

**Remarks by Floyd Abrams  
Accepting The Media Institute's  
2024 Freedom of Speech Award  
October 29, 2024**

All of us who are present tonight appreciate, in our own ways, that we have a First Amendment – or, put more accurately, that we have the one we have.

It didn't come easily. When the framers of the then new, post-revolutionary Constitution met in Philadelphia in 1787, the first vote on having any Bill of Rights at all was unanimously against it – with 10 states voting “no” (three had not yet arrived in Philadelphia). The Constitution itself, Alexander Hamilton would write, “is a Bill of Rights.” And a written Bill of Rights, James Madison observed, would be just a “parchment barrier” to government overreach – a piece of paper easily overlooked or ignored.

But the tide turned with Thomas Jefferson, our first ambassador in France, writing to Madison that he was “astonished” that the new nation would proceed without explicit protection of “freedom of religion, freedom of the press,” and other fundamental rights. Which, of course, were ultimately included in what became the First Amendment as drafted by Madison and introduced to the new Congress that met in New York City in 1798.

As years passed, we were not alone in including in our Constitution explicit protection for freedom of speech and freedom of the press. Here's one example of language in another nation's Constitution: “Every person shall have the freedom of speech and expression, which shall include the freedom of the press and other media.” Here's another: “Citizens are guaranteed freedom of speech, of the press, of assembly, demonstration and association.”

Not bad, right? Except that the first language I read to you is from Article 19 of the Constitution of Eritrea and the second from Article 67 of the North Korean Constitution. And that when Reporters Without Borders ranked freedom of the press in nations around the world, North Korea ranked 178 out of 180 nations, and Eritrea 180 out of 180.

So, words alone, even in constitutions, cannot guarantee freedom. In fact, words can sometimes hide the lack of freedom. We are extremely fortunate that our law if not always our practice has protected freedom of speech and of the press. Of course, we've been far from perfect. But now and then – and certainly on a night such as this – we should be grateful that we have the extraordinary level of protection that we do have.