

February 15, 2023

**VIA E-MAIL: [lawrence.tabak@nih.gov](mailto:lawrence.tabak@nih.gov)**

Lawrence Tabak, D.D.S, Ph.D.  
Acting Director  
National Institutes of Health

Re: Unconstitutional Exclusion of Dr. Alka Chandna from  
National Advisory Mental Health Council Meeting

Dear Dr. Tabak:

I write on behalf of People for the Ethical Treatment of Animals, Inc. (“PETA”) and its Vice President of Laboratory Investigation Cases, Dr. Alka Chandna, concerning the National Institutes of Health’s (“NIH’s”) unconstitutional exclusion of Dr. Chandna from the February 7, 2023 National Advisory Mental Health Council (“NAMHC”) Meeting at the NIH Main Campus in Bethesda, Maryland. Absent NIH’s assurance that Dr. Chandna and other PETA staff will not be unconstitutionally barred from future NIH public meetings, PETA is prepared to take legal action.

The relevant facts are as follows:

- On October 24, 2022, Dr. Chandna and fellow PETA staff Dr. Katherine Roe and Evelyn Wagaman posted PETA flyers and a PETA leaflet in publicly accessible spaces at the NIH Main Campus. These explained: “At the National Institutes of Health, monkeys are kept in solitary confinement for years on end, given irreversible brain damage, and terrorized with life-like ‘snakes’ and ‘spiders.’” They “urge[d] NIH to end [] worthless monkey fright experiments immediately.” *See Exhibit A.*
- On January 28, 2023, Dr. Roe wrote to Dr. Karen Gavin-Evans, Chief of the National Institute of Mental Health’s Extramural Policy Branch, “to indicate PETA’s interest in delivering oral comments” at the February 7 NAMHC meeting. Dr. Roe enclosed a brief description of PETA and its proposed oral presentation. *See Exhibit B* (explaining that PETA intended to, among other things, “share information regarding

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NAME OF THE FOUNDATION TO  
SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
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- specific monkeys in [a NIH] laboratory,” and “offer several effective alternatives to [NIH] experiments.”).
- On February 3, 2023, Dr. Gavin-Evans extended a written invitation to Dr. Roe and Dr. Chandna. *See* Exhibit C. The invitation assured Dr. Roe and Dr. Chandna that upon “giv[ing] the [security] attendant your name,” “you will be directed to the seating area” for the NAMHC meeting. *Id.* Finally, it explained that, barring unforeseen “scheduling concerns,” they would receive “up to 5 minutes to speak on the topic” previously approved by Dr. Gavin-Evans. *Id.* Dr. Chandna confirmed receipt of this invitation enthusiastically. *See* Exhibit D.
  - Given this cordial exchange, Dr. Chandna was shocked when she was unceremoniously—and discriminatorily—denied entry to the NIH Main Campus on February 7. As instructed, Dr. Chandna presented her driver’s license to a security attendant and filled out a card indicating the purpose of her visit. However, after a 15 minute delay—during which Dr. Chandna observed NIH security personnel passing her driver’s license around and conferring with each other—two security guards approached her and informed her that she would not be permitted to enter the campus.
  - Confused, Dr. Chandna told the security guards that she had received a written invitation, which she presented to them. One guard informed her that because of her affiliation with PETA, and because of PETA’s prior action on campus, she would not be permitted to enter. When Dr. Chandna asked whether all PETA employees were banned from the campus, the guard said “no” but informed her that after her “action” of “leaflet[ing]” a few months ago, she had personally been banned from entering the campus. Dr. Chandna was perplexed, and explained that she had simply posted flyers in publicly accessible spaces, which she did not believe to be in violation of any rules. **The guard responded that the issue “was what was on the flyers,” not just the act of posting them. Dr. Chandna understood this to mean that she had been banned from the NIH campus because of the viewpoint expressed on the flyers she posted—that is, a viewpoint critical of the agency’s unethical treatment of animals.** Shortly thereafter, Dr. Chandna thanked the security guards and left the building.

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As this description makes apparent, Dr. Chandna’s exclusion from the NIH Main Campus violated the First Amendment. When, as here, a government entity opens a forum for “certain groups” to engage in expressive activity, “or for the discussion of certain topics,” it creates a “limited public forum.” *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829 (1995). The Supreme Court has repeatedly held that “[a]ny access barrier” “to a limited public forum . . . must be reasonable and viewpoint neutral.” *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the L. v. Martinez*, 561 U.S. 661, 679 (2010) (collecting numerous cases); *see also Rosenberger*, 515 U.S. at 829 (“The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”). By banning Dr. Chandna from its campus because of her viewpoint and her affiliation with an organization that advocates for the ethical treatment of animals, NIH blatantly flouted these bedrock constitutional principles.

In light of the foregoing, **please provide your assurance that Dr. Chandna and other PETA staff will not be unconstitutionally excluded from future NIH public meetings and from NIH facilities.** Absent such an assurance, PETA is prepared to take legal action to enforce Dr. Chandna’s and its constitutional rights.

Because litigation is now anticipated, please also preserve all documents and other materials relating to the above-described events. This preservation obligation includes, but is not limited to, documents, emails, letters, text messages, photographs, videos, memoranda, reports on government-issued or personal devices, and records of instant messages from applications including but not limited to Confide, WhatsApp, Slack, and Signal.

Thank you for your attention to this matter.

Sincerely,

Jeffrey Stein  
Litigation Counsel  
PETA Foundation  
[JeffreyS@PETAf.org](mailto:JeffreyS@PETAf.org)

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