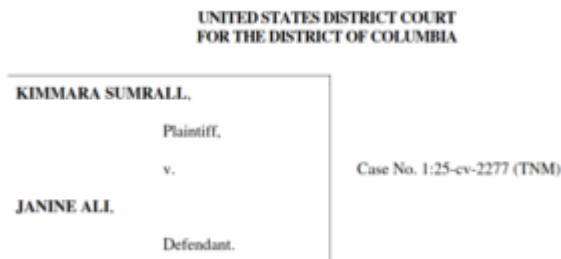


Awful Court Decision Says Jews and the Israeli Flag are the Same

written by Stanley Heller | August 25, 2025



An appalling decision by federal judge Trevor McFadden was filed on August 4. In short it ruled that pulling on an Israeli flag draped around a person's neck was not simply a minor assault, but "racial discrimination" because the "Star of David" symbolizes the "Jewish race."

The idea that Jews are a "race" makes one's skin crawl. To read that word in the judge's decision is extremely distasteful, but let's get into that later. The case that McFadden considered was a call for a protective order by Kimmara Sumrall against 73 year-old Palestinian American Janini Ali. Sumrall alleged that Ali grabbed the Israeli flag that Sumrall was wearing and momentarily choked her. She was granted an order that Ali stay 3-yards away from her. Here are two key sections of the judge's decision:

Purposefully yanking on an Israeli flag tied around a Jewish person's neck to choke them is direct evidence of racial discrimination. The Star of David—emblazoned upon the Israeli flag—symbolizes the Jewish race. Star of David, Encyclopedia Britannica (2025) ("The yellow badge that Jews were forced to wear(sic) in Nazi-occupied Europe invested the Star of David with a symbolism indicating martyrdom and heroism.").

...Ali did not have reason to think Sumrall was herself affiliated with the Israeli government. Rather, it is much more likely that she was intentionally attacking a Jewish person wearing a Jewish flag as a symbol of her racial heritage.

This is staggering. Jews sometimes wear the six-pointed star on a neck chain as a point of pride in their religion or ethnicity, but wearing the flag of Israel is something very different. It's an ostentatious way of showing solidarity with Israeli government and actions, in particular the war it's waging on Palestinians in Gaza and the West Bank. Sumrall was quite obviously a strong supporter of the actions of the state of Israel. There's nothing in the court decision that shows that Ali even knew that Sumrall was a Jew.

Now if Ali had spotted someone with a Jewish star on a neck chain and yanked the chain, the case could be made that the act was anti-Jewish. But there is no reason at all to think that whatever pulling, yanking or choking took place was anything other than Ali's disgust at support for Israeli government actions. Her feelings likely were similar to a Black person seeing a protest by someone wearing a Confederate flag or a Ukrainian seeing someone wearing the colors of Russia.

Let's talk about symbols. The judge says the "Star of David" symbolizes the "Jewish race." *Smithsonian* had a article in 2016 about the six-pointed star explaining that its association

with the Jewish religion goes back only to the 1800s. Danny Lewis writes in that article, "For thousands of years, Jews typically used the menorah, a seven-armed ceremonial candelabrum, as a symbol of their faith." Jews still use that menorah symbol today. That the six-pointed star has anything to do with the religious figure King David is dubious. It wasn't talked about until the Middle Ages in mystic literature. Back in 1949 in a thorough article in the Jewish magazine *Commentary*, the scholar Gershom Scholem noted the six-pointed star "is not to be found at all in medieval synagogues or on medieval ceremonial objects."

The Israeli flag is another symbol. For an increasing number of Jews it is something deeply offensive. In 2022, over a hundred Jews, some quite prominent, signed a call for Jewish institutions to take down the Israel flag from synagogues and Jewish centers. The claim by this judge that the Israeli flag and Judaism or Jews are identical is wrong and impertinent.

What Ali allegedly yanked on was a country's flag. It a symbol of a state notorious for major international crimes of apartheid and genocide. Its prime minister has been indicted by the International Criminal Court. If there was an assault, it was likely motivated by moral outrage at murderous actions, not religious bigotry.

Now let's talk about race. The notion that certain nations or ethnicities have common physical characteristics and mental abilities is bogus science from a century ago. As everyone knows that theory had catastrophic results for Jews. The Nazis used "race science" claims to brand Jews as sub-humans and attempt their extinction. As the site *MyJewishLearning* explains, "People who identify as Jewish include individuals of enormously diverse geographic origins and physical appearances, making the idea that Jews could easily be designated a race in the sense of shared physical or biological characteristics implausible."

The notion of "race" is questionable, but racism, prejudice against people believed to be part of some physically defined group, is, of course, alive and well. "Racial discrimination" is a bedrock of U.S. law. In 1987, an antisemitic act led to the U.S. Supreme Court decision *Shaare Tefila Congregation v. Cobb*. The court ruled that Jews can claim protection from racial discrimination determined by a 1982 law because when the law was passed Jews were considered a racial minority. In 2018 a U.S. magistrate as an article in *Haaretz* explained "concluded that Jewish citizens have been treated as a racial or ethnic group entitled to the law's protection against employment discrimination". The ADL, then not completely wedded to the far-right, had some misgivings. David Barkey, senior counsel for the Anti-Defamation League, said the lawsuit raises a "'sensitive issue' for the Jewish community, given that Nazis and other far-right extremists have perpetuated the anti-Semitic concept that Jews belong to a biologically inferior 'distinct race'." In 2025 the ADL had no reservations about Judge McFadden's finding about the Jewish star and the "Jewish race".

Let Jews who reject hate and fascism show that the innumerable crimes done by Israelis under flags and uniforms bearing this star do not represent us. Jews should consider going further than merely taking down the Israeli flag from synagogues. They should contemplate abandoning the six-pointed star as a symbol of Jews altogether. I understand the counterargument, "The Nazis made us wear the star. Let's spit in their faces and wear the star as our symbol." Yet Israel has sullied the "Jewish star" beyond measure. Its planned starvation, its humanitarian aid death-traps, its torture prisons and its ever-growing appetite for land are done under the aegis of the six-pointed star.

Netanyahu, Herzog, Smotrich, Ben-Gvir and the other louts have the six-pointed star in a fanatical embrace. After all the tens or hundred-thousands of killings done by their war machines carrying that emblem I don't see how to reclaim it as a proud symbol.

If we need a symbol let's go back to the menorah.

