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| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | Paul Bergman  is Professor of Law, UCLA Law School. He is co-author of *Reel Justice: The Courtroom Goes to the Movies (1996)* and wrote *"Redemptive Lawyering",* in the forthcoming UCLA Law Review symposium on law and popular culture.       |  | | --- | | **Read other reviews:**  [Paul Joseph](http://docs.google.com/minorityreport_joseph.htm)  [J. Howard Sundermann](http://docs.google.com/minorityreport_sundermann.htm)  [Internet Movie Database](http://www.us.imdb.com/Title?0181689)  [All Movie Guide](http://allmovie.com/cg/avg.dll?p=avg&sql=A262610)  [Readers' comments](http://docs.google.com/user_feedback.htm) |       *Minority Report* raises interesting questions about some fundamental criminal law issues. United States criminal law policy has always been to punish people who do (or attempt to do) evil deeds, not people who think evil thoughts or even plan evil deeds, so long as those deeds stay strictly in the planning realm. | |  | | --- | | **An Early Report on *"Minority Report"***  by Paul Bergman  *Minority Report* is a Steven Spielberg film based on a story by Phillip K. Dick. It is scheduled for release about 10 days after I write this brief analysis. I attended a studio screening to which a number of law professors were invited.  The story is a futuristic thriller set in Washington, D.C. in the mid-21st century. The basic concept is that three people called "Pre-Cogs" have the ability to predict murder. Based on the Pre-Cogs' unerring accuracy, D.C. has enacted preventive detention laws that allow officials to arrest people before they can commit crimes and hold them indefinitely in a kind of animated suspension. Tom Cruise portrays the official who interprets the Pre-Cogs' visual images and tries to locate and arrest the murderers before crimes can take place. The program has been extremely successful -- D.C. has gone years without a murder. In fact, the country is soon to vote on an initiative that would extend the program nationwide.  Without giving away too much of the story, I can say that even those who are vaguely familiar with the films of Alfred Hitchcock will recognize that *Minority Report* pays homage to one of his most familiar themes, the "innocent man on the run." (Fans of Hitchcock's Spellbound will especially appreciate *Minority Report*'s conclusion.) Like a Hitchcock film, *Minority Report* has nice touches of humor, especially when the action moves to a shopping center in which all the stores know customers' purchase history. Many sequences are visually compelling, particularly the sequences in which Cruise orchestrates the Pre-Cogs' images in an effort to understand their message. The music, by John Williams, is often soaring. The ultra-squeamish should be advised, however, that the film does contain a short bit of gore.  *Minority Report* raises interesting questions about some fundamental criminal law issues. United States criminal law policy has always been to punish people who do (or attempt to do) evil deeds, not people who think evil thoughts or even plan evil deeds, so long as those deeds stay strictly in the planning realm. In part, this policy is based on a sense that all of us think evil thoughts at one time or another, and we have no way of predicting whose thoughts will become concrete deeds. But what if we could know ahead of time, with certainty, the identities of those who will shortly kill? Isn't it preferable to prevent harm than to punish after harm has taken place? Why would we have to be 100% certain of accuracy before permitting preventive detention, when we permit executions based on "beyond a reasonable doubt"? On the other hand, once a killing is prevented, is it necessary to lock a person away forever? Studies suggest that many killings are done in the heat of a moment; once that moment passes, couldn't many people be trusted not to kill?  Questions such as these are not merely academic. Following the killing spree by two teenagers at Columbine High School in Colorado, other children were arrested based on plans to commit violence that they had revealed to others or written about in private diaries. In California and other states, sex offenders can be kept in prison indefinitely, even after their sentences expire, based on expert opinions that the offenders remain a threat to repeat their acts. In the months following the Sept. 11, 2001 tragedy at the World Trade Center, a number of Muslims have been detained based on evidence that they planned to do evil. And in garden-variety personal conflicts, judges often issue "restraining orders" to try to prevent one person from harming another.  In none of these situations, admittedly, has the information leading to detention or other restrictions on freedom been provided by fortune-tellers. However, popular confidence in the conclusions of "hard scientists" is probably lower, and popular confidence in psychic predictions is probably higher, than many of us would like to believe. By mid-century, who is to say that scientists won't be able to provide predictions that are solid enough for us as a society to accept preventive detention?  Posted: July 5, 2002 |   **Would you like to comment on this article? 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