



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Calls for DOJ Investigation into Murder of Garrett Foster Following Texas Pardon *Garrett Foster Was Protesting Racial Injustice When He Was Shot and Killed by Daniel Perry*

BALTIMORE, MD (May 29, 2024) – Attorney General Anthony G. Brown and a coalition of 13 attorneys general today urged the U.S. Department of Justice (DOJ) to open a civil rights investigation into the July 2020 murder of Garrett Foster. Mr. Foster was protesting racial injustice when he was shot and killed by Daniel Perry in Austin, Texas. A jury found Mr. Perry guilty of murder in April 2023. However, earlier this month, Texas Governor Greg Abbot pardoned Mr. Perry, citing Texas’ so-called “Stand Your Ground” law, which provides a very broad justification for self-defense.

In a [letter to the DOJ](#), Attorney General Brown and the coalition urge the DOJ to open an investigation into Daniel Perry’s killing of Garrett Foster, specifically into whether Mr. Perry violated federal criminal civil rights laws when he murdered Mr. Foster.

“Federal authorities must investigate the murder of Garrett Foster. Mr. Foster’s civil rights were violated when he was targeted and killed because he spoke out against racial injustice,” said Attorney General Brown. “Moreover, it is disgraceful that a ‘stand your ground’ law has been used to defend a murder that was clearly driven by racial animosity.”

In June 2020, Mr. Foster was participating in a protest against racial injustice in Austin when Mr. Perry drove his car into a crowd of protesters. Mr. Foster approached Mr. Perry’s car in an attempt to protect his fellow protesters, prompting Mr. Perry to open fire, killing Mr. Foster. During his trial, Mr. Perry claimed self-defense. Mr. Foster had been legally carrying a firearm, but Mr. Perry’s activity prior to the shooting indicated that he had intended to disrupt the peaceful protests.

At Mr. Perry’s criminal trial, held in Austin, Texas, the prosecution produced substantial evidence that Mr. Perry’s crime had been motivated by racial hatred and had long considered exacting violence against Black Lives Matter protestors. Text messages between Perry and others included an exchange in which he states, “the blacks [are] gathering up in a group I think

something is about to happen” and then later, “I wonder if they will let my [sic] cut the ears off of people who’s decided to commit suicide by me.”^[1]

Mr. Perry’s internet history also included evidence that he knew what he was planning to do was wrong and that he intended to cover up his crime. For example: he searched whether the federal government had ballistics information for every firearm lawfully sold; Prior to leaving for the protest, he sent multiple text messages to friends, telling them that he was considering traveling to another city to “shoot looters,” and “might have to kill a few people on [his] way to work;” he googled the locations of local protests and targeted those areas; and he sent and shared racist and Islamophobic messages and memes advocating vigilante murder. A jury of Mr. Perry’s peers found him guilty of murder.

Less than 24 hours after Mr. Perry was convicted in 2023, Governor Abbott announced his intent to pardon him. In the year that followed, multiple other elected officials and political leaders who opposed racial justice protests joined the call for Mr. Perry to be pardoned. The coalition is concerned that, by pardoning Mr. Perry, Governor Abbott is signaling to other potential vigilantes that “stand your ground” laws will protect those who seek to shoot and kill lawful protesters. This is particularly troubling given growing evidence that these laws are often associated with increased homicide rates.

The Matthew Sheppard James Byrd Act makes it a federal crime to commit an act of violence motivated by racial animus. The statute is named in honor of James Byrd, a Black man, who, in 1998, was tortured to death in Jasper, Texas. Moreover, Mr. Perry’s emails before the crime suggest that he may have been in collaboration with others when he planned and committed the killing of Mr. Foster warranting a review by the Civil Rights Division of whether he violated the Ku Klux Klan Act of 1971, which makes it a crime to conspire to deprive a person of his or her civil rights. The coalition argues that the DOJ has historically used federal civil rights laws to prosecute acts of hate, especially when states refuse or fail to hold people accountable for violating others’ civil rights. A federal investigation into Mr. Perry’s killing of Mr. Foster is necessary to ensure that justice is served.

In sending this letter, Attorney General Brown joins the attorneys general of Arizona, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New York, Oregon, and Vermont.

[1] This is a verbatim quote as transcribed in court records.

###

<https://www.marylandattorneygeneral.gov/press/2024/053024.pdf>