print flyers
2 and hand them out to people anymore. We
3 made up a flyer and we sent it to -- you
4 know, we posted it on social media.

5 We sent it to our branches,
6 neighboring branches, and stuff like that
7 and sent it to other organizations, and so
8 when you say printed, we didn't physically
9 print a flyer and say well, here come by
10 and get a flyer. We just sent it out --

11 MS. HUNTLEY: So
12 electronically you delivered it out to
13 people?

14 MR. SIMELTON: Right,
15 exactly. And let me -- there may have
16 been some that were printed by someone,
17 but, you know, we did not -- we, being the
18 state conference, did not print flyers and
19 say come by and get one.

20 MS. HUNTLEY: Do you recall
21 what -- and I don't even know if you even
22 have a copy of that that you could send to
23 us, but do you recall the time, manner,

1 and place for the event, how it was
2 described on the flyer?

3 MR. SIMELTON: Well, I mean
4 I have the flyer in front of me. Well, I
5 don't have it in front of me yet, but it
6 basically says Wednesday, June 3rd,
7 5:00 p.m. rally against police brutality
8 Huntsville courthouse, and it has the
9 NAACP logo on there.

10 MS. HUNTLEY: And so was
11 that flyer done before you made the
12 agreement to start the rally at Big Spring
13 Park?

14 MR. SIMELTON: Yes, yes,
15 this was made -- this was sent out early
16 on, right, exactly.

17 MS. HUNTLEY: In fairness,
18 it was sent out before there was an
19 approved permit for that particular
20 location?

21 MR. SIMELTON: Well, this
22 was -- let me see, I would have to go back
23 because I thought we had had the initial

1 approval for the courthouse.

2 When I say approval, I don't
3 mean written approval, but a verbal
4 approval that, you know, we could do it at
5 the courthouse.

6 MS. HUNTLEY: And that was
7 after that first conversation you had with
8 law enforcement about describing what it
9 is you wanted to do, meet at the
10 courthouse --

11 MR. SIMELTON: No, no, that
12 was -- that was during -- well, you're
13 talking about the flyer that we sent out?

14 MS. HUNTLEY: Yeah, so I
15 guess I'll try to do a chronology.

16 So you had an agreement that
17 you were going to do the event.
18 Mr. Burnet went down to apply for the
19 permit.

20 MR. SIMELTON: Right.

21 MS. HUNTLEY: And then you
22 said after he made the application, there
23 was a follow-up phone call with law

1 enforcement to get a better sense I guess
2 of what it is you specifically wanted to
3 do?

4 MR. SIMELTON: Right.

5 MS. HUNTLEY: And you
6 articulated that you explained to them you
7 wanted to do the march, you want to start
8 at the steps and march around.

9 And so after that phone call
10 there was another follow-up call where you
11 were on where they had changed it or asked
12 you if you would be willing to do the
13 rally down at Big Spring Park, and it was
14 your understanding from that phone call
15 that you did it but you were still going
16 to be allowed to do the march around the
17 courthouse square?

18 MR. SIMELTON: Right.

19 MS. HUNTLEY: And we all
20 acknowledge that there wasn't anything in
21 writing at this time, but this was based
22 on verbal conversations with the law
23 enforcement that was handling approval of

1 the permit; correct?

2 MR. SIMELTON: Exactly, yes.

3 MS. HUNTLEY: So when you
4 had that first conversation where you were
5 just explaining to them what you wanted to
6 do right after Mr. Burnet filed the
7 application, when you left that phone call
8 were you under the impression that you-all
9 were going to be allowed to do it the way
10 you originally had planned to do it?

11 MR. SIMELTON: Right. At
12 the courthouse, exactly.

13 MS. HUNTLEY: And so was it
14 after that phone call that this flyer was
15 sent out?

16 MR. SIMELTON: Right,
17 exactly.

18 MS. HUNTLEY: And then when
19 there was the conversation with law
20 enforcement that changed the location to
21 Big Spring Park, was there a second flyer
22 sent out or a second form of communication
23 to let the public know that it was now not

1 starting at the courthouse, but going to
2 be at Big Spring Park?

3 MR. SIMELTON: We didn't
4 send out -- well, we did send out some
5 announcements, but the other thing that we
6 were depending on the police had said
7 well, you know, because we asked the
8 question about people who came up to the
9 courthouse, you know, how would they know
10 to come down to Big Spring and they said
11 well, we'll have people up there that will
12 direct them, you know, we'll help you
13 direct people down to the rally. And we
14 said okay, that's great then, you know.

15 That way, you know, people
16 will all know still to come because it's
17 really no where from -- if you come down
18 the steps it's no where from the
19 courthouse, and we said okay, that's fine.

20 MS. HUNTLEY: And did you
21 have any signage up that day directing
22 people --

23 MR. SIMELTON: No.

1 MS. HUNTLEY: -- to the
2 park?

3 MR. SIMELTON: No, we didn't
4 have any signage. We had some people that
5 were kind of -- they were what we call our
6 security people that were -- they were
7 supposed to be on the perimeters of the
8 people down in Big Spring Park, and there
9 were -- as people were parking and getting
10 out of the cars, you know, the intent was
11 to make sure that they came down to --
12 came into the park there and didn't try to
13 go upstairs.

14 But I think what happened is
15 the crowd started swelling up quickly and
16 that became kind of a futile effort, you
17 know, because there were -- I think we had
18 four of those individuals, and we wanted
19 them on kind of each side of this park,
20 you know, off the street there so that
21 they could direct people into the little
22 cove there.

23 But also I think people saw

1 that this crowd is assembling here, this
2 must be the event, you know, and, again,
3 this is before we started, you know, any
4 kind of announcement.

5 We were just, you know,
6 setting up the equipment and stuff and
7 so --

8 MS. HUNTLEY: When --

9 MR. SIMELTON: -- we did not
10 have any signage to answer your question.

11 MS. HUNTLEY: Okay. And so
12 when you characterize the crowd as
13 swelling, is it fair to say that the crowd
14 was a little larger than you may have
15 anticipated?

16 MR. SIMELTON: Well, it was
17 larger than I anticipated. Now, we had
18 some of the people who are much smarter
19 than I am, you know, and they track stuff
20 on Facebook saying, well, we've got
21 indication that -- I think someone said
22 there's a thousand people that have
23 replied saying that they're going to be

1 there, you know, this is going to be a
2 huge crowd.

3 And, you know, I'm not smart
4 enough to know how to react to that I
5 guess. I said, well, okay, that's good,
6 but, you know, there were some indicators
7 that, you know, the crowd was going to be
8 large.

9 And I don't know if, you
10 know, law enforcement had looked at that
11 and said well, you know, you know, it's
12 going to be too large for up there.

13 But their point to us was
14 that, you know, you'll have everyone there
15 together and, you know, it's a much better
16 location. There's shade trees down there,
17 you know, and made it sound like hey, this
18 is an ideal location.

19 And even though I was
20 familiar with the park, I just at that
21 particular time we were talking did not,
22 you know, conceptualize what all they were
23 talking about the shade trees and

1 everything, and, you know, because it
2 started I think at five o'clock or six
3 o'clock or whatever, and it would still be
4 kind of warm at that time, so.

5 MS. HUNTLEY: So let me ask
6 you this, you mentioned that there wasn't
7 a different flyer sent out once the site
8 changed --

9 MR. SIMELTON: No.

10 MS. HUNTLEY: -- and stating
11 that law enforcement was going to help you
12 direct people from the courthouse if they
13 went there first.

14 But did you guys utilize
15 social media to get the word out that it
16 was Big Spring Park versus starting at the
17 courthouse?

18 MR. SIMELTON: Well, we did
19 not because we -- and I think this was
20 perhaps on that Tuesday, and, you know, we
21 just didn't want to confuse people because
22 when you start sending messages out, you
23 know, it may confuse people, is this the

1 same rally or is this a different rally,
2 you know.

3 And so we made I think a
4 conscious decision not to send anything
5 else out, because we had been assured
6 that, you know, there would be the police
7 officers there that would help direct
8 traffic down to Big Spring Park.

9 And also because of the
10 distance that, you know, people would have
11 to walk, it just wasn't very far, so.

12 MS. HUNTLEY: But to be
13 clear, when you made that decision, it was
14 under the belief that you were going to
15 have the rally in Big Spring Park and that
16 there would be a march --

17 MR. SIMELTON: Exactly,
18 there would be a march.

19 MS. HUNTLEY: -- that you
20 were going to do, okay.

21 And you've already told us
22 that you didn't find out until you got
23 there setting up that there wasn't going

1 to be a march or that the police
2 department did not approve a march?

3 MR. SIMELTON: Right,
4 exactly.

5 MS. HUNTLEY: Okay. And so
6 what happened, if anything, when you-all
7 had done whatever it was you had on your
8 agenda for purposes of the rally?

9 How did you conclude that
10 event and how did the crowd respond?

11 MR. SIMELTON: Well, we
12 stated to the crowd that this ends our
13 rally, and, you know, there will not be a
14 march.

15 And I think you heard some
16 grumblings in the crowd that, you know, we
17 want to march, we want to march, we
18 thought there was going to be a march.

19 But, you know, we just kind
20 of left it at that and packed up our gear
21 and then, you know, departed and went
22 home.

23 And that's more or less the

1 way we handled it, you know. But we did
2 inform the crowd that, you know, this ends
3 the rally, the event that we have invited
4 you to, and I don't know -- I don't
5 remember if we specifically said, you
6 know, you need to go home now, you know,
7 but I know we said that, you know, this is
8 the -- and I'm quite sure there's some
9 audio somewhere or video of what exactly
10 we said, but we made clear that it was,
11 this ended our, you know, event.

12 MS. HUNTLEY: And did you
13 ever see the permit that was given to
14 Mr. Burnet?

15 MR. SIMELTON: I saw it, I
16 think he sent it to me a few weeks ago.

17 MS. HUNTLEY: And that was
18 the first time you had seen it?

19 MR. SIMELTON: Well, I
20 really don't recall, but, you know, I
21 think when we had the meeting with the
22 chief of police the next day seems like we
23 had a copy of that, but I just don't

1 remember but I'm -- knowing me, I'm quite
2 sure I saw the permit before he sent it to
3 me the other day but I just couldn't swear
4 to it, you know.

5 MS. HUNTLEY: But to be
6 clear, you had not seen the permit, the
7 actual permit that was allowed on the day
8 of the event?

9 MR. SIMELTON: No, I had
10 not, no.

11 MS. HUNTLEY: So what did
12 you observe about the crowd as you were
13 packing up? Because I'm sure it took some
14 time for you-all to pack up your equipment
15 because I understand you-all had a
16 stage --

17 MR. SIMELTON: No, we didn't
18 have a stage.

19 MS. HUNTLEY: You were on
20 sort of an elevated area in the space of
21 the park?

22 MR. SIMELTON: Well, that
23 was just really kind of the steps of the

1 platform on the steps going up to the
2 park.

3 We didn't bring any staging
4 equipment in. We just brought
5 microphones, and I think Jerry had, of
6 course, his speakers and he had some kind
7 of CD player or something like that.

8 MS. HUNTLEY: And so as
9 you-all were packing up that equipment to
10 leave and exiting the area, what did you
11 observe about the crowd, if anything?

12 MR. SIMELTON: Well, I mean
13 I think there were a lot of people kind of
14 still standing around mingling, you know,
15 talking to each other.

16 But, you know, there was
17 some of the crowd had certainly dispersed
18 but there was still a number of people who
19 were still in the park, you know, and just
20 my assumption was that, you know, people
21 were saying, hey, I've had a good rally,
22 I'm just going to hang around in the park
23 and enjoy being down here, there's still a

1 couple of hours or hour or so of daylight
2 left.

3 And, you know, young
4 children was there and, you know, people
5 had their pets with them, you know, and
6 so, you know, to me it appeared to be a
7 nice family outing, you know.

8 And we did observe some
9 people running around that, you know,
10 looked like they could have been thinking
11 about, you know, doing something or
12 causing some kind of interruption or
13 something, but, you know, we had again our
14 security team, the people that were out in
15 the crowd just kind of observing and
16 seeing if they observed anything, you
17 know, at that particular time that people
18 were maybe taking out some kind of water
19 bottles or, you know, had this kind of
20 stuff with them, you know, anything to
21 disrupt what we were doing there.

22 And so no one reported
23 anything seriously, you know, and, you

1 know, there was a couple of people running
2 around that I observed that, you know,
3 but, you know, again, nothing came from
4 those individuals while I was -- we were
5 down there, you know.

6 And, again, as far as I know
7 there were no incidents of what we, you
8 know, during the rally that I'm aware of.

9 MS. HUNTLEY: And what was
10 law enforcement presence like for the
11 rally portion?

12 MR. SIMELTON: Well, they
13 were -- I know there was some on top of I
14 think there were a few on top of buildings
15 and then there were some -- well, there
16 were a lot of law enforcement because,
17 again, when I walked upstairs, as a matter
18 of fact, I was with one of the reporters
19 and she told me -- she said I just ran --
20 and she had just come down, and she said I
21 just ran into one of the police officers
22 and he asked me if I had my gas mask, and
23 she said -- she asked him why do I need

1 that.

2 And he said well, it's going
3 to get rough tonight, and so I told her I
4 said well, you know, I don't see why, you
5 know, it should be rough and, you know,
6 everything is peaceful and this is again
7 it was before -- it was I think at the
8 beginning of our rally but it was not, you
9 know, certainly was not over.

10 And so, you know, she looked
11 a little concerned, little worried, and
12 so, again, that was while I was going up
13 to see how people were going to get up the
14 steps and that's when I ran into one of
15 the police officers.

16 MS. HUNTLEY: Okay. And so
17 you left. And what did you learn, if
18 anything, about what occurred after you
19 left?

20 MR. SIMELTON: Well, of
21 course, we listened to the news -- well, I
22 mean, the intent was to listen to the news
23 and see how they were going to cover it,

1 but, you know, at that time, you know, we
2 also heard that, you know, the police had
3 used tear gas, rubber bullets, and some
4 people had been injured.

5 And I was very, very
6 concerned about how peaceful event, you
7 know, with the same people who, you know,
8 once we were over, we were done. We
9 couldn't make people go home. We
10 couldn't, you know, make them not go
11 upstairs.

12 But, you know, how did that
13 turn into an altercation with law
14 enforcement, you know, because again what
15 I observed was, you know, very peaceful.

16 And as I said earlier, you
17 know, the mayor came down and spoke, had
18 several city council representatives so,
19 you know, it was a very peaceful event.

20 And even when, you know, the
21 people were leaving, you know, I didn't
22 see anyone storming out saying, you know,
23 we're going to do this or we're going to

1 tear the city down or tear the courthouse
2 down or anything.

3 I mean it just looked like
4 people were normally leaving and then
5 those who were staying, you know, they're
6 just there to enjoy the rest of the
7 evening since they were out in the park.

8 MS. HUNTLEY: So did you see
9 any group of people leaving from the site
10 of your rally to start to go towards the
11 courthouse square?

12 MR. SIMELTON: Well, I mean,
13 I saw people going up there. I didn't
14 know -- again, I just kind of assumed at
15 that point it was just people had parked
16 up that way or, you know, or either they
17 just wanted to walk up there or something.

18 But, you know, I didn't see
19 it as -- at that particular time, you
20 know, hindsight's maybe always 20/20, but
21 at that particular time I didn't see those
22 individuals who were marching up there
23 because it was not to me in any kind of

1 formation.

2 It was just, you know, a
3 portion of the group that was leaving and
4 walking up there, you know.

5 MS. HUNTLEY: And then one
6 final question, at least about up until
7 the end of your rally, prior to the rally
8 you talked about the need for insurance in
9 the event and y'all were seeing things
10 happening across the nation related to
11 this particular type or this content
12 specifically for this protest.

13 Was there any -- had you
14 received any Intel or indication that
15 disrupters would be at your event?

16 MR. SIMELTON: No, we had
17 not received anything saying that, you
18 know, there were going to be some people
19 there, you know, to disrupt what we're
20 trying to do or anything.

21 However, you know, having
22 seen what had happened other places across
23 the country, you know, that's something

1 that you're extra cautious of because they
2 somehow sneak in and, you know, become,
3 you know, a part of the crowd until
4 they're ready to do whatever they want to
5 do, you know.

6 MS. HUNTLEY: But you had
7 not received any specific Intel that those
8 folks were planning to come to Huntsville
9 during your event, had you?

10 MR. SIMELTON: Right, we had
11 not.

12 MS. HUNTLEY: And I have to
13 ask you this and then I want to ask you a
14 couple of questions, I'm not going to keep
15 you all day, about the follow-up after the
16 event.

17 But you conducted an
18 interview, if you recall, media interview
19 after the event on June 4th, do you
20 remember that interview? I believe
21 Mr. Burnet was with you.

22 MR. SIMELTON: Yes, yes, we
23 were in the NAACP's office.

1 MS. HUNTLEY: Correct. And
2 in that interview you felt like law
3 enforcement had tricked you when you were
4 asked to go to Big Spring Park as opposed
5 to where you originally requested --

6 MR. SIMELTON: Right.

7 MS. HUNTLEY: -- as a place
8 for your rally. Can you explain that to
9 me?

10 MR. SIMELTON: Yes. Well,
11 the reason I said they had tricked us is,
12 you know, the reason they gave us, you
13 know, was it's shades down there, there's,
14 you know, room to spread out, you know,
15 you know, much better scenery.

16 But what I -- and also they
17 said they were going to be there to help,
18 you know, help guide people down to the
19 Big Spring Park, and those were the
20 rationales that they gave us for wanting
21 to change.

22 But I kind of found out
23 later through just different conversations

1 they wanted us there so that, you know,
2 they could kind of quote/unquote block the
3 crowd in.

4 And the other portion of
5 that is, you know, they changed at the
6 last minute us not being allowed to march.
7 And, you know, I understand from a law
8 enforcement perspective that, you know,
9 they want to always contain the situation,
10 but, you know, as I told the chief, you
11 know, people were frustrated, they were
12 hurt, and I said perhaps if we had been
13 allowed to, you know, have the march and
14 rally at the courthouse as we had planned,
15 or at least march around the courthouse,
16 we could have brought everybody together
17 and then said now, it's time to disperse.
18 We've had our march around the courthouse
19 like we had planned and now it's time to
20 disperse.

21 MS. HUNTLEY: Now, this
22 information that you say you learned that
23 the reason -- the move was not -- the move

1 to Big Spring Park for the rally was not
2 really what was explained to you in terms
3 of the shades, better location --

4 MR. SIMELTON: Right, right.

5 MS. HUNTLEY: -- and it was
6 really a move to be able to have more
7 control over the crowd, how did you learn
8 that information?

9 Was this something -- was
10 this through a statement that Chief
11 McMurray made, somebody from law
12 enforcement.

13 MR. SIMELTON: Yeah, I'm
14 trying to remember because I think --
15 yeah, that was through the statement that
16 we had -- when we met with Chief McMurray
17 and the lieutenant, those are the kind of
18 statements that they were making at that
19 time and Jerry may have said something
20 that evening after he and I talked, you
21 know, after the rally was over, you know,
22 and you know that we were not going to be
23 able to march, but I know it came from the

1 lieutenant or Chief McMurray one and --

2 MS. HUNTLEY: So what came
3 from them, that they really --

4 MR. SIMELTON: They wanted
5 us to, you know, they wanted us down there
6 so that they could, you know, help control
7 the crowd better.

8 MS. HUNTLEY: But you spoke
9 to a different person when they said they
10 were moving you-all for more convenient
11 location, better shade, those types of
12 things; correct?

13 MR. SIMELTON: Well, I mean,
14 I was speaking to them on the phone, so I
15 think it was -- and, again, I'm sorry, I
16 don't remember the lieutenant's name that
17 was with us when we spoke to Chief
18 McMurray.

19 I think he was the same one
20 that I spoke to on the phone that was
21 telling us that was the reason they were
22 moving us to that location.

23 MS. HUNTLEY: And you also

1 said something in your press conference
2 where you stated, or at least implied,
3 that had you-all been allowed to do what
4 you had intended to do, that you felt like
5 you could have had better control over the
6 situation. Can you explain that?

7 MR. SIMELTON: Yeah, I mean,
8 I thought I just did, but, you know, what
9 I was saying is that if we had been
10 allowed to march, you know, even if we
11 were in Big Spring Park, if we had been
12 allowed to march, you know, people could
13 have chanted and got some things off their
14 chests and then we would have brought
15 everybody back together and dispersed.

16 Now, if we had been allowed
17 to be at the courthouse like we had
18 planned all the time, all along, then, you
19 know, we still feel that that would have
20 been better for us, but we did concede
21 that, you know, well, we'll go down to the
22 Big Spring Park and have the rally there,
23 you know, for the reasons that they had

1 given us.

2 But, you know, bottom line
3 is that, you know, we feel that if we had
4 been able to march, I mean, you know,
5 there may have still been some people that
6 stayed, you know, for whatever reason, but
7 I don't think it would have been as many
8 people because from what I understand
9 there were some people that went upstairs,
10 if you will, to the courthouse because
11 they still thought there was going to be a
12 march and they kind of got caught in the
13 crowd at the time and, you know, you kind
14 of get caught up and, you know, no one was
15 in charge of that group that went upstairs
16 from what I understand. No one was in
17 charge.

18 And, again, while we were
19 downstairs the NAACP was in charge and in
20 control, and I'm not saying things could
21 not have gotten out of hand, but, you
22 know, the crowd was responding to us.

23 You know, when we would say

1 something, you know, they would respond,
2 so, you know, we were in tune with the
3 crowd, the crowd was in tune with the
4 speakers and so, you know, it's just like
5 a church service, you know, saying amen,
6 you know, and stuff like that.

7 But when you turn people
8 loose and they walk upstairs and no one is
9 in charge of them, then they're in charge
10 of themselves and each person decides what
11 he or she will do.

12 So you learned later that
13 night through watching the media and I
14 believe in your interview receiving some
15 messages from some of your members about
16 what had happened that night and
17 referenced the use of rubber bullets, tear
18 gas.

19 Let me ask you this, have
20 you ever participated in a rally, protest,
21 march where that type of force to disperse
22 a crowd was used?

23 MR. SIMELTON: No, no.

1 MS. HUNTLEY: And you said
2 you participated in how many rallies --

3 MR. SIMELTON: You know, at
4 least 70, and that's just as I've been the
5 state president. And before I was state
6 president I was the Limestone County
7 president for eight or nine years, so for
8 the NAACP, I've been involved in NAACP
9 going on about 25 years now so, you know,
10 from New Mexico to Alabama to Georgia to
11 some extent, but most of the time has been
12 here in Alabama.

13 MS. HUNTLEY: And one other
14 question and I'll see if my colleague has
15 any follow-up.

16 After the event, you
17 released -- the NAACP through you,
18 released ten demands to law enforcement.

19 MR. SIMELTON: Uh-huh
20 (affirmative).

21 MS. HUNTLEY: And I
22 understand that later there was a response
23 to those demands from both the NAACP and

1 some other groups that had made demands to
2 law enforcement.

3 Have you had an opportunity
4 to review that response that was submitted
5 by law enforcement in July?

6 MR. SIMELTON: Yes, I
7 reviewed and the way we released that was
8 we read the demands at the rally and what
9 we were asking each of our branches to do
10 is to sit down with their chiefs of
11 police, sit down with the sheriff's
12 departments and let's begin to look at
13 these demands and see which ones do we,
14 you know, agree on, if any.

15 And then the ones that we
16 don't agree on, let's see if we can't come
17 up with some kind of workable plan or
18 begin to work on those start talking about
19 those and see how far apart we are.

20 And so I know some of the
21 units have had some success, some of the
22 units perhaps did not, you know, engage
23 like we had wanted for them to engage with

1 their local law enforcement agencies.

2 But, you know, I live in
3 Limestone County and, you know, I sat down
4 with Sheriff Blakely and, you know, had
5 frank and honest conversations about the
6 demands, the ones that he doesn't like.

7 And we had, of course, the
8 same conversation with Chief McMurray,
9 and, so, you know, those are things that
10 we think that will help law enforcement
11 and it will help our community.

12 And one of the things, since
13 I have the floor, that I want to say about
14 these citizens advisory councils, citizen
15 review boards or whatever we might want to
16 call them, one of the things that is going
17 to make those organizations effective is
18 if they can have some type of subpoena
19 power.

20 And, again, we're not saying
21 that you take place of the chief of
22 police. You know, if you look at the
23 situation that happened in Minnesota just

1 the other day, you know, the chief of
2 police comes out and says well, I think
3 the officer used -- she thought she had
4 her Taser in her hand.

5 And I'm the first one that
6 says, you know, a supervisor should
7 support his or her subordinates, but you
8 don't come out on a public statement when
9 someone has been killed and make a
10 statement like that and expect an ordinary
11 citizen to believe what you're saying
12 because what you're telling the officer at
13 that time is that, you know, I'm with you,
14 you know, no matter what happens, you
15 know, no matter what you did I am standing
16 behind you 100 percent.

17 And we cannot have those
18 types of individuals in law enforcement
19 and expect the ordinary citizens to
20 believe what they're saying, and so, you
21 know, again, I hate to get on my soapbox
22 but we tried over in Athens with Athens
23 City Police as well as the sheriff's

1 department to establish some type of
2 citizen advisory or citizen review board,
3 but none of the law enforcement agencies
4 want to give them any authority other than
5 just to rubber stamp what, you know, the
6 internal investigation says.

7 If something happens, you
8 know, in your family and, you know, and
9 you are chosen to investigate, you know,
10 you're going to the findings are going to
11 be in favor of your family member.

12 The Hatfields and McCoys are
13 having a disagreement or whatever,
14 conflict, you know the Hatfields are going
15 to agree with the Hatfields and McCoys are
16 going to agree with the McCoys, and so you
17 need an outside agency to come in and
18 investigate.

19 MS. HUNTLEY: And that was
20 one of your -- one of the ten demands, and
21 did those ten demands come down from your
22 national?

23 Is this something that the

1 NAACP is doing nationwide and feeding out
2 to their state organizations?

3 MR. SIMELTON: Well, it's
4 kind of ironic you asked that because
5 those ten demands did not come from our
6 national. Those are the ones that we came
7 up with locally.

8 Now, national came out about
9 the same time with ten demands that were
10 almost verbatim, you know, at least in
11 context, the same as ours but they were
12 not -- we did not develop those from
13 those. Those were developed independently
14 of what national had put out.

15 MS. HUNTLEY: And, again,
16 based on the response that was released,
17 have you reviewed the Huntsville police
18 response?

19 MR. SIMELTON: Yes, yes, I
20 have.

21 MS. HUNTLEY: And did you
22 find those responses satisfactory?

23 MR. SIMELTON: No,

1 absolutely not.

2 MS. HUNTLEY: Okay. And is
3 there -- was there something generally
4 objectionable about the response or
5 something specific?

6 MR. SIMELTON: And, again, I
7 would have to go back and look at the
8 chief's, but I just know that we were not
9 -- I mean let me back up.

10 I mean it was -- it was a
11 starting point but, you know, to say that
12 well, you know, this is the answers, you
13 know, to all those questions of our
14 demands, I remember -- but I remember
15 that, you know, well let's -- as I told
16 Jerry, I said well, it's a starting point.
17 It's an opportunity to start some dialogue
18 and I don't think he flat out came out and
19 said -- there may have been one or two he
20 came out and said no, but, you know, if I
21 remember correctly, there was some that,
22 you know, was certainly an opportunity to
23 work with.

1 MS. HUNTLEY: So was there
2 any additional dialogue between the NAACP
3 and law enforcement after they released
4 their response to the demands?

5 MR. SIMELTON: Well, again,
6 each unit -- you're talking about
7 specifically Huntsville?

8 MS. HUNTLEY: Specifically
9 Huntsville PD, yes.

10 MR. SIMELTON: I would have
11 to rely on Jerry because, again, the
12 intent was not for the state conference to
13 do the work.

14 The intent was for each
15 unit, each branch, to work with their
16 local law enforcement agencies to try and
17 see where they were on those demands.

18 MS. HUNTLEY: And then one
19 final question, and I'll try not to keep
20 you much longer, another thing that you
21 stated in that press conference on
22 June 4th was that you understood that
23 Chief McMurray was in charge, that he was

1 in charge the day of the protest. What
2 was that understanding based on?

3 MR. SIMELTON: Well, I mean,
4 he's the chief of police, you know, the
5 chief of police for the city, and, of
6 course, our conversation the next day, you
7 know, he told me that, you know, he had
8 National Guard people that were stationed
9 over at the National Guard armory and he
10 had state troopers that were, you know,
11 ready to respond if the situation
12 dictated, you know, bringing in additional
13 law enforcement.

14 And so, you know, I
15 understand that, you know, the chief of
16 police that, you know, he or she has the
17 responsibility to keep law and order in
18 their communities, but they're not above
19 the law.

20 They cannot come out and
21 say, well, you know, we're going to do
22 things just because we have the badge on
23 more or less. Even when you're wearing

1 the badge you can't hide behind the color
2 of law when you're wearing your badge.

3 You still have to abide by
4 the Constitution. You know, citizens have
5 Constitutional rights that in certain
6 cases may overrule what law enforcement
7 would like to do at a particular time,
8 such as if I'm out there on the street,
9 you know, expressing my First Amendment
10 right, you know, law enforcement just
11 cannot come down there and say well, you
12 know, disperse as long as I'm not
13 violating any ordinance or -- well, it
14 could be violating an ordinance, but my
15 Constitutional right may override that
16 particular ordinance.

17 You know, and so that's kind
18 of what I meant by, you know, that he's in
19 charge, we understand that. And he's the
20 chief of police and he has that awesome
21 responsibility, but yet and still he still
22 reports to a higher authority, whether
23 it's the mayor or the city council.

1 MS. HUNTLEY: So he didn't
2 have a specific conversation with you
3 stating what the coordination and the
4 command was and who was in command between
5 the multiple law enforcement agencies that
6 were involved that day on June 3rd --

7 MR. SIMELTON: No, not
8 specifically.

9 MS. HUNTLEY: Okay.

10 MR. SIMELTON: But when he
11 said that, you know, he had state troopers
12 and people from the National Guard, I
13 don't know if he did or did not, but
14 that's what he had told us, that, you
15 know, he had those additional resources
16 available to call upon if he needed them.

17 MS. HUNTLEY: Okay.

18 MR. SIMELTON: And, of
19 course, you know, I think the local
20 sheriff department and his members or his
21 officers were the first one, you know,
22 they were the ones who were firing the
23 rubber bullets and tear gas and stuff.

1 MS. HUNTLEY: Okay. Did you
2 just say that HPD was the one firing the
3 rubber bullets?

4 MR. SIMELTON: Yes, I said
5 his law enforcement and the sheriff's
6 department from what I understand they
7 were the ones on the front line, and which
8 one -- my assumption was that he's the one
9 that, as a matter of fact, he said that
10 and, again, I don't know if he was where
11 he physically was, but he said that they
12 gave -- they gave them, you know, until
13 eight o'clock and eight o'clock he said
14 you know, let's -- it's dark, and he
15 didn't want to have the situation to go
16 over into the night and that's when he
17 told the people to disperse.

18 And, again, I don't know --
19 I don't think he -- I don't know who gave
20 the -- who sounded the order, but it was
21 under his leadership that they certainly
22 gave the order to disperse.

23 MS. HUNTLEY: But to be

1 clear, you don't have any specific
2 information about who used the -- whether
3 it was sheriff using rubber bullets,
4 whether it was HPD --

5 MR. SIMELTON: No.

6 MS. HUNTLEY: -- you know it
7 was done, but you don't know which unit
8 did what?

9 MR. SIMELTON: No, no. And
10 because they were out there, and from what
11 I understand, they were in some clothing
12 that you could not tell who they were.

13 MS. HUNTLEY: Okay. Well,
14 Mr. Simelton, thank you so much. It's
15 been very helpful. I don't know if my
16 colleague has any additional questions; he
17 does not.

18 At this time I'll turn it
19 back over to the CAC, so Vicki, if anyone
20 -- I'll let you take the lead from here
21 and, Mr. Simelton, thank you so much for
22 your time this afternoon.

23 MR. SIMELTON: Okay. Thank

1 you.

2 MS. HUNTLEY: Vicki.

3 MS. GUERRIERI: Yes, just a
4 minute, Liz, I'm trying to get my camera
5 to turn back on again. I had to take it
6 off because I was starting to lose
7 connection, so let me try to figure this
8 out.

9 Okay. There it is. It kept
10 going in and out, so I had to turn the
11 camera off. You know, how these
12 technology things can be.

13 Well, this has been a very
14 informative interview, Mr. Simelton, and
15 we appreciate the amount of time you've
16 given this Advisory Council and our
17 attorneys this afternoon and your enormous
18 detail to your understanding and a direct
19 timeline on what happened. We appreciate
20 it very much.

21 Do any members of the
22 council have any questions, or would you
23 be willing to answer questions from the

1 council if we have some?

2 MR. SIMELTON: Sure.

3 MR. LOVE: I don't have any,
4 Vicki. I just want to say thank you, sir,
5 for your time. Very informative and I'll
6 pass it back to you now, Vicki.

7 MS. GUERRIERI: Okay.
8 Shelly, do you have any questions?

9 MS. MCCULLEY: I just need
10 clarification I guess.

11 He stated that it was verbal
12 consent for the march and rally, but then
13 when he got there had been told by a
14 police officer there would be no march?

15 MR. SIMELTON: Okay. What I
16 said is -- what I had received over the
17 phone was that yes, you can -- initially
18 it was you can do the rally at the
19 courthouse, this is just a verbal saying
20 yes, we think we can approve that.

21 And then later on there was
22 another conversation saying that, you
23 know, we don't want y'all to have the

1 rally at the courthouse, we prefer you do
2 it in Big Spring Park in the little cove
3 there because it's shade trees, it's
4 cooler. You can have your rally and then
5 you can march afterwards.

6 It wasn't until I physically
7 got to the march, and, again, this is me
8 talking to the local law enforcement.
9 What had happened in the interim is they
10 had contacted Jerry Burnet who actually
11 applied for the permit, and he's the
12 branch president, at least was at that
13 time, of the Huntsville/Madison County
14 branch.

15 And so they had told him
16 that, you know, there will not be a march
17 after the rally. And Jerry had not
18 communicated that to me and I did not find
19 out until I got to the rally and then I
20 walked up the stairs.

21 And then after I came back
22 down I found Jerry again and he told me,
23 yes, they called him and told him that

1 that was what had been approved.

2 Now, I'm not for sure if
3 Jerry had a physical copy of the permit
4 prior to, and I know y'all had spoken to
5 him and so he can tell you exactly when he
6 received the physical copy of the permit,
7 but I think they told him -- well, I know
8 they told him that they there was not
9 going to be a rally -- I mean a march
10 after the rally but he did not communicate
11 that to me --

12 MS. MCCULLEY: He was sure
13 that there would be no march at the
14 courthouse but they could have possibly
15 mashed around Big Spring --

16 MR. SIMELTON: No.

17 MS. MCCULLEY: -- or not at
18 all?

19 MR. SIMELTON: Right, not at
20 all. Not at all.

21 MS. MCCULLEY: All right.
22 Well, I thank you for your day.

23 MR. SIMELTON: Okay, thank

1 you.

2 MS. MCCULLEY: You take
3 care.

4 MS. GUERRIERI: And, again,
5 thank you very much.

6 Just something did come to
7 mind. You said you spoke to a lieutenant
8 but didn't remember his name. Was that
9 Lieutenant Danly by any chance?

10 MR. SIMELTON: Danly. You
11 know, I have some -- let me check my
12 emails here because he sent me some emails
13 -- how you spell it, D-a-n -- yes, Michael
14 Danly.

15 MS. GUERRIERI: It's
16 D-a-n-l-y. He is the lieutenant who is in
17 charge or over special operations, so I
18 just wanted to establish that someone in a
19 leadership position had spoken to you and
20 he is special ops or lieutenant over
21 special ops.

22 MR. SIMELTON: Yes, it's
23 Danly --

1 MS. GUERRIERI: I appreciate
2 that clarification.

3 MR. SIMELTON: -- on my
4 emails and there's some emails from him.

5 MS. GUERRIERI: Okay. Well,
6 that's all I have, and, again, thank you
7 for your time today. We very much
8 appreciate it.

9 MR. SIMELTON: Okay. All
10 right.

11 MS. GUERRIERI: Liz, I'll
12 turn it back over to you.

13 MS. HUNTLEY: We're done and
14 I guess we'll end the Zoom meeting and
15 thank you all who were able to come out
16 today and thank you, Ms. Shields and
17 Mr. Simelton.

18 MR. SIMELTON: Okay,
19 Ms. Shields anything?

20 MS. SHIELDS: No, I didn't
21 have anything.

22 MR. SIMELTON: All right.
23 Thanks for being on with us.

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[The interview was concluded at
4:33 p.m.]

1 CERTIFICATE

2 STATE OF ALABAMA)

3 TUSCALOOSA COUNTY)

4 I hereby certify that the above and
5 foregoing proceedings were taken down by
6 me in stenotype, and the questions and
7 answers thereto were reduced in transcript
8 form by computer-aided transcript under my
9 supervision, and that the foregoing
10 represents a true and correct transcript
11 of the proceedings occurring on said date
12 at said time.

13 I further certify that I am neither
14 of counsel nor of kin to the parties to
15 the action, nor am I anyway interested in
16 the results of said cause.

17 Signed April 14, 2021.

18

19 /s/ Nancy Pannell, CCR

20 NANCY PANNELL, CCR

21 Alabama CCR No. 30, Expires 9/30/2021

22 Commissioner for the State of Alabama at

23 Large, Commission expires 07/17/2021