

DREYFUS: HOW HE WAS FRAMED

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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 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.