

EMAIL POLL**TO:** Douglas County Libraries Board of Trustees**Date:** August 17, 2026**From:** Patti Owen-DeLay**Subject:** Email Poll**Conducted by:** Patti Owen-DeLay**Date(s) poll conducted:** Tuesday, August 18, 2026 and Wednesday August 19, 2026

Background: Last week Board President, Terry Nolan and Vice-President Zach McKinney received an email with the attached letter requesting formal board review of the Citizen Review Request concerning the book, *You Are The Color* by Rifk Ebeid. Per policy, ***The President of the Board will advise the Board of Trustees of receipt of any such request. If a majority of the Board of Trustees requests the President to add the topic for cause to review any Library policy or staff administration of the same, or to discuss any matter identified in the request within the scope of the Board of Trustees' legislative role, the topic(s) will be added to a future Board Agenda.***

Question: Legal counsel has advised that the Board receive a form of legal briefing prior to voting on the question of whether or not to escalate the Citizen Review Request to the Board for a for-cause review. How do you want to receive legal advice to understand the legal implications and options open to the board for response to an escalation of the Citizen Review Request to the board for consideration in order to be able to decide to add the topic at an upcoming board meeting or not? Would you prefer to:

- A. Discuss this in person with legal counsel in a Special Meeting scheduled after the August 26th board business meeting and prior to September 29, 2026, in order to have a decision for inclusion of the topic, if so decided, on the September 30, 2026, board business meeting. The Special Meeting would be an Executive Session for legal advice followed by an open session board vote on action concerning the requested escalation to a for-cause Board review.
- B. Receive a confidential written briefing memo from legal counsel to the Board to be received by September 10, 2026. Then have a second email poll prior to September 29, 2026, instructing staff to either put the requested escalation to a for-cause Board review on the September 30, 2026, board business meeting for discussion and board consideration, or not to.

To Vote: To vote respond to the email with this poll stating your vote (Option A, or Option B) and if you have any comments, include your comment in the email response.

Pam Hampton:	Option A	Option B	Abstain	Could not be reached
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Comments:

John Kennedy:	Option A	Option B	Abstain	Could not be reached
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Comments:

Zack McKinney:	Option A	Option B	Abstain	Could not be reached
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Comments:

Terry Nolan:	Option A	Option B	Abstain	Could not be reached
Comments:				

Ted Vail:	Option A	Option B	Abstain	Could not be reached
Comments:				

Taylor Watson:	Option A	Option B	Abstain	Could not be reached
Comments:				

Amy Windju:	Option A	Option B	Abstain	Could not be reached
Comments:				

RATIFICATION DATE: _____ **MOTION #:** _____

August 11, 2026

Mr. Terry R. Nolan, President
Douglas County Libraries Board of Trustees
100 S. Wilcox Street
Castle Rock, CO 80104

For many months now, Douglas County Library (DCL) patrons have been asking the library to remove, replace, or move the book entitled *You Are the Color* by Rifk Ebeid. Since February 25, 2026, community members have shared their concerns about, fears over, and objections to this book with the DCL Board of Trustees at each of their monthly meetings. Director Bob Pasicznyuk's responses to our concerns have not fully addressed the procedural and developmental issues raised, and we are hereby escalating these matters directly to the Board of Trustees. Within this letter, we outline clear policy gaps regarding curation, self-published materials, and age-appropriateness, while highlighting established cognitive development science (*ACLU v. Miami-Dade*) and the library's clear authority under recent precedent (*Little v. Llano County*). We respectfully ask the Board to review these findings and direct that the book be replaced or relocated out of the children's section to the Young Adult area, while counterbalancing DCL's collection with titles that positively represent the Jewish indigenous connection to the land and humanize Israelis.

POLICY BREECHES

- DCL's BRAND STANDARD (welcoming, non-judgmental, and thorough) was violated in that:
 - The Executive Director's response was not thorough. Some questions were answered by the Executive Director. Others were not. We have been given no written evidence that he conducted fact-finding about the book's curation, legal review, or any other inquiries. We were not given a thorough and written summary of his review process with sufficient detail, including this book's relationship to the existing inventory of related books.
 - Several times the Executive Director has cited Colorado Law prohibiting a reconsideration of a challenged book within a two-year period to stop the conversation about the process. This is far from welcoming.
 - Neither has he shared how his "market -based" (Policies, p. 1) approach to curation was applied to this book.
 - He has not addressed what seems to be clear bias based on national origin in contravention of the library's commitment not to discriminate in that way.
- CENSORSHIP
 - The DCL Access Policy states: "Censors use the power of the state to impose their view of what is truthful and appropriate, or offensive and objectionable, on everyone else." (Policies, p.2) We submit herein that DCL "censors" have used a flawed curation process and thus the power of the state to impose their view of what is truthful and appropriate, or offensive and objectionable on the citizens of Douglas County.
- CHILDREN AND PARENTS POLICY
 - ...content will be placed within the recommended area of the Library using commonly accepted professional resource recommendations (Policies, p.4) Additionally, the Executive Director has written in his review (February 2, 2026) that *Library peers and reviews locate this [You Are the Color] as an easy-reader or picture book*. Please provide that information in full. The book is self-published, thus the author chose the metadata and thereby the categories, including "picture book" under which it is listed and the Library simply accepted that classification. The Executive Director has tried to obfuscate that fact several times by citing BISAC (Book Industry Standards and Communications) and Ingram (Company for self-publishers) but this fact remains. There is likely a very good reason this book had to be self-published. It violates norms accepted by most publishing companies. First, it is a "picture book" which includes a glossary. Normally, picture books for children use the pictures and the story context to help readers understand words used in the book. Glossaries are normally for non-fiction informational texts, or for explaining

“magical” universes (think Tolkien) or science fiction worlds where the author creating the fiction is inventing words for the fictional universe described. Glossaries are therefore normally found in non-fiction works and are essentially simplified dictionary definitions. This book not only uses the “picture book” format to address a highly charged political topic but then adds a glossary with extremely contested definitions. Pretending to be a picture book, it uses disturbing political images and “definitions” to lead children to a political viewpoint with inaccurate information.

- CITIZEN REVIEW REQUEST POLICY—The Process

- Under item 5 in this policy, *the Board of Trustees may determine to have a verbal or written report presented from staff involved in the review process, require a written summary of the review process, and consider application of its policies to the request.* (Policies, p.6) Because many of our questions remain unanswered, we ask for a written report from staff involved in the review process and a written summary of the review process itself.

- CURATING LIBRARY COLLECTIONS AND CONTENT POLICY

- *Customer demand is our priority and guide in selecting and retaining items for the inventory. Library staff are charged with using usage patterns, sales data, publisher marketing investments, and customer requests to ground decisions to select, locate, and retain items. Letting the marketplace ground curation is the best way to mitigate staff or customer pre-conceived philosophies or biases.* (Policies, pp.7-8) Though this question was never actually answered by the Executive Director, we found through our CORA request that this book was recommended by a member of staff who heard about it from another staff member at the Arapahoe County Library not from a customer request. The book was purchased approximately 2 weeks later. Because this is a self-published book, publisher marketing investments would be limited, and, we believe, current usage data is skewed by interest in the book from people who are borrowing it to better understand the controversy and possibly by friends of the author—who appears to have ties in Colorado having graduated with a degree in Speech Language Pathology from the University of Northern Colorado.
- *In addition to demand, the Library will employ additional and customary professional criteria in making specific decisions about titles* Policies, p.8):
 - *Documented community needs and interests.* We are asking for that documentation...
 - *Attention from bona-fide critics and reviewers with expertise in relevant fields.* The Executive Director has stated that *beyond the demand for this title, staff consulted multiple reviews and sources in the selection. Reviewers recommend the title.* In emails dated March 25, April 27, May 2, and May 24, 2026, we asked the Executive Director for professional reviews of the book. We received no reply. What we did discover in a memo from the Executive Director to the Douglas County Libraries Foundation Board of Directors [Date unknown], the Executive Director specifically mentions *You Are the Color* and shares the curation criteria and process, which includes asking the questions: *are there reviews of the title? what are the critics saying? what are the sources of the reviews? has the title won any awards?* The memo then gives the names and statements of the “reviewers,” all of whom are extremely biased activists.

Including:

Mazin Qumsiyeh (also spelled **Mazin Qumsiyeh**) is a Palestinian-American biologist, author, and activist. He has been a prominent critic of Israeli government policies for decades. Some of his better-known positions and statements include:

- He has repeatedly described Israel as a **settler-colonial** and **apartheid** state.
- He has argued that Israel is engaged in **ethnic cleansing** of Palestinians, particularly with respect to displacement in the West Bank and Gaza.

- He has accused Israel of committing **war crimes** and, more recently, **genocide** in Gaza.
- He has supported the **Boycott, Divestment and Sanctions (BDS)** movement against Israel.
- He has advocated replacing Israel as a Jewish state with a **single democratic state** encompassing Israel, the West Bank, and Gaza in which Jews and Arabs would have equal citizenship.
- He has argued that Zionism is a form of **colonialism** and has criticized political Zionism as incompatible with equal rights for Palestinians.
- He has accused Israel of violating international law through settlement construction, military occupation, and restrictions on Palestinian movement.
- He has compared Israeli policies toward Palestinians to **South African apartheid**

Sahar Mustafah, a Palestinian-American author and educator, frequently writes and speaks about Israeli policies, the Palestinian occupation, and the broader Israeli-Palestinian conflict. Her public critiques include:

- **Categorization of Israeli Actions as Oppressive:** Mustafah has described the Israeli occupation and treatment of Palestinians as a form of colonialism, characterizing it as calculated efforts to displace Palestinians through checkpoints, land seizure, and restricted movement.
- **Criticism of Zionism:** She has characterized Zionism as an oppressive ideology aimed at achieving "maximum land with minimum Palestinians," resulting in the systemic alienation and displacement of the Palestinian people.
- **Denunciations of the War in Gaza:** She has sharply criticized Israel's military campaign in Gaza, citing reports and referring to the violence as an active genocide that has "thoroughly debunked" the perception of Israel as a democratic nation. [1]
- **Criticism of Pro-Israel Advocacy:** Mustafah has specifically targeted institutions like the Anti-Defamation League (ADL), arguing that they weaponize Jewish historical trauma and the Holocaust to manufacture fear, shield Israel from criticism, and silence the Palestinian narrative in American schools.

Ramzy Baroud is a Palestinian author, journalist, and editor of *The Palestine Chronicle* whose writings fundamentally reject Zionism and the State of Israel. A summary of his core anti-Israel statements and political stances includes:

- **Accusations of Genocide and Annihilation:** Baroud frequently characterizes Israel's military actions and policies in Gaza as an ongoing "slow-motion genocide" and a policy of "annihilation," citing the extensive destruction of homes, hospitals, and universities. He has argued that these military campaigns are designed to make life unsustainable for Palestinians. [1, 2, 3, 4]
- **Support for Armed Resistance:** He views armed resistance (*mukawama*) as a fundamental, legitimate right and an integral part of Palestinian history. He defends this stance against Western interpretations, arguing that Palestinians have been marginalized and betrayed, and therefore rely on self-liberation. [1, 2]
- **Condemnation of "Zionism and Colonialism":** He regularly attacks the ideological foundations of Israel, identifying Zionism as a form of settler-colonialism. Baroud has called on global civil society to actively resist Zionism and colonialism. [1]
- **Criticism of the "Jewish and Democratic" Contradiction:** He argues that the concept of a "Jewish and democratic state" is riddled with irreconcilable contradictions and inherent racial supremacy, which Palestinians are actively resisting. [1]
- **Militarism and Territorial Liberation:** In his geopolitical and historical commentary, he has compared the liberation of Jerusalem to the Crusades and expressed a desire for a time when the Muslim nation (Ummah) will possess the "courage and spirit and power and resources" to "storm in" and overtake the State of Israel. [1]

Malak Mattar has frequently condemned Israel's destruction of Gaza's cultural infrastructure, including the bombing of ancient churches, museums, and historical sites, and criticized international institutions for remaining silent.

- **Boycott and Divestment:** Mattar has publicly called for cultural boycotts against Israel and demanded the exclusion of Israel from international platforms, comparing the situation to apartheid in South Africa.
- **Critique of the International Community:** She has expressed deep disillusionment with the "international community," stating that she lost faith in their willingness to protect Palestinians when she was just eight years old.

COLORADO LAW

- The Executive Director has also cited support for his decision in Colorado Law C.R.S. 24-90-122, (g) *A public library shall consider the perspectives of marginalized groups, including those identified in section 24-1-104 (1)(a)* [which was a mistaken citation.] The correct citation is C.R.S. 22-1-104 (1)(a) which states: *The history and civil government of the United States and of the state of Colorado, which includes the history, culture, and social contributions of minorities, including but not limited to American Indians, Latinos, African Americans, and Asian Americans, the lesbian, gay bisexual, and transgender individuals within these minority groups, and the intersectionality of significant social and cultural features within these communities, and the contributions and persecution of religious minorities must be taught in all the public schools of the state.* We would request clarification of how the Executive Director sees this citation supporting his decision regarding this book. Additionally, we seek an understanding of how the Executive Director would justify the use of this statute in acquiring this book and retaining this book given that it places imagery that advocates for the geographic and political elimination of a sovereign state into the hands of a young child. This sovereign state also happens to be a nation to which a well-established Colorado religious minority has a strong attachment, many with children who visit relatives there on a regular basis. This is essentially placing propaganda in the hands of children, in a state where peaceful protestors walking in solidarity to return hostages taken from that nation were set on fire, killing one protester and injuring others on June 1, 2025, by a perpetrator expressing the exact same sentiments expressed in this book.

ADDITIONAL CONCERNS

- Additionally, the Executive Director has stated that the library includes multiple works handling content about the “nakbah” from a different perspective. We would like a list of those titles to ensure none contains information for young children—no matter the viewpoint—that is inaccurate or equally indoctrinating as we do believe in balance and fairness for all.
- Also, once purchased, how was *You Are the Color* displayed, who made those decisions and why?
- The Executive Director states *BISAC and peer libraries locate this item with similar picture books instead of the Young Adult collection.* According to the Executive Director’s email to us on April 30, 2026, 90 libraries in North America carry this title. So since over 99% of the libraries in North America do not carry this title and since this is a self-published book, he needs to better explain this reasoning and why this precludes it being immediately moved to the “Young Adult” section.
- Libraries in general prefer to purchase titles from reputable publishers over self-published books, for many of the reasons we are pointing out here. They regularly remove books that are factually incorrect as better knowledge becomes available and big publishers work to assure informational text from their authors is accurate. They generally do not include glossaries in picture books, perhaps another reason this book was self-published. Libraries also promote media literacy, highlighting sources that combat misinformation. This book flies in the face of those widely accepted practices.

- The Executive Director states that *the library has multiple works handling similar content from differing perspectives*. We would like to have that list. Are there any “picture books” that define Palestinians as terrorists that do not deserve a state of their own, which would seem to be and “equivalent,” if reprehensible, and opposite view.
- Listening to speakers during the Citizens’ Comments section of the Board meetings starting in February, we have been struck by the unwillingness of the Executive Director to acknowledge or address the following concerns by community members who appear knowledgeable in these areas:
 1. Lack of cognitive capacity: Children between the ages of 4 and 8 are very impressionable and accept what they are told by adults, including authors. This is compounded by a glossary that provides inaccurate information.
 2. Inability to discern and lack of basic information for context: We discuss this further below.

In closing, education is certainly at the heart of what libraries do. This is codified in statute and is exhibited in standard library practices. However, this book is more about indoctrination than education. Young children cannot contextualize this information. Thus, presenting a highly disputed geopolitical viewpoint—the literal erasure of an existing sovereign nation—appears to be indoctrination not education.

Because DCL policy has not been properly followed, the book *You Are the Color* by Rifk Ebeid, is still, technically, undergoing the full review process and we are hereby requesting, in writing, that the Board of Trustees direct the Executive Director to reconsider replacing the book and, in the meantime, to relocate the book to the Middle School or Young Adult section for readers who have the cognitive capacity to understand it. Our request for replacement and relocation is grounded in established cognitive developmental standards and, if required, we will rely on expert psychiatric testimony regarding how early elementary-aged children might process such complex geopolitical messaging. Please also consider the following:

1. Standard of Developmental Appropriateness

- 1.1. Public library collection development policies heavily weigh the age and developmental appropriateness of materials cataloged in children’s sections. In the closely related federal appellate case *ACLU v. Miami-Dade County School Board* (552 F.3d 1223), the court examined the impact of presenting highly complex, disputed adult geopolitical conflicts to early elementary students. The court relied upon expert psychiatric testimony, specifically from child psychiatrists, establishing that:
 - 1.1.1. Lack of Cognitive Capacity: Children between the ages of 4 and 8 are “very impressionable” and accept what they are exposed to at face value.” They are entirely “unable to question or challenge it.”
 - 1.1.2. Inability to Discern Context: Early elementary children “do not have the cognitive ability to analyze and discern the nuances of international border disputes, historical land claims, or the realities of violent geopolitical conflict.
- 1.2. Risk of Indoctrination vs. Education: Because young children cannot contextualize this information, presenting a highly disputed geopolitical viewpoint as an absolute, unchallenged moral truth is developmentally inappropriate and borders on indoctrination rather than education.

2. Application to *You Are the Color*

- 2.1. This book concludes with a striking visual of a young boy painting a canvas labeled “Free Palestine,” featuring a map that entirely covers and erases the recognized borders of the State of Israel, replacing it with a conflicting flag.
- 2.2. Geopolitical Complexity: The Israeli-Palestinian conflict is one of the most complex geopolitical, historical, and religious disputes in modern history.
- 2.3. Cognitive Mismatch: Placing imagery that advocates for the geographic and political elimination of a sovereign state into the hands of a 5-year-old represents a severe cognitive mismatch. A child of this

age cannot comprehend the United Nations partition plan, sovereign borders, or the history of the Middle East. They lack the critical thinking skills required to contextualize the erasure of a nation.

3. Standard holding that materials in a public library constitute government speech and are therefore exempt from First Amendment speech challenges. (See; *Leila Green Little, et al. v. Llano County, Texas* 138 F. 4th 834 [5th Cir. 2025])
 - 3.1. Right to receive information: According to the ruling above, this right is not implicated by a public library procuring, moving, or removing books.
 - 3.2. The Library Collection is not a public forum: While any and all ideas must be allowed within a public forum, this is not the case regarding decisions to purchase, remove, replace, or move library books. In fact, libraries regularly “weed” collections, particularly children’s books that might contain information that might once have been acceptable but no longer fits with society’s view of acceptable norms as well as information that has been found to be inaccurate.
 - 3.3. Shurtleff factors: Again, based on the above ruling, these factors “show that libraries’ collection decisions have traditionally expressed libraries’ own views about what constitutes worthwhile literature.”
4. Application to *You Are the Color*
 - 4.1. The right to receive information does not mean a library cannot remove a book and in this case there is ample reason to remove/replace *You Are the Color*. The executive director has stated emphatically and repeatedly that procurement is based on consumer/market/customer demand. Yet there was no customer demand for this book. It was recommended by a staff member, who heard about it from another staff member at the Arapahoe Library. The executive director has also stated that decisions to purchase/remove/replace/move books must not be from a political, religious, social or activist view. Yet we have been given no information as to the political, religious, social, or activist views of the staff member who recommended the book or the friend in another library who recommended it to the staff member.
 - 4.2. The library collection is not a public forum, and it would be entirely reasonable to remove a book that consumer/customers have shown to be inaccurate and indoctrinating. In fact, as outlined above, the reviews cited in favor of this book are from very dubious, and extremely biased reviewers with no expertise but a good deal of activist ideology maligning Jews.
 - 4.3. According to the Shurtleff factors cited in the case above, a library’s collection/removal decisions reflect the libraries’ own views on the value of collected titles and the Executive Director assures the DCL Foundation Board of Trustees [date unknown] that “customer demand is tied to the long-standing, conservative values of citizen freedom and self-determination.” But there was no demand for this book from “customers” and the reviewers consulted represent a very strong anti-Israel view with no apparent request from patrons for books with that viewpoint—at least none that have been cited or shared in the many communications about this book that have now circulated between the Executive Director, Library Board Trustees, and Foundation Board Trustees. Further, “customers” in other libraries do not seem to be requesting the title either. The executive director has stated that 90 libraries in the U.S. carry the title. If you count entire systems as one library, the ALA reports 9,074 libraries which means about 1% of libraries have purchased it. Considering the conservative nature of our community as stated by the executive director and the much more liberal nature of other communities, it seems assumptions were made that fly in the face of “self-determination” the Executive Director espouses.

Little, et al. v. Llano County 138 F 4th 834 (5th Cir. 2025) specifically states:

... a library expresses itself by deciding how to shape its collection. As one court put it: “With respect to the public library, the government speaks through its selection of which books to put on the shelves and which books to exclude.” *People for the Ethical Treatment of Animals v. Gittens*, 414 F.3d 23, 28 (D.C. Cir. 2005) [“PETA”]. What the library is saying is: “We think these books are worth reading.”

Citizens of your community—your customers—have been expressing since February 2026, the shocked, confounded, and disturbed state that your actions have placed us in as the DCL disregards accurate information about Israel and places a book in the children’s section with propaganda about the only Jewish state in the world, a state which was a haven for the small number of Jews not murdered during the Holocaust, where so many American citizens from our county have friends and family, a state where they visit regularly and that they know intimately, a state that the cover of this book shows very clearly it would wipe off the face of the earth and replace with a Palestinian state. The DCL chose this book using only reviews by Palestinian activists. The executive director now says he is “balancing” this decision by placing other less controversial books about the Israeli Palestinian conflict in the collection. There is no “balance” while this book remains. *You Are the Color* tips that scale in a way that cannot be overcome. The DCL is telling us through the speech of their collection that our people will not be represented with accurate information, but rather by indoctrination of the county’s children against us.

REQUESTED ACTION

- Replace with alternative title: We are not requesting that Douglas County Libraries ban or remove this topic from their collection. We recognize the library’s role as a public forum for diverse ideas. However, the library also has a fundamental duty to properly choose and catalog materials according to cognitive and developmental appropriateness, to provide accurate information, to eschew indoctrination, to recognize that a library collection is a form of government speech and to thus proceed cautiously when deciding what information and ideas will be supported by this important government role and how it reflects on our community.
- Immediate relocation: Until an alternative title is found, *You Are the Color* must be re-cataloged and moved to the Middle School or Young Adult section, where readers possess the cognitive development and historical education necessary to process, analyze, and debate complex geopolitical conflicts and border disputes.
- Collection Balance: DCL is ethically obligated by its own Collection Development Policy to provide viewpoint balance. This book not only unfavorably tips that balance, it allows for no alternative view and actively calls for the elimination of the other side of the equation. As such, this book can only be considered a provocation masquerading as a children’s book. Would a children’s book that obliquely calls for the elimination of any other state in the world be purchased and retained by DCL?

In conclusion, the detailed policy breaches, developmental evidence, and governing legal precedents presented throughout this letter demonstrate that maintaining the status quo is both professionally indefensible and harmful to our community's youth. Because this self-published title entered our system via an internal staff bypass rather than legitimate patron demand or neutral peer evaluation, the Board of Trustees has a clear mandate and the full legal authority as a legislative body to correct this curatorial error today. We urge the Board to take swift, decisive action at the upcoming meeting by directing the Executive Director to immediately replace with an alternative title or re-catalog and relocate *You Are the Color* to the Young Adult section, order the recommended counterbalance titles, and restore DCL’s commitment to age-appropriateness, procedural integrity, and equal representation for all Douglas County families.

We look forward to your response.

Sincerely,

Gilad Shwartz
Larkspur, CO

Felice Entratter
Sedalia, CO

Candace and Steve Dylla
Parker, CO