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Dr. Virginia Hinshaw
Provost and Executive Vice Chancellor
University of California, Davis

Dear Virginia,

I am writing to you to express concerns regarding the recent criminal case involving Dr. Bin Han, a former staff researcher at UCD.

I wish to state at the outset that my knowledge of the case is limited. I have read the press accounts, and have been given more detail by a friend of mine, Guy Wong, a Sacramento CPA who attended the trial and has organized a defense fund for Dr. Han. Yet even this limited information raises troubling questions.

Some supporters of Dr. Han have drawn parallels between the Han case and the case of Dr. Wen Ho Lee. As you may know, in 1999 I was appointed to the Steering Committee of the Wen Ho Lee Defense Fund, so I am very familiar with the Lee case. Our committee's position was that although we lacked sufficient information to pass judgment on Lee's guilt or innocence, we believed that Lee was the victim of major violations of due process. In the end the judge in the case agreed, making a dramatic courtroom apology to Dr. Lee for the federal government's outrageous abuses of power in his case.

This is very different from the Han case, in which the judge made no claim that either the prosecution or the university were remiss. Yet there appear to be due process issues, or at least issues in the general realm of fairness, in the Han case as well, and evidence suggests that the decision to arrest him may have been made overly hastily.

I am told, for example, that some of Dr. Han's accusers discussed the case with each other to "get their stories straight," i.e. to achieve consistency between their various accounts of the incidents. While this may be legal, it does place the university in a position of appearing not to engage in fair play.

Even more disturbing is the report I hear that fellow researcher Dr. Christine Pullar, arguably Han's major accuser and the one who made the call to the police resulting in Han's arrest, had previously informed her superior that she (Pullar) had engaged in dishonest behavior toward Han. She admitted in court that she had deliberately given Dr. Han an incorrect phone number for a staffer at the FDA. This too puts the university in a very bad light, and indicates a hostile work environment which could easily have prejudiced the case against Dr. Han. Moreover, one may question the supervisor's judgment in allowing a criminal complaint to be so hastily filed in the first place, given Pullar's earlier action.

Meanwhile, a number of claims have been made that Dr. Han's arrest was made amidst an atmosphere of academic backbiting, deceit and unethical behavior. Evidence in the trial apparently did not resolve these claims, and they remain troubling.

I am aware of the fact that the university is conducting its own investigation into this entire matter. I urge you to ensure that the above concerns are given thorough scrutiny, and that the final report be made public with the minimal possible amount of redaction. And clearly, there must be redress in the event that inappropriate actions are found to have occurred.

Some of Dr. Han's supporters have also asserted that there was a national origin issue in Han's arrest and prosecution. None of the evidence I have read or heard indicates this. Nevertheless, given China's larger-than-life image which pervades the U.S. media, with attendant negative fallout on Chinese-Americans, I do urge the university to look into this issue as well.

I wish to state that I am making no claims as to what Dr. Han may or may not have done, or may or may not have intended to do. I lack sufficient information to make such claims, and indeed I still do not fully understand what occurred in the Wen Ho Lee case, in spite of having access to a wealth of information about that case from both public and private sources. I am simply concerned with fair treatment, in both the legal and ethical senses.

By the way, that I object to the public statements made by one or two Han supporters that UCD has a history of mistreating Asian-Americans. As someone with deep connections to the Chinese-American community, I wish to state that in my 27 years at Davis I have found no such history. Any institution is bound to have a prejudiced individual or two, but in general I have found both the university and the city of Davis to be excellent places for Asian-Americans to work and live.

Best Regards,

Norman Matloff
Professor of Computer Science

cc: Guy Wong