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## Dreyfus: How He Was Framed

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## **Part I: DREYFUS: HOW HE WAS FRAMED**

Published in The Athens Observer, p. 6 (December 29, 1994).

It began a century ago, in 1894.

It rocked France for a dozen years, becoming an international cause celebre.

It involved the most notorious miscarriage of justice in the Western World in the 19th century, and was universally regarded as the most egregious error of justice of the age.

It was the Dreyfus case, "one of the great commotions of history," in the words of historian Barbara W. Tuchman.

When, 12 tumultuous years after it began, the Dreyfus case officially came to an end, one journalist was inspired with awe: "Historical records, criminal annals, romance and the drama, furnish no stranger tale of human life and destiny, than that which has reached its culmination in the final and complete exoneration of Dreyfus."

Another journalist, also writing in 1906, thought the finale of the Dreyfus case worthy of sublime prose: "[I]n the history of fiction there is nothing bolder in invention or more dramatically striking in incident than this famous trial.... A man of fortune and of unusual promise, publicly degraded as the result of one of the vilest plots in the history of jurisprudence, surrounded by scoundrels who heaped lie upon lie and forgery upon forgery ... [This man,] restored at last, after the complete crushing of his enemies..."

Criminal proceedings against Alfred Dreyfus commenced on Oct. 15, 1894, when Dreyfus, a 35-year old artillery captain in the French army, was arrested in Paris on a charge of treason for having allegedly spied for Germany. Although he was entirely innocent of any crime, Dreyfus was convicted by a court martial on Dec. 22, 1894, and sentenced to life imprisonment.

On Jan. 5, 1895, in a grim, ghastly degradation ceremony conducted in the presence of hundreds of troops in a courtyard of the Ecole Militaire, and with a howling mob of antisemites gathered outside the gates, Alfred Dreyfus was stripped of his insignia and decorations, and expelled from the army.

From April 1895 until June 1899 Dreyfus was imprisoned on the notorious Devil's Island, off the coast of South America. In June 1899 Dreyfus's treason

conviction was reversed by a civilian appellate court and he was taken back to France where he was retried by another court martial in August and September 1899. On Sept. 9, to the amazement of a carefully watching world, Dreyfus was again convicted of treason. Ten days later the President of France pardoned Dreyfus, and he was released after nearly 5 years of confinement.

After protracted litigation, the highest court in France reversed the 1899 treason conviction on July 12, 1906, and exonerated Dreyfus of all charges. The next day the French national assembly passed a statute restoring Dreyfus to the army. Eight days later, July 21, 1906, the Dreyfus case came to a formal close when, in a colorful ceremony conducted in another courtyard in the Ecole Militaire, Dreyfus, now promoted to major, was honored with a dress parade and made a member of the Legion of Honor.

Religious prejudice is one of the many important reasons Dreyfus was falsely convicted and why his vindication took so long. Alfred Dreyfus was a Jew living in a France infected with undisguised, rampant antisemitism. There were bestselling antisemitic books, antisemitic newspapers, antisemitic societies, and antisemitic political parties and candidates. Antisemitism in the army appears to have been especially virulent. Various antisemitic newspapers (there was even one named *The Anti-Jew*) maintained Dreyfus's guilt as an article of faith and deliriously combatted efforts to free Dreyfus. In 1898 antisemitic mobs rioted in opposition to Dreyfus. The Dreyfus case is as important in the history of antisemitism as it is in the history of criminal justice.

Dreyfus was the victim of both a frame-up and a subsequent coverup.

At his first trial, in 1894, no credible proof of his alleged guilt was introduced, and he was convicted only because his military judges ignored the trial evidence and based their decision on a secret dossier of forged or fraudulent documents purporting to prove Dreyfus a traitor. The dossier had been prepared by members of the army general staff and army intelligence officers who, convinced Dreyfus was guilty and fearing an acquittal, secretly transmitted it to the judges after they had retired to consider their verdict. It was to be years before Dreyfus and his attorney learned of the secret dossier.

From a legal standpoint, the clandestine transmission of the secret dossier to the judges at the 1894 trial rendered that trial illegal, and meant that once the fact of transmission was proved, Dreyfus would receive a new trial. Furthermore, it was certain that if the retrial was fair Dreyfus, being wholly innocent, would be acquitted. Moreover, the officers involved in transmitting the secret dossier were themselves guilty of serious illegalities.

## **Part II: DREYFUS: HOW HE WAS REDEEMED**

Published in The Athens Observer, p. 6 (January 5, 1995).

In a misguided effort to prevent embarrassment to the army, and to keep Dreyfus in prison, a conspiracy of high-ranking government officials and important army officers, abetted by antisemitic journals, orchestrated for years an enormous coverup to conceal the true facts of the Dreyfus case. The coverup featured perjuries, forgeries, obstructions of justice, dishonest invocations of reasons of state, demagogic appeals to exaggerated patriotism, and odious incitements of religious hatred.

At Dreyfus's 1899 retrial--a proceeding viewed throughout the world as more a farce or sham than a trial--there was no trustworthy evidence that Dreyfus was guilty of anything, and the prosecution openly relied on testimony and documents known or suspected to be false or fraudulent.

There are many famous documents associated with the Dreyfus case. The two most famous were both stolen by French counterintelligence agents from the German embassy: the celebrated bordereau, a handwritten treasonable memorandum obtained in September 1894, and the equally famous petit bleu, a pneumatic letter-telegram procured in March 1896.

The discovery of the bordereau set in motion frantic investigative activities that led to Dreyfus's hasty and erroneous arrest. French military officials mistakenly attributed the document to Dreyfus, and at both of Dreyfus's trials the prosecution vainly endeavored to prove that he was the author of the bordereau.

The bordereau actually had been written by a disreputable French army officer named Esterhazy, who was the real traitor. That Esterhazy, not Dreyfus, was the author of the traitorous bordereau was discovered by Lt.-Col. Georges Picquart, who became director of French army counterintelligence on July 1, 1895. At 41 Picquart was the most brilliant and promising young officer in the army. Picquart became alerted to Esterhazy after examining the petit bleu, which had been written in behalf of the German military attache and actually contained Esterhazy's name and home address.

Like the bordereau, the petit bleu was clear proof of a French military officer's treasonable activities.

Picquart presented his discoveries to the general staff, urging that Esterhazy be arrested, Dreyfus released, and the truth told. His proposals were received with great coldness. When ordered to forget that Dreyfus was innocent, his immortal reply was: *Je n'emporterai pas dans ce secret dans la tombe* ("I will not carry this secret to the grave"). When he refused to join the coverup, and instead spoke out in favor of and even testified for Dreyfus, Picquart was persecuted, imprisoned, and expelled from the army for "grave misdeeds while in service."

In the United States, where the Dreyfus case was a matter of great public interest all across the land, Picquart was hailed as "no ordinary hero," and as a man "marked ... for admiration from the first."

In reward for the courage, honor, and devotion to duty he displayed during the Dreyfus case, Picquart was reinstated in the army in 1906 and made a general.

Although they knew Esterhazy was a traitor, the coverup conspirators (including French army generals and intelligence officers) protected him and arranged for him to slip out of the country. Esterhazy died in exile in England in 1923, never having been convicted of the treason he committed but another man was punished for.

Alfred Dreyfus died at the age of 75 on July 12, 1935, the 29th anniversary of the date the judiciary had conclusively pronounced him innocent.

Last July I was fortunate enough to be able to stay for three weeks in Paris, where I visited and photographed various buildings and places connected to the Dreyfus case.

I found four apartment buildings Dreyfus resided in prior to or after his imprisonment. Several times I took the same walk that Dreyfus took that memorable Monday, Oct. 15, 1894, when (never dreaming he would be unable to return home to his family for the next 5 years) he emerged from his apartment at 6 Avenue du Trocadero (now Avenue du President Wilson), passed through the Place d'Alma, crossed the River Seine over Alma Bridge, and strolled to army headquarters located on Rue Saint-Dominique, where he suddenly found himself placed under arrest.

I received special permission to enter the Ecole Militaire, and I walked through both the Cour Morland, site of Dreyfus's degradation ceremony in 1894, and the Cour Jardin, where the rehabilitation ceremony took place in 1906.

Alfred Dreyfus and his wife, son and daughter are buried in a vault underneath the family's tomb in Montparnasse Cemetery. From inscriptions on the tomb we learn, incredibly, that Alfred Dreyfus's daughter, Jeanne, lived until Apr. 30, 1981!