



December 10, 2024

Alexandra A. Mitropoulos  
Deputy General Counsel  
Berklee College of Music  
1140 Boylston Street  
Boston, Massachusetts 02215

*Sent via U.S. Mail and Electronic Mail (amitropoulos@berklee.edu)*

Dear Ms. Mitropoulos,

FIRE appreciates your response regarding Berklee’s indefinite postponement of Simon Amaya Price’s “Born in the Right Body: Desister and Detransitioner Awareness” event. However, our concern remains. Berklee did not abide by its commitment to free expression regarding this event, and we once again urge Berklee to ensure that student events will not be canceled or postponed because of widespread criticism.

While Amaya Price did agree to the initial postponement of his event at the behest of Berklee Vice President and Executive Director Ron Savage,<sup>1</sup> Amaya Price expected prompt rescheduling, not functional cancellation. Savage’s commitment to help Amaya Price find a new venue and execute event logistics supported this expectation. Amaya Price did not expect Savage to renege on his promises and indefinitely postpone the event. That Amaya Price presented his assignment in class and received full credit is certainly a relief. But it is also inconsequential to the question of whether Berklee’s actions upheld its commitment to free expression. That Amaya Price ultimately chose to proceed with the event at a different, off-campus venue is also inconsequential to the question of free expression at Berklee, as Amaya Price made this decision *because* Berklee showed no intention to reschedule the event.

Your principal claim is that safety and logistical concerns necessitated postponement,<sup>2</sup> but this claim is made without reference to any specific threat to campus safety. It is difficult to believe

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<sup>1</sup> This type of undue pressure is impermissible as the power differential between student and administrator is so significant that a student may not understand this suggestion as genuinely voluntary.

<sup>2</sup> You note that the class project asked students to “go into the community and share their stories and a cause they care deeply about.” As a desister himself, Amaya Price’s event, which would bring awareness to the issues desisters and detransitioners face legally, societally, and medically, did just that. And contrary to your assertions, the professor for the class never asserted that the event had grown beyond the scope of the project, nor did Amaya Price ever alter details of the event since his initial proposal of it. The only logistical concern brought to Amaya Price’s attention was that there may be more people in attendance than anticipated—a

that if a specific threat existed, Berklee would not disclose it to Amaya Price so that he could take personal precautions. That Amaya Price has not been apprised of any safety concerns suggests that no specific threat exists to justify postponing the event. Further strengthening this suggestion, the event went on without incident at MIT after the event had garnered *even more* public attention and potential hostility. Thus, it appears no tangible threat existed, and, as the Supreme Court has said, “undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression[.]”<sup>3</sup> to which Berklee clearly commits itself.

As an institution dedicated to the arts, this squelching of expressive freedom should be of profound concern to Berklee. By indefinitely postponing Amaya Price’s event, Berklee has sent the message that artistic expression, and indeed personal expression of all kinds, can be thwarted simply because others are opposed to the views they expect to be expressed. That is why, if those opposed to a speaker or their messages target an expressive event for disruption, Berklee must respond with “bona fide efforts” to protect the speaker’s and audience’s expressive rights.<sup>4</sup> To be seen doing otherwise is to *invite* further threats to Berklee community members.

Berklee owes its campus community, and certainly Amaya Price individually, full transparency as to what, if any, threats occurred and what actions the college took to address them before postponing the event.<sup>5</sup> Without this transparency, the appearance that Berklee postponed the event primarily because of viewpoint opposition will remain.

We will again remind you that free speech principles exist precisely to protect expression that some, or even most, may find subjectively offensive and hateful.<sup>6</sup> As divisive as the expression of beliefs surrounding LGBTQ+ issues may be, stifling the voices of those seeking to discuss those issues will only inflame the already-heated campus atmosphere. Neither popular petitions nor hostile mobs can justify indefinitely “postponing” an event.<sup>7</sup>

While Berklee has an important interest in ensuring campus safety, it may not invoke apprehension of security threats to squelch debate and discussion. In the future, Berklee must take a principled stance for free expression by firmly resisting demands for censorship, even when that is difficult or unpopular. We request a response to this letter no later than the close

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concern that could have been easily and quickly addressed. If there were other logistical concerns, then Berklee should have disclosed those concerns to him.

<sup>3</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 508 (1969).

<sup>4</sup> *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018) (en banc).

<sup>5</sup> And if there were threats truly so serious that Berklee felt it had no choice but to indefinitely postpone the event, the college has a responsibility to report those threats to law enforcement so they can be investigated and criminal charges pursued if appropriate.

<sup>6</sup> *Matal v. Tam*, 137 S. Ct. 1744, 1764 (2017) (the Court has refused to a limitation on speech viewed as “hateful” or demeaning “on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground.”); *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (the First Amendment protects burning the American flag under the “bedrock principle” that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

<sup>7</sup> See, e.g., *Bible Believers*, 805 F.3d at 252.

of business on December 23, 2024, confirming Berklee will not cancel or postpone student events because of widespread criticism or unspecified safety concerns. Of course, FIRE is happy to help Berklee develop its practices when dealing with these kinds of situations, free of charge in accordance with our charitable mission.

Sincerely,

A handwritten signature in black ink that reads "Haley Gluhanich". The signature is written in a cursive, flowing style.

Haley Gluhanich  
Senior Program Officer, Campus Rights Advocacy

Cc: David Bogen, President  
Ron Savage, Vice President and Executive Director