

# Keizertimes

SECTION A

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## Hispanic man assaulted waiting for son

Assailant charged with bias-motivated intimidation in February incident

By ERIC A. HOWALD and CASEY CHAFFIN  
*Of the Keizertimes*

On Feb. 7, 2018, just after 1 p.m., on Elizabeth Street North in Keizer, a Hispanic man was waiting by his truck outside his apartment for his son so they could go to work. Then John Ross Niko pulled up.

According to police reports, and verified by a witness who called 9-1-1, Niko got out of his vehicle approached the Hispanic man, began threatening him before punching him in the face, then got back in his vehicle and fled the scene.

On another day, in another instance, the words Niko used before the assault and during and after his arrest might not have mattered as much, but Niko is still facing charges of assault and second-degree intimidation because his actions appeared to have been motivated by racial bias. In Oregon, charges of second-degree intimidation are leveled against suspects when crimes are motivated by the suspect's "perception of the other's race, color, religion, sexual orientation, disability or national origin."

The victim told police Niko stopped his car and said, "Why are you standing here? Go back to Mexico," then got out of the car and hit him in the face. The responding officer noted in his report that the victim was bleeding around his nose when he arrived.

A witness and the victim's son said Niko instigated the altercation, and a struggle continued while the son tried to separate the two men. However,

Niko appears to have had a history of targeting the victim and his son. The victim told police Niko, 36, had previously verbally harassed him. The victim's son claimed Niko once tried to run him over while walking the family dog.

Niko's vehicle was found around the corner at his residence and the victim and his son were able to identify him as the assailant from a DMV photo. Police returned to Niko's home and placed him under arrest while he protested against being "arrested for being attacked by an illegal." Niko asked officers whether they knew the man's legal status, but it is illegal for officers to ask that question in Oregon because it is a sanctuary state and has been that way for three decades.

When officers asked Niko how he knew the man was in the U.S. illegally, Niko responded, "because he does not speak English."

Please see ASSAULT, Page A6

## City council dragging its feet on inclusivity talks

By ERIC A. HOWALD and CASEY CHAFFIN  
*Of the Keizertimes*

In January 2017, a user of the social network Nextdoor.com posted a photo of a swastika drawn in the snow at their home. It was the second time in two years it happened at the residence in the Gubser neighborhood.

The post was met with mixed reactions, some downplayed the severity of the act while others encouraged the resident to report it to the police. Keizer resident Cyndi Swaney took one of the most vocal stances against it.

"It was surprising at how nonchalant people were in talking about the swastika compared to gang tagging going on a few miles away," said Swaney in a recent interview. She is a teacher in the Salem-Keizer School District.

A few months later, Swaney and a small group of friends attended a string of city council meetings asking for the city council to consider adopting an inclusivity resolution — a statement declaring the city a safe and inclusive space for everyone regardless of race, creed, national origin, gender identity and sexual identity. In the months before the ask, the Salem-Keizer teachers union, the Salem-Keizer School District, and the City of Salem had all adopted similar resolutions.

The request barely got out of mouths of the group before the language of the resolution

### A tale of two cities' inclusivity

Salem and Keizer have incorporated two very different takes on inclusivity. Salem's Chapter 97 of the city's revised statutes is a "big tent" take on inclusion. Keizer's only mention of inclusivity language is in the form of marginalizing groups with different sexual identities, the result of a voter-approved change in 1993.

SALEM	KEIZER
It is the policy of the City to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income. The Council finds that such discrimination poses a threat to the health, safety and general welfare of the citizens of Salem and menaces the institutions and foundation of our community.	The City of Keizer, including its Council and elected or appointed officers, shall not make, pass, adopt, or enforce any ordinance, rule, regulation, policy or resolution that extends minority status, affirmative action, quotas, special class status, or any similar concepts, based on homosexuality or which establishes any categorical provision such as "sexual orientation," "sexual preference," or any similar provision which includes homosexuality.

was deemed "inflammatory" by City Councilor Amy Ryan. In later discussions, the petitioners were accused of creating cover for undocumented immigrants and attempting to make Keizer a sanctuary city.

Nevertheless, Keizer Mayor Cathy Clark said the city would look into "putting Keizer wheels" on such a resolution, and suggested the possibility of establishing a task force. The idea was discussed once more in a work session

in July 2017, but the council hasn't resurrected the conversation since. While other issues have come and gone in that time, the council has canceled seven of its last nine work sessions when it might have taken another look into the inclusivity issue.

"I'm really surprised at the pushback," Swaney said. "I never would have thought it would take this long. I believed them when they said

Please see INCLUSIVE, Page A5

## 'All these changes are happening... it's about how you respond to it'

By CASEY CHAFFIN  
*Keizertimes intern*

A year after the Charlottesville "Unite the Right" Rally left many injured and one killed, the American conversation about hate continues to stall out in certain places.

For an example, look no further than the Keizer City Council chambers. After a group of residents approached city leaders with a request to adopt an inclusivity resolution last year, the issue died with relatively minimal discussion (see related story, *Council dragging its feet* this page.)

In a state like Oregon, which regularly votes blue in national elections and is touted as a progressive haven, the conversation stalls out in a fundamental misunderstanding of who we are. Oregon was not founded, in 1859, as a liberal paradise: it was founded as a place for

white people to escape the abolitionist movement in the years preceding the Civil War.

That legacy did not fade, it found new outlets. As Randy Blazak, a hate researcher who

serves as chair of the Oregon Coalition Against Hate Crimes in Portland, said, "In the 1990s, the traditional Klan started to fade, but there was a lot of energy around the idea that the north-west region would secede and become a white-only homeland."

When Blazak moved to Portland to conduct research in the late 1980s, he did so because Portland had become known as "Skinhead City."

"It was, I guess, shocking to a lot of folk because Oregon was seen as a progressive place," Blazak said. But the history of the state, and of America, continues to haunt the present.

Please see CHANGES, Page A5

### There's a difference

#### HATE CRIME:

Any crime motivated by the perpetrator's perception of the victim as belonging to a protected class of individuals. Burning a cross in your black neighbor's yard would be a hate crime.

#### BIAS INCIDENT:

Any action that is discriminatory against a protected class, but not criminal in nature. Standing outside a mosque and shouting racial slurs at those attending religious services there would be a bias incident.



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