ception that has clouded Dreyfus’s image: “Really, he had no affinity with his ‘affair,’ no vocation for the role which a caprice of History forced upon him. If he hadn’t been Dreyfus, would he have even been a ‘Dreyfusard’?”

After a long struggle, French political and judicial processes were made to function as intended. In the summer of 1906, when the Cour de Cassation (Court of Cassation, France’s highest court for matters governed by civil and criminal law, as opposed to military or administrative law), reversing the Rennes court-martial that had retried Dreyfus in 1899 and found him guilty with extenuating circumstances, rendered its judgment declaring Dreyfus innocent of any crime, its decision was greeted by the public with a calm that bordered on indifference. He was reintegrated into the army with the rank of major and made a chevalier of the Legion of Honor. The abuses of power and crimes committed by General Mercier and his General Staff co-conspirators had been fully exposed, but an amnesty law voted by the French legislature in 1900 had given them immunity from prosecution.

The tragedy of September 11, 2001, was followed by an international outpouring of sympathy for the United States and a willingness to stand by it in the struggle against terrorism that became known as the war on terror. Unfortunately, the subsequent actions of President George W. Bush, both at home and abroad, brought opprobrium upon the United States, alienating traditional allies. One cause of the anger was the administration’s ill-considered Iraq adventure. The other was the army’s mistreatment of detainees, the overwhelming majority of whom were captured in Afghanistan and Iraq, an action that has remade the image of the United States into that of a land where torture is an instrument of government policy. The prison complex at the Guantánamo Naval Base in Cuba, which opened in 2002, became the symbol of U.S. brutality and arbitrariness. During his presidential campaign, Barack Obama pledged that he would close Guantánamo and make respect for the Constitution and the principles on which the United States was founded the lodestar of his government. There is no reason to doubt his resolve.

The photographs showing the abuse of prisoners in the Abu Ghraib jail operated by the U.S. military in Iraq are notorious. Torture has likewise been practiced at Bagram Air Base in Afghanistan, perhaps at other facilities in Iraq, and in the CIA’s secret jails outside the United States. According to International Red Cross and FBI reports as well as other evidence that came to light in 2008, detainees have been tortured at Guantánamo as well. A report by Physicians for Human Rights describes this torture: it has included beatings, sexual assaults (including the case of a man who was sodomized with a broomstick), electric shock, sexual and other forms of humiliation, sleep deprivation, and outlandish threats. As the Executive Summary to the Senate Armed Services Committee’s inquiry into the treatment of detainees in U.S. custody put it, “The abuse of detainees . . . cannot simply be attributed to he actions of ‘a few bad apples’ acting on their own. The fact is that senior officials in the United States Government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees.” The “senior
officials included the vice president, the secretaries of state and defense, and the national security adviser, who had all involved themselves in choreographing torture sessions—euphemistically referred to as “aggressive” or “enhanced” interrogation—from the White House. Vice President Cheney publicly admitted that he had “signed off” on the water boarding (immobilizing a prisoner on a surface inclined downward and repeatedly pouring water over his face to induce a state analogous to drowning) of three detainees, Khalid Sheikh Mohammed, Abu Zubaydah, and Al Nashim; he said he didn’t consider it torture.\(^\text{13}\)

The government’s redefining of the law appeared in opinions and memoranda prepared by top officials of the U.S. Justice Department condoning torture and reinterpreting the international obligations of the United States. These reinterpretations later had to be withdrawn, but “aggressive” methods of interrogation continued to be sanctioned by the administration. As recently as the fall of 2007, Attorney General Michael Mukasey professed not to know whether water boarding was a form of torture. CIA tapes of torture sessions have apparently been destroyed, but while they existed interrogators, physicians, and psychologists were flown to Thailand to study them and profit from their colleagues’ experience. As Jane Mayer reported in *The Dark Side: The Inside Story of How the War on Terror Has Turned into a War on American Ideals*, published in July 2008, one of the contributions of psychologists was to assist the CIA in instilling “learned helplessness”—the loss of willpower and all sense of control—in prisoners, as well as total dependence on their captors, by repeated traumas. By perverting medicine and psychology in the service of torture, the United States has followed in the steps of Nazi Germany and Soviet Russia. The Department of Foreign Affairs of Canada, America’s nearest ally, put the United States on the list of countries that torture or abuse prisoners, along with Afghanistan, Israel, China, Egypt, Iran, Mexico, Saudi Arabia, and Syria. After protests by the United States, the foreign minister of Canada announced that the list would be “reviewed and rewritten,” a commitment that could not take away the sting of the department’s first judgment. In July 2008 the select Foreign Affairs Committee of the U.K. House of Commons concluded that Great Britain could no longer rely on U.S. assurances that America did not use torture.\(^\text{14}\)

A grim insight into the operation of the United States’ own Devil’s Island in Guantánamo became available in November 2007 with the publication on the Internet of “Camp Delta Standard Operating Procedures (SOP).” Several hundred pages long, the SOP is an eerie echo of the “Instructions for Deportation Administration of Devil’s Island” that had governed the conditions of Dreyfus’s imprisonment. Both provide for solitary confinement (at Camp Delta in the maximum security unit and in the brig for defined periods of time, on Devil’s Island in Dreyfus’s cell in perpetuity), and the two have analogous restrictions on access, recreation, correspondence, and rations, as well as analogous tedious instructions to the guards. Dreyfus was shackled to a metal cot at night for eight weeks. Shackles—the “three-piece suit” consisting of leg irons, handcuffs, a chain worn around the waist as a belt, and two chains that connect the leg irons and handcuffs to the chain belt—are constants at Guantánamo.
whenever prisoners leave their cells, especially when they are on their way to and from an "interrogation booth," where the shackles are attached to a ring fixed in the cement floor. The SOP sheds no light on what transpires in the interrogation booths; that is left to the reader's imagination.¹⁵

On December 22, 2008, the Brookings Institution, a respected think tank, published "The Current Detainee Population of Guantánamo: An Empirical Study." According to the report, since the camp's 2002 opening 779 detainees have passed through Guantánamo, comprising all detainees captured in Afghanistan and Iraq, and all those kidnapped by the CIA who had been held in secret prisons and subsequently transferred to the naval base in Cuba. All these detainees had been designated "enemy combatants" by President Bush, an elastic concept defined in a Department of Defense order signed by Deputy Secretary of Defense Paul Wolfowitz as including "any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces." Out of 558 detainees present at the base on the date of the Wolfowitz order, 330 have been transferred or released, leaving 248 detainees at Guantánamo as of December 16, 2008. The destination of the detainees who have been transferred is unknown. Of the remaining group, 60 have been "cleared for release, their departure being subject to negotiations with other countries." Based on the report, that would seem to leave 188 detainees at the base as of the end of 2008 who might still be charged with crimes or quietly let go.¹⁶

The first step on the road to a detainee's release has been to challenge his designation as an enemy combatant. The Wolfowitz order established a forum for that purpose, the Combatant Status Review Tribunals (CSRTs). In response to the rising concern about the legality of the detainees' incarceration and to a comment by Justice Sandra Day O'Connor in the Supreme Court case Hamdi v. Rumsfeld (2004) to the effect that the requirements of constitutional due process might be satisfied by appropriately constituted military tribunals even if these did not provide the same procedures and protections offered by civilian criminal courts. The same day as the Hamdi decision, however, June 28, 2004, in what became a four-year tug of war over detainees' rights between the Bush administration and the Supreme Court, the Court held in Rasul v. Bush that Guantánamo detainees were entitled to challenge the legality of their incarceration by a writ of habeas corpus filed in a federal district court. Rasul opened the way for Lakhdar Boumediene, a thirty-six-year-old Algerian detainee, and others to challenge the legality of their detentions by petitioning in a federal district court for the writ of habeas corpus. In response, Congress attempted to overturn Rasul by passing the Detainee Treatment Act (DTA, 2005), which made the Circuit Court of Appeals for the District of Columbia the sole court empowered to undertake (very limited) review of decisions of the CSRTs, as well as military commissions established pursuant to Military Commission Order No. 1, dated August 31, 2005.

The next confrontation between the administration and the Supreme Court was the Pentagon's attempt to prosecute Salim Ahmed Hamdan, a Guantánamo detainee, for war crimes before a military commission convened by the president. Relying on
Rasul, Hamdan conceded the authority of the United States to detain him as an enemy combatant but successfully challenged by a writ of habeas corpus the legality of the military commission that was to try him for war crimes. In the case that bears his name, *Hamdan v. Rumsfeld* (2006), the Supreme Court brushed aside the Pentagon's contention that the Court's jurisdiction had been ousted by the DTA, and interpreted the jurisdiction-stripping provision as inapplicable to a habeas corpus proceeding that, like Hamdan's, had begun before the passage of the act. The Court went on to hold that the military commission established by the president lacked the power to try Hamdan because its structure and procedures violated both the Uniform Code of Military Justice and the four Geneva Conventions signed by the United States in 1949. Among the procedural defects singled out by the Court were the inability of the accused and his civilian counsel to find out what evidence was being presented during any part of the proceeding that the presiding officer decided to close to them; the admissibility of any evidence that in the presiding officer's estimation would have value to a reasonable person even if it was hearsay or obtained by coercion; and the power of the presiding officer to deny the accused and his civilian counsel access to classified and other "protected" information that the presiding officer had concluded was probative. The analogy with Dreyfus is irresistible: he too was tried by a tribunal dominated by his accusers, and he too was convicted on the basis of secret evidence that neither he nor his counsel had an opportunity to challenge or even knew about. So is another memory: that of the dogged persistence of the French Court of Cassation (as noted, the Cour de Cassation, the French equivalent of the U.S. Supreme Court for all matters outside the administrative and military law systems) in its review of the iniquitous verdicts of the Paris and Rennes military tribunals that eventually led to their being overturned.

Under extreme pressure by the Bush administration to counter the effects of *Hamdan*, Congress enacted the Military Commissions Act (MCA) of 2006, establishing military commissions with marginally improved protections for defendants. Their decisions were made reviewable on a limited basis only by the District of Columbia Circuit Court, and Congress left no doubt that it intended to preclude applications of Guantánamo detainees for a writ of habeas corpus whenever they were filed. The Supreme Court responded to this new and audacious attempt to put Guantánamo beyond the reach of the law in *Boumediene v. Bush*, decided June 12, 2008. The petitioners were Boumediene and other native Algerians residing in Bosnia and Herzegovina who had acquired Bosnian citizenship or permanent resident status. They were arrested by Bosnian authorities in October 2001 because of their alleged involvement in a plot to bomb the U.S. embassy in Sarajevo. Upon their release from prison in Sarajevo on January 17, 2002, they were seized by Bosnian and U.S. personnel and transported to Guantánamo, where they had been incarcerated ever since. They filed petitions for a writ of habeas corpus in the District Court for the District of Columbia, which denied them on the ground that Guantánamo detainees had no rights that could be vindicated in a habeas corpus proceeding, and the Court of Appeals for the District of Columbia affirmed
the denial. The Supreme Court granted certiorari and overruled the Court of Appeals, holding that the U.S. Constitution had full effect in Guantánamo; that the provision of the Military Commissions Act attempting to deprive the Court of jurisdiction was unconstitutional; and that the writ of habeas corpus was available to aliens detained in Guantánamo since the United States exercised full control over the base even though it was not located in U.S. territory. The only way the courts' jurisdiction could be superseded, the Court continued, was by an act of Congress framed in conformity with the Suspension Clause of the Constitution. Neither side had argued that such a suspension had taken place. Proceeding from there, the Court held that because the procedures provided the DTA and the MCA for reviewing the petitioners' detainee status were not an adequate substitute for review under the writ of habeas corpus, the MCA operated as an unconstitutional suspension of that writ. The stage was thus set for the petitioners to seek relief in a U.S. federal district court. As it turned out, five of the detainees were released by the district court since the allegation that they had planned to travel to Afghanistan to fight against the United States—the predicate for their designation as enemy combatants—had no support other than hearsay testimony by a Guantánamo detainee obtained from an unnamed source, evidence the court held to be insufficient. The petition of the sixth detainee, Belkacem Bensayah, was denied because in his case the government had also alleged that he was an Al Qaeda facilitator who had intended to take up arms against the United States in Afghanistan and to arrange for other combatants to travel there and elsewhere for this purpose. The court ruled that the government's burden of proof had been met with respect to those allegations.

Among the 188 (according to the Brookings report) detainees now at Guantánamo who have not been cleared for release there are surely many who have been designated enemy combatants with no greater justification than that used against the Algerians. They are there by mistake or because they were sold to the CIA or the U.S. military in Afghanistan or Pakistan by bounty hunters. In all probability they represent no greater threat to the United States than the average man in the street anywhere in the Middle East. A case in point is the detention of Sami al-Haj, a former cameraman for the Arabic news network Al-Jazeera whose cause was taken up by the Committee to Protect Journalists. Al-Haj had been seized by Pakistani intelligence in December 2001 while traveling near the Afghanistan border, even though he held a valid visa to work for Al-Jazeera in Afghanistan. In January 2002 he was handed over to the U.S. military, which dispatched him to Guantánamo. After six years' detention, during which he was never charged, he was released on May 1, 2008, and sent to his native Sudan without any sort of proceeding, simply as a result of political pressure exerted on his behalf.17

In the wake of Boumediene, more detainees will doubtless be released through writs of habeas corpus. This is already happening in the case of Mohammed el Gharani, a citizen of Chad who was arrested by authorities in Pakistan in the fall of 2001 (when he was fourteen years old), turned over to U.S. forces in early 2002, and dispatched to Guantánamo, where he has been im-
prisoned ever since. The designation of this child prisoner as an enemy combatant was based on allegations that he had stayed at an Al Qaeda-affiliated guesthouse in Afghanistan, received military training at an Al Qaeda-affiliated camp, served as a courier for several high-ranking Al Qaeda members, fought against U.S. forces in the Battle of Tora Bora, and was a member of an Al Qaeda cell in London. El Gharani denied these allegations, explaining that he had gone to Pakistan to escape the prejudice against Chadians in Saudi Arabia, where he had lived previously, and to learn computer and English-language skills in order to make a better life for himself. The district court judge, constrained in writing his opinion by the classified nature of the government's proof, held that the proof submitted to him was insufficient, being nothing more than the factually inconsistent declarations of two other detainees, whose credibility the government itself characterized as undetermined or questionable. Granting el Gharani's petition for a writ of habeas corpus, the court directed the government to take all necessary steps to facilitate his release.

As of the end of 2007, only one Guantanamo prisoner had been tried and convicted by a military commission. That was David Hicks, an Australian citizen who pleaded guilty in accordance with a deal brokered by the Australian government that ensured his release. In return for being able to leave Guantanamo and serve a light sentence in Australia, Hicks was obliged to declare that he had not been mistreated while in captivity, to agree to refrain from speaking to the media for one year, and to pledge not to sue the United States for the mistreatment he had suffered.

In August 2008 the government once more brought Salim Ahmed Hamdan, the successful petitioner in *Hamdan v. Rumsfeld*, to trial for war crimes before a military commission. Hamdan, a fortyish Yemeni with a fourth-grade education, had been Osama bin Laden's driver and bodyguard. In the 2006 proceedings, he had conceded that the United States was entitled to detain him as an enemy combatant. The war crimes of which he stood accused before the 2008 military commission were conspiring to engage in terrorist acts and provide surface-to-air missiles to Al Qaeda and providing Al Qaeda with material support. The jury of military officers convicted him of providing material support and acquitted him of the conspiracy charge. It imposed a jail sentence of sixty months—but only after having first received assurance from the judge that the time Hamdan had spent as a detainee in Guantanamo would reduce the time he would have to spend in jail. Since Hamdan had been detained for five and a half years, the resulting net sentence was approximately five months. That it took so long to bring this small cog in bin Laden's machine to trial and convict him, and that it was only the second conviction of a Guantanamo detainee, put on display the tragic absurdity of the claim the Bush administration used to justify the scandal of its detention system, namely, that only the most dangerous terrorists were incarcerated at Guantanamo. Hamdan served out his sentence, was returned to Yemen, and was released there in the first week of January 2009, to live with his family.

The press was excluded from much of Hamdan's 2008 trial, a ruling by the military judge that recalls the huis clos imposed in...
Dreyfus's 1894 Paris court-martial. There is another echo. The jury of army officers found Dreyfus guilty "with extenuating circumstances" at the conclusion of Dreyfus's second court-martial in Rennes. A day later these same officers addressed a request to the president of the republic that Dreyfus be spared a second military degradation. Presumably they were overcome by pity and perhaps shame when they reflected on what they had done. It does not seem unlikely that the army officers who served as Hamdan's jury held their noses when they voted to convict him of the crime of driving bin Laden's car.

In decision after decision the Supreme Court rebuffed the Bush administration's attempts to place its dragnet detentions beyond the purview of the Constitution. The coup de grâce may have been administered to the Pentagon's penitentiary system by one of its own, Susan J. Crawford, a retired military judge who, as the "convening authority," was the administration's top official in charge of the military commission trials on the base. (Previously she had been general counsel for the army during the Reagan administration and inspector general of the Pentagon when Vice President Cheney was secretary of defense under President George H. W. Bush.) In May 2008 she dismissed the charges, without comment and without prejudice—meaning that as a legal matter they could be reinstated—against Mohammed al-Qahtani, one of six detainees charged with masterminding the September 11th attacks. She approved putting the other five on trial and seeking the death penalty. Crawford explained her reasons for not allowing Qahtani to stand trial in an interview with Bob Woodward of the *Washington Post* in January 2009. "We tortured [Mohammed al-]Qahtani," she said, citing the nature of the interrogation techniques, their duration, and the impact on Qahtani's health. "The techniques [the interrogators] used were authorized, but the manner in which they applied them was overly aggressive and too persistent." She gave specifics: "For 160 days his only contact was with the interrogators. . . . Forty-eight of 54 consecutive days of 18- to 20-hour interrogations. Standing naked in front of a female agent. Subject to strip searches. And insults to his mother and sisters." Qahtani was "forced to wear a woman's bra and had a thong placed on his head during the course of his interrogation. With a leash tied to his chains, he was led around the room and forced to perform a series of dog tricks." All aspects of these interrogations were recorded in minute detail in logs maintained by the military authorities. Judge Crawford believed that Qahtani was the missing nineteenth hijacker, but as far as she was concerned the treatment he had suffered meant he could never be tried, and she was determined to stop any attempt to do so.

The Woodward interview has had great resonance because of the explosive subject matter, the distinguished service record of Judge Crawford, and the eminence and prestige of both Woodward and the *Washington Post*. An even more terrifying window on the abuse of detainees was opened by an interview with Chris Arendt, who had been for two months a guard at the Guantanamo prison. It aired on the BBC World News Service on January 9, 2009. Arendt, who was then nineteen, described abuse that he unhesitatingly called torture: forceful removal of detainees from their cells; kicking them in the face and other blows;
subjecting them to the “frequent flyer program,” which calls for a detainee to be moved from one cell to another to prevent him from sleeping, and which in some cases was practiced for as long as two months. Arendt spoke of his fellow guards, for some of whom torture was just a job, while for others—the “psychotic” ones—it was a vacation, the one chance to do things to people that they had always dreamed of.

A month before these interviews, an event occurred that could serve as the farcical epitaph for Guantánamo and the foolish, disastrous endeavor it symbolizes. The five alleged September 11th masterminds, whose trial Judge Crawford had permitted to proceed, found a way to stop it in its tracks. On December 8, 2008, they told the military judge that they wanted to confess in full, a move that challenged the army to put them to death without further ado. As they had surely anticipated, the judge began to ask questions about the procedure to be followed in such cases. Thereupon some of the five suggested that they would change their plea unless he assured them that they would be executed. As Khalid Sheikh Mohammed explained, “We don’t want to waste our time with motions.” If the detainees were seeking to make the prosecution ridiculous, they succeeded: the court session, attended by reporters from the Arab world, Spain, Brazil, Japan, and elsewhere, disintegrated into legal wrangling about whether the death penalty could be applied based on a guilty plea as opposed to a finding of guilt by a jury of officers; the competence of two detainees to make decisions for themselves, an issue that the judge said would take a substantial period of time to resolve; and the position taken by the three “competent” detainees to wait to enter a plea “until a decision is made about our brothers.”

Perhaps because the Guantánamo detainees have been so numerous, perhaps because they are not American, or perhaps because based on what little is known about them they have seemed unattractive, neither the possibility that their detention was unjustified nor the abuse to which they were subjected has provoked a large part of the American population to anger or outrage. A Quinnipiac University survey conducted days after Barack Obama’s election found that although he had pledged repeatedly during the campaign to close Guantánamo, 44 percent of respondents did not want him to, 29 percent thought that he should, and 27 percent were undecided. The comment of the director of the Quinnipiac Polling Institute was that “it’s not all smooth sailing for the President-elect. Closing the Guantánamo Bay prison comes up negative.” The public presumably has found it easy to believe that anyone held at Guantánamo must be there for a good reason. Just as at the outset of the Dreyfus Affair the French found it easy to believe that Dreyfus must be a traitor because he was a Jew, many Americans had had no trouble believing that the detainees at Guantánamo—and those held in CIA jails—were terrorists simply because they were Muslims. The mistreatment documented in the Abu Ghraib images was greeted in the United States with outrage and shame, but no such images have come out of Guantánamo, and photographs that have appeared in the press of rows of prisoners on the base in orange jumpsuits have seemed remote, somehow abstract, even
when the prisoners are shown hooded, in black goggles, kneeling in neat rows with their hands handcuffed behind their backs. But these abstract, indifferent figures are real men, as real as Dreyfus, who had seemed so loathsome to the mob during the degradation ceremony that thousands pushed to get near enough to him to spit in his face.

The favored targets of oppression and injustice remain the same: outsiders and disliked and distrusted minorities. In their case, guilt is never to be doubted. That was the guiding principle of the officer in Franz Kafka's *In the Penal Colony*, and something akin to it was the Bush administration's a priori position in dealing with detainees captured during the war on terror. It is difficult to believe that the scandalous violations of U.S. and international law would have occurred without such a belief. As each generation confronts the outrages committed in its name, analogies to past outrages become clear, illuminating the present. And so does the need for a response to the question that has been posed time and again without losing its urgency: Will there be in that generation men and women ready to defend human rights, and the dignity of every human life, against abuse wrapped in claims of expediency and reasons of state? Dreyfusards—Emile Zola, Jean Jaurès, and Anatole France, to cite only the best known—and Lieutenant Colonel Georges Picquart, who ultimately became Dreyfus's savior, gave the answer for France at the turn of the nineteenth century. Journalists dedicated to exposing the abuses of the Bush administration, members of the federal judiciary unflinchingly upholding the rule of law, military lawyers who have put their careers at risk by taking a stand against torture and kangaroo trials, and civilian lawyers and law professors of all ages who have devoted thousands of hours without pay as legal defenders of Guantánamo detainees have given the answer for the United States. They have redeemed the honor of the nation.
of his old client, from whom he had received numerous letters that he still had in his possession. Mutual friends put Castro in contact with Mathieu Dreyfus, to whom he showed Esterhazy's letters. A comparison with the bordereau left no room for doubt: the handwritings were identical. This was the climactic moment Mathieu had been waiting for: he had identified the traitor. On November 15, 1897, he denounced Esterhazy to General Billot as the author of the document on the basis of which his brother had been convicted and called on the general to see that justice was done without delay. Made available to the press, the letter created a considerable stir that could not be ignored. Unable to do otherwise, Billot requested General Saussier to open an investigation of Esterhazy. Saussier complied on November 17, putting General Georges de Pellieux in charge. As though Mathieu's denunciation were not bad news enough, Picquart also counterattacked. He sent a letter to Billot lodging an official complaint against Esterhazy, whom he accused of having libeled him by letter and in the telegrams sent to him on November 10.

This may be the moment to ask, before plunging in the next chapter into the bewildering series of legal proceedings that began in November 1897 and continued for the better part of two years, why the high command of the army so stubbornly refused to correct a judicial error. Why did its honor depend on keeping Dreyfus on Devil's Island? The fear of criminal liability may have had some influence, but it cannot have been the major reason: given the fundamentally militaristic temper of the successive governments and the legislature, the threat of prosecution should have been recognized as remote and one that could have been obviated by appropriate assurances from the cabinet. Was it the far more likely loss of prestigious posts, for instance Boisdeffre's position as chief of the General Staff? Were these reasons enough for two generals, Boisdeffre and Gonse, to foment the fabrication of forged documents, to enter into a criminal alliance with the scoundrel that the high command recognized Esterhazy to be, and to embark on a malicious and criminal campaign against Picquart? It seemed to a politician as shrewd and experienced as Blum, and as intimately familiar with the affair, that these were not reasons enough; for him the explanation had to be the presence within the General Staff itself of a traitor in cahoots with Esterhazy and able to direct the other actors. His choice fell on Henry by reason of his protean capabilities as a forger and bearer of false witness, and because of his strategically perfect position as a Statistics Section veteran with the longest record of service there who had gained the complete confidence of Gonse and Boisdeffre. Blum reasoned that Henry and Esterhazy must have been partners in treason; that when the bordereau came into Henry's hands he recognized Esterhazy's handwriting at once and decided to implicate Dreyfus as the scapegoat. Henry understood that the identification of the true author of the bordereau would inevitably lead to the discovery of his own crime.

This explanation is ingenious and tempting, but modern scholarship has not discovered any basis for it. Indeed, it is difficult to believe that Henry would not have burned the document if he had identified the handwriting on the bordereau as Esterhazy's and felt personally threatened—or even if he had merely
wanted, against all probability, to protect an officer with whom he had had friendly relations in the past—as soon as he had pieced it together and realized what it was. Blum recognized that there was a more pedestrian explanation: the conspirators were caught in the gears of deception. One lie begets another: having lied once they had to lie again and again, in the hope of concealing the first lie. That still leaves unexplained their unremitting hostility toward Picquart. As Paléologue noted in his recollections of the Rennes court-martial, "A strange thing and one I have noticed frequently, is that Dreyfus is not an object of hatred for the officers; they speak of him with a cold or contemptuous severity, but without anger and sometimes even with pity. As for Picquart, the name alone of that renegade is enough to arouse them; they detest, loathe, and execrate him to the point of fury."19

Anti-Semitism had surely been a reason for the alacrity, if not eagerness, with which Sandherr and his colleagues and superiors had reached the conclusion that Dreyfus was the author of the bordereau, as well as for the uncritical push to prosecute him for treason. We do not know whether Gonse, Boisdeffre, or Mercier had any doubts about his guilt after he had been packed off to Devil’s Island. If they had no doubts at first, did they or Billot begin to have second thoughts after the petit bleu had been discovered or, if not then, after Henry’s confession that he was the author of the faux Henry and his suicide? It is hard to believe that they had none, but their anti-Semitism must have made it possible to sweep troubling thoughts aside and take comfort in the thesis that the honor and well-being of the army—in reality, concern about their own well-being and reputations—required respect for the judgment of the 1894 court-martial. The corollary was that Dreyfus’s case must remain closed. They had no instinctive sympathy for Dreyfus, or any of the sense of the solidarity with a brother officer that should have led them to make sure that he was not a victim of judicial error. As a Jew, he was not their brother; he was an unwanted intruder.

The malevolent persecution of Picquart belongs to a rich tradition of reprisals against whistleblowers who have the temerity to expose abuses and violations of law (or for that matter, blunders) committed by government officials for what they see as patriotic reasons. By adhering to moral standards higher than the group’s, whistleblowers breach its code of complicity and quickly turn into hated outsiders. The recent cases of U.S. army officers who have been sidelined or have seen their careers broken because they have spoken up against their civilian and military leaders, whether about the conduct of the war in Iraq or the mistreatment or torture of detainees, are as shocking as they are numerous. So are “dirty tricks” played on whistleblowers. An infamous example was the burglary in the summer of 1972 by President Richard Nixon’s “plumbers”—a group of former CIA and FBI agents formed under the authority of Nixon’s chief of staff—of the office of Daniel Ellsberg’s psychiatrist in an effort to find materials that could be used to intimidate or smear Ellsberg. Ellsberg’s sin was having given the New York Times the Pentagon Papers, which revealed that the Gulf of Tonkin Resolution—the legal basis for the war in Vietnam—had been fraudulently obtained, as well as many other lies that had been told the American people about the war. A recent case of ire directed at a critic
of the Bush administration who touched a raw nerve was the vindictive response, especially by Vice President Cheney's office, to the op-ed article "What I Didn't Find in Africa" by former U.S. Ambassador Joseph C. Wilson IV, published in the *New York Times* on July 6, 2003, in which Wilson debunked as unreliable, and probably based on a forged document, claims made by President Bush in his 2003 State of the Union address and Vice President Cheney that Niger had sold yellowcake uranium to Iraq in 1999 to help Iraq's efforts to develop weapons of mass destruction. Within days after Wilson's article and his subsequent appearance on television, the White House spokesman admitted that the State of the Union statement had been in error and confirmed the correctness of Wilson's claims. Nevertheless, one of the byproducts of the administration's displeasure was the outing in the *Washington Post* shortly afterward of Valerie Plame, Wilson's wife, as a CIA operative on weapons of mass destruction. Disclosure of the identity of covert agents is prohibited by U.S. law and could have put Plame in danger. Wilson's ten-day fact-finding mission to Niger in 2002, undertaken at the request of the CIA and at its expense, on which he had based his article was characterized as nothing but a "boondoggle" arranged by Wilson's CIA wife—a boondoggle followed by a report to the CIA that, if heeded, should have at the least have caused serious questioning of a premise on which the attack against Iraq would soon be based.

As we have seen, after receiving Mathieu Dreyfus's letter denouncing Esterhazy as the author of the bordereau and a traitor, General Billot found himself obliged to take action against the General Staff's new protégé: he ordered General de Pellieux to conduct an inquiry into Esterhazy's conduct. At the same time, in a move charged with black humor, he entrusted to General Gonse a secret investigation of Picquart, taking it out of the hands of Henry, a mere lieutenant colonel. Meanwhile, the minister had to prepare to face disclosures threatened by Auguste Scheurer-Kestner, one of the grand old men of French politics and yet...