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October 9, 2013

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County of Sonoma Board of Supervisors  
575 Administration Drive, Room 100 A  
Santa Rosa, CA 95403

Re: Response to Veolia's letter of September 13, 2013

Dear Honorable Sonoma County Supervisors:

I write at the request of Omar Barghouti, a founding member of the BDS movement, to correct the damage done by Veolia's misleading, false, and defamatory statements in its September 13<sup>th</sup> letter to you. His primary concerns are for the welfare of the Palestinian-led, global Boycott, Divestment, and Sanctions movement against Israel, a civil society movement that he co-founded in Palestine in 2005. He is also concerned about the defamatory statements made about him, personally, in Veolia's letter, though again, his concerns focus on the welfare of the BDS movement rather than himself, since he is confident that Veolia's bites will not detract in any significant way from his long-known personal reputation for fairness, open mindedness, ethical consistency and categorical – and very vocal -- opposition to all forms of racism, including anti-Semitism.

Veolia falsely asserts that the BDS movement is a response to the Arab League boycott of Israel. The global BDS movement is, in fact, *not* a response to the Arab League's commercial boycott, but to the Palestinian non-governmental, civil society BDS call that went out in 2005 -- more than a half century after the Arab League boycott -- and that is dedicated to achieving an end to occupation, equal rights for Palestinians, and recognition of the Palestinian right of return under international law. These are the explicit goals of the call, which was endorsed by the overwhelming majority in Palestinian civil society. The call for BDS ends when Israel ends its violations of Palestinian human and legal rights under internationally accepted standards.

The Palestinian call for BDS also does not "demonize" Israel. This is the accusation repeatedly made against BDS by Israel in its effort to characterize criticism of Israeli violations of human rights and international law as "anti-Semitism." In fact, the BDS call, inspired by the South African anti-apartheid movement and the US civil rights movement, *invites* conscientious Israelis to join the struggle for peace based on justice and equal human rights for all. Furthermore, the accusation that criticism of Israel's policies and practices towards Palestinians is anti-Semitic has now been repudiated

by the U.S. Department of Education (“DOE”), in decisions issued late in August 2013, dismissing all pending complaints against three University of California campuses (Berkeley, Santa Cruz, and Irvine), under Title VI of the 1964 Civil Rights Act – aggressive action intended to scare U.S. campuses into violating basic student free speech rights by challenging continued entitlement to federal funding. The BDS call focuses upon Israel's abuses of Palestinian rights under international law. To characterize criticism of a state's practices and policies as anti-Semitism seriously disservices and demeans global Jewry by stereotyping all Jews -- the very essence of the definition of anti-Semitism, itself. As the DOE has now ruled, such criticism is political advocacy and related expressive conduct that is all highly protected by the First Amendment’s free speech provision, and the government is without lawful authority to interfere with such speech or “chill” the exercise of such highly protected free speech rights.

Veolia's letter also clearly misstates and misquotes Omar Barghouti’s editorial, suggesting that he – and the BDS movement – have called for the “euthanizing” of Israel and, by implication, of Israelis. This bad faith distortion of the actual statement may cause not only undeserved personal injury to Mr. Barghouti’s reputation, but it may also injure the reputation of the BDS movement, if it gains any currency. This is not at all the meaning or language of the actual statement, which indicated simply that the author, expressing his personal view, and obviously not the BDS movement’s, welcomed the self-destruction of *Zionism* as a political movement. If there was any arguable ambiguity in his statement, it is eliminated by the rest of the editorial, which shows that he consistently expresses support for the demise of Zionism, as an ideology and a political movement, to permit the birth of a single democratic state, with equal rights for *all*. He states:

“Despite the pain, the loss and the anger which relative-humanization undoubtedly engenders in them, Palestinians have an obligation to differentiate between justice and revenge, for one entails an essentially moral *decolonization*, whereas the other descends into a vicious cycle of immorality and hopelessness.... The vicious cycle launched by the Holocaust must come to an end altogether.

...

“Israelis should recognize this moral Palestinian challenge to their colonial existence not as an existential threat to them but rather as a magnanimous invitation to dismantle the *colonial character* of the state, to allow the Jews in Palestine finally to enjoy normalcy, as equal humans and equal citizens of a secular democratic state — a truly promising land, rather than a false Promised Land.

His entire editorial is here:

<http://electronicintifada.net/content/relative-humanity-fundamental-obstacle-one-state-solution-historic-palestine-12/4939> and  
<http://electronicintifada.net/content/relative-humanity-fundamental-obstacle-one-state-solution-historic-palestine-22/4940>

Finally, we note with satisfaction that the BDS movement seems to have achieved a significant victory in Veolia’s sale of all of its remaining bus service in the occupied Palestinian territories (“oPt”), demonstrating Veolia’s recognition that there is increasingly effective global intolerance for corporate profiteering from human and equal rights violations. Veolia itself claims, in its letter, to have sold off the last of its bus service in the oPt, but then conspicuously goes to great lengths in denying any connection between that sale and public pressure from BDS. Veolia seems to be anxious to avoid losing the Sonoma County and potentially other U.S. bus business based upon its operation of buses on Israeli-only roads in the oPt in contravention of international law. It has made similar claims in the

past, which proved to be inaccurate. It has also claimed in the past to have sold its Tovlan landfill operation in the occupied Jordan Valley. The landfill operation is another clear violation of the rights under international law of people under military occupation. Veolia's claims to have sold the Tovlan landfill operation have been shown to be false. Now, however, the nonprofit Israeli research organization, Who Profits, has confirmed the sale of all Connex bus lines to Afikim, an Israeli bus company. Before the recent sale to Afikim, these bus lines were owned by Transdev, the company that remains jointly owned by Veolia Environnement and Caisse des Depots following the merger of Transdev and Veolia Transportation.

Significantly, however, Veolia's letter fails to mention that Veolia, as the joint owner of TransdevVeolia, now operating as Transdev, continues to operate the light rail system that runs through occupied Palestinian lands, a violation of international law. The Jerusalem Light Rail ("JLR") was designed by Israel -- without consulting the Palestinians in occupied East Jerusalem -- to serve Israeli settlements built on occupied Palestinian lands. All Israeli settlements in the oPt are unlawful under international law, as the US government acknowledges as well. The PLO has protested against the JLR, and Palestinian civil society has been almost unanimous in denouncing the JLR and in calling for the companies involved to be held accountable under international law. Veolia Environnement is a 5% owner of the JLR, which continues to be operated by Transdev.

Veolia sanctimoniously expresses support for the rights of the Palestinian people, but neglects to acknowledge that Israeli-only roads and the construction and operation of the light rail system, designed and built to meet only the needs of unlawful Israeli West Bank settlements, over Palestinian objections, are serious violations of international law and constitute an apartheid transportation system, by the assessment of the UNHCR<sup>1</sup> and those who fought apartheid in South Africa,<sup>2</sup> and from all of which Veolia has greatly profited. Representatives of a clear majority in Palestinian society have condemned Veolia for its involvement in illegal Israeli projects and have called on people of conscience around the world to pressure it until it disengages from *all* of these projects.

Very truly yours,

/s/

Barbara Harvey

cc: Sonoma County Administrator Veronica Ferguson  
Sonoma County Director of Transportation and Public Works Bryan Albee  
Alan B. Moldawer, Executive Vice President and General Counsel, Veolia Transportation  
North Coast Coalition for Palestine

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<sup>1</sup> The UN Human Rights Council expressed grave concern about the Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, as being in clear violation of international law and relevant United Nations resolutions. At the time, that was the only existing tramway stop. The UNHRC's concerns are equally applicable to the other settlement stops.

<sup>2</sup> "The study finds Israel's practices in these territories constitute both colonialism and apartheid." Human Sciences Research Council of South Africa, IS ISRAEL AN APARTHEID STATE? Summary, at p. 14. The full study is posted at: [www.fosna.org/files/fosna/events/OccupationColonialismApartheidStudyMay2009.pdf](http://www.fosna.org/files/fosna/events/OccupationColonialismApartheidStudyMay2009.pdf)