

## Testimony of Peter Schwartz for the Subcommittee on National Security

Thank you Chairman DeSantis, Ranking Member Lynch and Members of the Subcommittee for holding this hearing on such an important topic and for allowing me to testify. My name is Peter Schwartz and I am the proud uncle of Ezra Schwartz of Sharon, Massachusetts. Ezra was a sweet and fun-loving kid. He was a great skier and baseball player and an avid football fan. He had a sharp mind, was a strong chess player and enjoyed reading. He would sometimes read Harry Potter aloud to his transfixed younger brothers. He had a special talent for engaging those on the margins or in need; the nervous young camper, the mediocre athlete at the baseball tryouts, the elderly woman carrying groceries. A companion and confidante to his slightly older sister Mollie, a coach and mentor to his younger brothers Hillel, Elon and Avi with whom he'd play whiffle ball until it was so dark that you couldn't see the ball, a patient and inclusive organizer of football games among his younger cousins, including my children, a popular and award-winning counselor, a beloved friend, boyfriend, nephew, grandson and adored child to his parents Ari and Ruth.

Ezra graduated high school and had been accepted to the business program at Rutgers, which he was excited to attend this fall, but he decided to take a gap year in Israel on a program that mixed learning with community service, which appealed to him. He was popular and happy, enjoying his year, doing good works and looking forward to college. He was truly coming into his own at the fulcrum between boyhood and manhood. On November 19, 2015, just over two months ago, Ezra and several of his friends from his school went to do some volunteer work on a memorial park that, ironically, honored the memories of three boys who were kidnapped and killed by a Palestinian terrorist the year before, one of whom, Naftali Frankel, was an American citizen. The van that Ezra and his friends were in was caught in rush hour traffic at the Gush Etzion Junction, just South of Jerusalem, and at some point, Ezra put his head down against the window and went to sleep.

Muhammed Abd Al-Basset Kharoub, a 21 year old Palestinian from a small West Bank village, had dreams of his own. According to the Israeli indictment recently issued, Kharoub aspired to kill Jews for at least two years prior to the day he finally took action. He began at the age of 19 by purchasing a 9 mm pistol for approximately \$5,000 with an idea to commit a terror attack in Beer Sheva, but his dream of mass murder was deferred due to a family dispute. In February 2015, he somehow purchased an Uzi with 3 magazines and 3 boxes of 9 mm bullets for another \$5,000 from an individual named Khader Al-Atzlah. Thereafter, he periodically purchased additional ammunition so he could keep up his target practice with live ammunition. According to the indictment, Kharoub also received assistance from a man named Odeh Mahmud Odeh Kharoub who helped him clean his weapon and from his brothers, one of whom provided Kharoub with the Toyota Corolla he would use during the terrorist attack.

Kharoub chose his own birthday, November 19<sup>th</sup>, to go out looking for innocent Jews that he could target and kill. After some time searching for a place with enough people to target, he arrived at the Gush Etzion traffic jam in which Ezra and his friends were stuck, took out his gun and started spraying the waiting cars with bullets, killing 3 people including Ezra, before being apprehended. Ezra was shot in the head and in an instant, all of the beautiful things that he was and everything that he would ever become, was gone forever.

It is simply not possible to describe the magnitude of this loss and the impact it has had on our family without sounding cliché, but it is excruciating and profound and overwhelming and visceral and it has soaked through the tightly knit fabric of our family and our community. His absence assaults you from every direction; from his sweet face staring at you from the family photos on the wall, from his name on the label of the skiing and sporting equipment sitting unused in the closet, from his adorable first grade artwork, from the empty seat at the table, from the birthday text that never arrives, and even from the happy milestones of his friends and peers whose future graduations and weddings will be tinged with a little bit of sadness knowing that Ezra won't be there to share them and won't have similar milestones of his own, but will be forever frozen at 18 years old. Even innocuous everyday moments can be challenging, like when someone innocently asks "how are you?" Do you answer truthfully and say "I'm heartbroken, devastated, longing for an alternate reality that will never be" or do you simply lie and say "I'm fine" and avert your gaze before they realize the predicament presented by their question and feel awkward? All of us in the family now have an awful highlight reel playing over and over in our heads. For me, it includes getting the news from my brother, telling my son that his cousin is dead, telling my parents that their grandson is dead, seeing Ezra's siblings and parents around his coffin, and seeing my brother, who I love so dearly and unconditionally, in unimaginable pain that I can never comfort.

And then you remember that all of this terrible pain and loss is not the result of some tragic accident or unfortunate illness, but rather, it was a deliberate and premeditated act by someone who dreamed of murder, spent years preparing for the day he could cause such suffering and chose to celebrate his own birthday by taking the lives of people he did not know and never met. Our family has tried to focus on Ezra's wonderful but all too brief life and has avoided wading into the surrounding politics, but there is nothing political or controversial about saying that the deliberate killing of innocent civilians for ideological or political or religious reasons is abhorrent and inhuman, and it is just as wrong in Israel or in Gush Etzion as it is in Paris or Mali or London or Lower Manhattan. There is no context or explanation that makes Ezra's murder or Palestinian terrorism any bit less repugnant than any other terrorism in any other place and there is no reason that it should warrant any less condemnation or reaction from every civilized citizen or country on Earth. I hope that history will fairly judge the people who commit such acts and those who support them, but we cannot wait for that.

The United States is in a unique position to combat terrorism, to disrupt terror financing and to degrade and diminish terrorist organizations if it is determined to do so. And the need for a strong U.S. response to terrorism in Israel is even greater considering how many Americans live, study and travel there, that it is such a frequent – now literally daily – target of terrorists, and that it is our strongest ally in the Middle East and the only one with which we share fundamental values like democracy.

Since Ezra's death, the government has been extremely supportive of our family. Condolence calls from President Obama and Secretary of State Kerry were deeply meaningful and appreciated as were the calls, visits and assistance of Governor Charlie Baker, Senators Elizabeth Warren and Ed Markey, and various other officials at the state and local level. I have been in email touch with Heather Cartwright and one of her attorneys at the Office of Justice for Victims of Overseas Terrorism, or OVT, and with a case manager at the International Terrorism Victim Expense Reimbursement Program, or ITVERP. Also,

a Victim Services Coordinator from the FBI's Office for Victim Assistance briefly connected with my brother.

While we feel supported by our government, there remain many unanswered questions about the attack that claimed Ezra's life. We recognize that terrorism investigations can involve sensitive intelligence-gathering and that not all of the facts are necessarily known at this time, but ultimately, we are hopeful that the FBI and the legal team at OVT will help clarify certain questions. For example, how did a 21 year old Palestinian from a small West Bank village obtain more than \$10,000 to purchase firearms and ammunition? That's a significant sum for any person Kharoub's age, but in the West Bank, that sum of money begs the question: Did Kharoub receive funding from outside groups such as Hamas or Islamic Jihad? The Israeli indictment is silent on this issue. Why did one of Kharoub's brothers provide him with a car to use in the attack and which, if any, of Kharoub's brothers and friends will be charged as accomplices? There may be a variety of legitimate reasons why these questions have not yet been answered, but it's our hope that the FBI and the legal team at OVT will take an active interest in this case and work with their Israeli counterparts to answer these questions. We feel that this is particularly important because the United States has, far and away, the greatest ability of any nation to disrupt terror financing. Should the evidence ultimately lead to the conclusion that Ezra's murderer was financed by a terrorist organization, there may be concrete steps that our government can take to further disrupt these organizations which reject peaceful co-existence between Israel and its neighbors. At this stage, we don't profess to know whether Ezra's murderer or his accomplices are candidates for extradition to the U.S., but we want to better understand what role the DOJ, FBI and OVT can play in ensuring that Mr. Kharoub, his accomplices and other terrorists who harm Americans abroad face justice and, when convicted, remain behind bars.

Thank you for this opportunity and for all that you do to support and protect U.S. citizens and their families in Israel and around the world.

### **Bio for Peter Schwartz**

Peter Schwartz is the Chief Administrative Officer and General Counsel at the College Board, where he leads the legal, human resources and administrative services functions. Prior to joining the College Board, Peter was Senior Vice President of Business Services at Antheus Capital, a private equity real estate firm, where he oversaw the legal and human resources functions as well as field operations. Peter also served as Vice President and General Counsel at Kaplan Test Prep, Vice President and Special Counsel to the Chairman at MacAndrews & Forbes Holdings, and as an attorney at the Boston law firms of Ropes & Gray and Palmer & Dodge, where he focused on litigation and employment law. Peter received his bachelor's degree from Brown University and his law degree from Columbia Law School, after which he clerked for Judge Tauro on the Federal District Court in Boston. Peter and his wife have three children and live in Englewood, NJ. Peter's brother and sister-in-law, Ari and Ruth Schwartz of Sharon, Massachusetts, are the parents of Ezra Schwartz, who was killed in a Palestinian terrorist attack on November 19, 2015.