

Rights	US Const	Or Const	Explanation, Differences and Major Cases
Freedom of Speech, Religion	1st Amend	Art I, sec 2-8	US Supreme Court: <i>Citizens United v. Federal Elect. Comm.</i> (2010) (corporate contributions allowed without limit) Or Supreme Court: <i>State v. Ciancanelli</i> (2002)
Right to Bear Arms	2 nd Amend	Art I, sec 27	US Supreme Court: <i>Dist of Columbia v. Heller</i> (2008) (overturned handgun ban) Or Supreme Court: <i>State v. Hirsch</i> (2005) (upheld felon in possession of a firearm crime against Art I, sec 27 claim)
Rights against unreasonable searches and seizures	4th Amend	Art I, sec 9	The federal law focuses on whether the police acted reasonably. Oregon law focuses on the personal rights of individuals. Article I, section 9, provides greater protection to individuals in almost all cases. US Supreme Court: <i>Wong Sun v. US</i> (1963) Or Supreme Court: <i>State v. Holmes</i> (1991), <i>State v. Hall</i> (2005), <i>State v. Rodgers/Kirkeby</i> (2010)
Privilege against compelled self-incrimination, no double jeopardy	5 th Amend	Art I, sec 12	State and federal protections are basically the same. A person suspected of a crime does not have to talk to the police, can consult with a lawyer, and the police must inform the person of her rights. In court, a person accused of a crime does not have to testify and the refusal to do so cannot be used to convict the person. US Supreme Court: <i>Miranda v. Arizona</i> (1966) Or Supreme Court: <i>State v. Roble-Baker</i> (2006)
Right to confront one’s accuser, to a lawyer, and to a jury trial	6 th Amend	Art I, sec 11	<u>Right to Counsel</u> : Basically the same. A person has a right to a lawyer’s help at every “critical stage” of a prosecution, including a trial and sentencing.

			<p><u>Confrontation</u>: At a criminal trial, the 6th Amendment provides a defendant the right to confront a person whose out-of-court statement is “testimonial,” and Article I, section 11 provides the right to confront a person if the out-of-court statement is not “reliable.” US Supreme Court: <i>Crawford v. Washington</i> (2004) Or Supreme Court: <i>State v. Campbell</i> (1985)</p>
No cruel and unusual punishment, punishment must be proportionate to the crime	8 th Amend		<p>US Supreme Court: <i>Atkins v. Virginia</i> (banned the execution of mentally retarded people) Or Supreme Court: <i>State v. Rodriguez/Buck</i> (2009) (Measure 11 sentence can violate proportionate punishment clause)</p>
Equal protection, privileges, and immunities	14 th Amend	Art I, sec 20	<p>The state and federal constitutions basically provide the same protections. The state constitution requires the government to act according to established, consistently applied procedures instead of treating people differently on a case-by-case basis. US Supreme Court: <i>Brown v. Board of Education</i> (1955) Or Supreme Court: <i>State v. Freeland</i> (1983)</p>
Due Process of Law	5 th and 14 th	No equivalent	<p>Federal constitution provides general protections against unfair processes or violations of core rights that are not expressly mentioned in the Bill of Rights.</p>
Crime victim’s rights	None	Art I, sec 42	<p>Oregon constitution provides crime victims rights in criminal prosecutions.</p>