

Statement on Institutional Neutrality and Freedom of Speech

Center on Energy Law and Policy

William & Mary Law School

Issues of energy law and public policy are intrinsically controversial, especially given the convergence of energy and environmental policy over the past several decades. Questions such as the most desirable forms of electrical power generation, the optimal regulatory and market structures necessary to provide reliable power to consumers, how or whether to implement environmental goals into energy planning, how to balance business needs with consumer protections, are all serious questions that can and do lead to deeply different opinions.

The Center on Energy Law and Policy at William & Mary Law School provides a forum for well-reasoned and well-informed discussion, analysis and debate on the most pressing energy issues of our day. The Center does not shrink from intellectually rigorous debate; on the contrary, the Center encourages it and believes that through such an intellectual process, human knowledge and reasoning ability advance. In this way the Center also provides critically important skills for law students.

While the Center itself facilitates debate by providing a neutral forum, *as an institution* it does not take sides in such debates nor act as an advocate for any one competing point of view. By contrast, individual faculty members and staff associated with the Center, advisory board members, supporters of the Center, authors of papers sponsored by the Center or speakers at conferences or other events organized by the Center, will and indeed are encouraged to express well-reasoned and often strong opinions on energy issues, *in their individual capacities*. The Center itself, however, is institutionally neutral, just as the law school is institutionally neutral even though individual faculty members can and do have strong opinions on legal and policy issues and express them regularly in oral and written advocacy.

As a neutral forum, the Center will not avoid controversial issues nor shield participants in Center activities from hearing opinions they may not like or agree with. As William & Mary Law School Dean Benjamin Spencer has said to law students:

The role of a university is to facilitate the free and open exchange of ideas in pursuit of knowledge and truth. It is not our job to favor one viewpoint over another, to pick winners and losers. Because this is a university, you are going to hear ideas and viewpoints that you disagree with, or that you even find extremely disturbing. You will have to resist the impulse to shut down that speech. You have no right to be protected from speech with which you disagree,

and I have no obligation or authority to shut it down.¹

While institutionally neutral, the William & Mary Law School Center on Energy Law and Policy embraces this philosophy of robust debate on the most pressing energy issues of our day. Through such rigorous intellectual testing, law and policy that serve the public interest and advance human knowledge are more likely to emerge.

¹ Speech to Entering William & Mary Law School students by Dean A. Benjamin Spencer.