The trial of Emile Zola

Émile Zola

Contents

Opening pages 23

M. ZOLA'S LETTER TO PRESIDENT FAURE RELATING TO THE DREYFUS CASE, AND A FULL REPORT OF THE FIFTEEN DAYS' PROCEEDINGS IN THE ASSIZE COURT OF THE SEINE, INCLUDING TESTIMONY OF WITNESSES AND SPEECHES OF COUNSEL 24

THE OFFENCE. 25

LETTER TO M. FELIX FAURE, PRESIDENT OF THE REPUBLIC. 26

EMILE ZOLA. 40

THE TRIAL. 43

FIRST DAY--FEBRUARY 7. 44

M. Labori then submitted a formal motion that the court authorize the introduction of evidence on all the matters referred to in M. Zola's letter. 51

M. Albert Clemenceau.--"We accept any discussion before the assize court." 52

M. Zola.--"Complete light!" 53

M. Labori.--"Yes." 55

M. Labori.--"I make a reservation in regard to M. Casimir-Perier." 56

M. Labori.--“They have put forward the plea of the nation’s defence. But that is a jest.” 62

M. Zola.--“She is not there either.” 64

RAVARY. 66

M. Zola.--“In short, we should like to know whether these persons have received orders from Billot, or are acting on their own initiative.” 68

SECOND DAY--FEBRUARY 8. 71

M. Clemenceau.--“I ask that an expert physician be sent to her. The one who is to see Mme. de Boulancy can see her too.” 73

M. Labori.--“It concerns M. Zola’s good faith.” 74

M. Zola.--“I do not know the law, and at the present moment I do not 75

M. Zola.--“I ask to be treated here as well as thieves and murderers. All accused persons are entitled to prove their probity, their good faith, and their honor.” 76

M. Labori.--“Pardon me, he is prosecuted for having said that the second council of war knowingly acquitted a guilty man by covering, in obedience to orders, the illegality committed by the first.” 77

M. Zola.--“It is in the summons.” 78

M. Labori.--“Will you permit me, _Monsieur le Président_, in our common interest, to ask you, then, what practical means you see by which we may ascertain the truth?” 79

M. Zola.--“Gentlemen of the jury, to you will I address myself. I am not an orator, I am a writer; but unfortunately” ... 83

M. Labori.--“You said: ‘I have not to know the law at this moment.’” 84

M. Labori.--“It is true, I said ‘Bravo;’ but frankly, it was the cry of my conscience.” 85

M. Labori.--“Will you ask M. Leblois at what date and under what circumstances he came into possession of the facts now within his knowledge concerning the Esterhazy case?” 86

M. Leblois.--“No, but I have knowledge of the facts with which the colonel was reproached.” 92

M. Labori.--“It is not entitled to interrupt them.” 93

M. Labori.--“The deposition of M. Leblois is not finished. He was in the course of it when you interrupted him.” 94

M. Leblois.--“I did say so.” 95

M. Labori.--“_Monsieur le Président_, we are very desirous that he should.” 97

M. Leblois.--“I have already said that this letter was dated June 3, 1897. It came from Lieutenant-Colonel Henry, who had been Colonel Picquart’s subordinate, and it was couched in terms almost insulting.” 100

M. Leblois.--“That was in 1896. It was in December of that year that the Speranza letter was sent.” 101

M. Clemenceau.--“Then my question was appropriate. All these things happened at the same time.” 102

M. Labori.--“But the sequel is interesting.” 103

M. Labori.--“It _is_ always the same question, and I understand why you are always ready to welcome it in the same manner.” 105

M. Labori.--“Oh! _Monsieur le Président_, if you knew how much pain it gives me, as a man of the world, to thus make you suffer.” 107

M. Labori.--“Very well; so be it.” 108

PARIS, SEPTEMBER 8, 1896. 110

PARIS, SEPTEMBER 14, 1896. 112

PICQUART. 113

M. Scheurer-Kestner, after repeating the substance of the foregoing letters, continued his testimony as follows: 114

M. Labori.--“M. Scheurer-Kestner has told us of his conversation with General Billot. Will he now be good enough to tell us if he has interviewed the prime minister?” 116

M. Zola.--“As they call me an Italian.” 119

M. Zola.--“Is it understood, then, that no attention is to be paid to 121

M. Zola.--“Then there are differences in the thing judged?” 123

M. Clemenceau.--“I demand that the question be put to the witness.” 125

THIRD DAY--FEBRUARY 9. 128

M. Clemenceau.--“It is essential that the witnesses should not be present at any part of the trial before their deposition” ... 130

M. Labori.--“Will General de Boisdeffre tell us first what the document was that Major Esterhazy brought to the minister of war some time before his appearance before the council of war?” 132

M. Labori.--“I pass not to another order of ideas, but to another order of questions. Can General de Boisdeffre tell us anything about the veiled lady?” 134

M. Labori.--“Can General de Boisdeffre tell us what charges are made against Colonel Picquart?” 136

M. Labori.--“Oh! everything that comes from a general’s mouth does not necessarily concern the national defence. General de Boisdeffre must tell us whether Colonel Picquart was sent away in disgrace or not.” 137

M. Labori.--“Does not General de Boisdeffre know that Major Esterhazy has been prosecuted and examined concerning the _bordereau_ attributed to Dreyfus in 1894?” 138

M. Labori.--“Is General de Boisdeffre’s belief in the guilt of Dreyfus based on the facts of 1894, or on facts of earlier or later date?” 140

M. Labori.--“Did you make an inquiry in order to discover her?” 143

M. Ployer.--“I thank the attorney-general for his words. I hope that General Gonse will spontaneously give us the satisfaction demanded by the entire profession and its chief.” 144

M. Labori.--“Is it true, as Major Ravary declares in his report on the 146

M. Labori.--“When did you photograph Major Esterhazy’s handwriting?” 147

M. Labori.--“What do you know of the interviews that M. Leblois had with Colonel Picquart at the war department?” 148

M. Gribelin.--“I swear that I have told the truth.” 149

M. Leblois.--“They are in the file of the council of inquiry which met to judge Colonel Picquart.” 150

M. Labori.--“I ask that they be sent for.” 151

M. Labori.--“You know very well that the minister of war abuses the right of silence, in order to put the light under a bushel. If it were easy to get at the light, we should have gotten at it long ago.” 152

M. Labori.--“Does General Mercier know of the publication in September, 1896, of certain confidential information belonging to the war department?” 154

M. Labori.--“Could General Mercier tell me to whom he attributes the publication?” 156

M. Labori.--“I asked General Mercier just now if a secret document was communicated to the council of war in 1894.” 157

M. Labori.--“I desire to say to General Mercier that, whatever I may have to express in my summing-up, I have absolute confidence in his word.” 159

FOURTH DAY--FEBRUARY 10. 168

M. Labori.--“I do not ask the object of the mission. I simply wish to know if the circumstances surrounding it are familiar to the witness, in which case I should like to have him tell us what they were.” 170

M. Labori.--“It is in relation to a document involved in the Dreyfus trial.” 172

M. Clemenceau.--“Will he tell the court how he succeeded in finding her, since that was the only address that he knew?” 176

M. Clemenceau.--“As Mme. de Boulancy would not have uttered this word singly, will the witness tell us what other words she added?” 179

M. Socquet then stepped down, and M. du Paty de Clam took his place. 181

M. du Paty de Clam.--“Yes.” 182

M. Labori.--“Did he have a correspondence with one or more members of his family?” 183

M. Labori.--“I never before saw an assize court like this. All means are sought here to prevent the light from being thrown on any point.” 184

M. Labori.--“Under whose orders?” 186

M. Leblois.--“I had a long discussion with Colonel Henry concerning a matter that had been under examination in the office of the public prosecutor at Nancy.” 188

M. Clemenceau.--“After he had thus relieved you, was the punishment replaced by another of a more general character?” 190

M. Labori.--“I ask first not what this file contained, since it is secret, but to what it related?” 191

M. Ravary.--“I do not exactly understand. A witness said that there was a document spread between M. Leblois and Colonel Picquart. I know nothing more.” 192

M. Clemenceau.--“We shall remember this promise.” 195

M. Zola.--“Surely.” 204

M. Labori.--“In relation to the affair of M. Zola.” 205

M. Labori.--“But, _Monsieur le Président_, I do not wish to speak of the Dreyfus case.” 207

M. Labori.--“I accept no observations which imply that I desire to reach an end by indirect means.” 209

M. Clemenceau.--“It is the court that is conducting this trial.” 212

M. Zola.--“There are different ways of serving France.” 213

M. Labori.--“And in an insulting letter addressed by Major Esterhazy to Colonel Picquart was not the name again written without a _c_?” 215

M. Labori.--“Did he not intervene several times in the course of the testimony of M. Leblois?” 217

M. Labori.--“I have finished on that point.” 220

M. Clemenceau.--“I no longer understand you.” 221

M. Labori.--“Will Colonel Picquart tell us what he knows of the Esterhazy case, of the investigation that he made, and of the circumstances that accompanied or followed his departure from the war department?” 224

M. Labori.--“Is there in the war department a file of documents that makes Major Esterhazy’s guilt inadmissible?” 240

M. Labori.--“Accomplices in the war offices?” 242

M. Labori.--“Colonel Picquart has told us that he gathered information unfavorable to Esterhazy. Will he go a little more into details?” 245

M. Labori.--“I insist on the smallest details.” 246

M. Labori.--“I do not know whether the witness will be able to reply to 247

M. Labori.--“Why, then, had they not taken in 1896 the attitude that they have taken since?” 250

M. Labori.--“How, then, could General Gonse say that it was necessary to distinguish the Dreyfus case from the Esterhazy case?” 252

M. Clemenceau.--“He did not enter as a robber.” 257

M. Labori.--“Was it M. Bertulus who suggested to General de Pellieux to search the house for smuggled matches?” 259

M. Ravary.--“If I had desired to invoke Article 378, I need not have said anything. I could have pleaded professional secrecy.” 261

M. Clemenceau.--“But, since you did not invoke it, you are at liberty to speak.” 262

M. Labori.--“Has it ever been pretended that this dispatch was seized on Major Esterhazy’s premises?” 265

M. Labori.--“All right. I take note of this declaration. What, now, was the use of strips placed upon the photograph to conceal traces of tear?” 267

M. Clemenceau.--“Then will Major Lauth explain to us, accepting the improbable supposition that he had complied with Colonel Picquart’s desire, where he would have had the post-office stamp placed?” 269

M. Leblois, being recalled, said: 272

M. Labori.--“Since Colonel Picquart, being addressed as he has just been addressed by Colonel Henry, hears no comment but this: ‘You are in disaccord,’ I ask that he explain himself unreservedly.” 275

M. Zola.--“Exactly.” 277

M. Clemenceau.--“It is to the jurors that I wish to read it.” 280

M. Clemenceau.--“_Monsieur le Président_, I need to point it out in the presence of these two officers, because, if I am mistaken, one of the two will correct me.” 281

M. Labori.--“What violation?” 286

M. Clemenceau.--“I ask you, _Monsieur le Président_, to put the question.” 287

M. Labori.--“Then there was a resemblance between this _fac-simile_ and the _bordereau_?” 289

M. Demange.--“A striking resemblance. You have not the original, then?” 290

M. Pierre Quillard, man of letters, who was present as a disinterested spectator at the Esterhazy trial, succeeded M. Ranc upon the witness-stand. 292

M. Labori.--“What does M. Quillard think of M. Zola’s letter?” 294

M. Labori.--“This is very interesting. We pretend to prove that the _bordereau_ is the work of Major Esterhazy.” 304

M. Zola.--“Absolutely.” 305

M. Bertillon.--“I furnished no written expert testimony.” 307

M. Bertillon.--“Oh! I do not know their titles. There was a note of this, a note of that, etc.” 308

M. Labori.--“Did you not once receive a visit from M. Picquart?” 309

M. Labori.--“M. Bertillon will do a service to everybody, and especially to the defence, by explaining as far as possible his methods of investigation.” 310

M. Bertillon.--“I am absolutely determined to say nothing until the documents are produced.” 311

M. Bertillon.--“Oh! not at all.” 312

M. Labori.--“I simply ask where this document is to be placed in this plan.” 313

M. Bertillon.--“Produce the document, and I will tell you.” 314

M. Bertillon.--“They were numbered from 1 to 30, including three or four letters from Mathieu Dreyfus and various notes regarding the service.” 315

M. Labori.--“Is it for their writing that M. Bertillon needs these documents?” 316

SEVENTH DAY--FEBRUARY 14. 317

BEAULIEU (ALPES-MARITIMES). 318

M. Labori.--“Gentlemen of the jury, ‘La Libre Parole’ of this morning publishes under the heading, ‘The Defender of Zola,’ the following note, the meaning of which it is impossible for me to misunderstand. 321

M. Bertillon.--“I remain on the ground of my previous deposition.” 323

M. Bertillon.--“I have seen nobody. I have consulted the situation.” 325

M. Clemenceau.--“Then the witness, instead of consulting the prefect of police and the minister of war, has consulted the situation?” 326

M. Bertillon.--“It refers to my deposition of 1894 in the Dreyfus case.” 327

M. Clemenceau.--“What conclusion does the witness draw from it?” 328

M. Labori then read an interview from “L’Echo de Paris.” 330

M. Bertillon.--“For every word, an inaccuracy; but to rectify them it would be necessary to go into the case of 1894. That I will not do.” 331

M. Labori.--“We have read them, but I do not find there what I ask. On the contrary, I find there a demolition of expert examinations of handwriting, leaving nothing of them.” 333

M. Bertillon.--“At the end of the article I say that only material proofs can lead to the truth in matters of this kind. These material proofs are in the file of 1894.” 334

M. Labori.--“I will not insist, because it would take us a month. 335

M. Bertillon.--“I know the theory of that matter, but I did not use it in my expert examination.” 336

M. Labori.--“Will the witness tell us if the _bordereau_ is written in a running hand?” 337

M. Bertillon.--“It is absolutely impossible for me to answer that question without entering into my deposition of 1894.” 338

M. Bertillon.--“Absolutely no, not without entering into my deposition of 1894.” 340

M. Bertillon.--“Certainly not. I have often defended myself against the imputations of Bernard Lazare and company. But the most absurd statements have been attributed to me.” 341

M. Clemenceau.--“M. Bernard Lazare is not a lawyer of the appellate 342

M. Clemenceau.--“Has the witness had a twenty minutes’ talk with our _confrère_ Decori, a lawyer of the appellate court of Paris, concerning the principle of his system?” 343

M. Bertillon.--“Oh! it is possible that I have spoken to M. Decori, as to many others, of the Dreyfus case, and of the insults that have been heaped upon me in connection therewith.” 344

M. Guyot was then asked his opinion of M. Zola’s good faith. He answered: 349

M. Teyssonnière.--“No, but I felt that he was endeavoring to get me to express a doubt as to the conclusions of my report. He buried that in my brain as with a gimlet.” 352

M. Teyssonnière.--“And I shall always be grateful to you. Investigation showed, however, that, far from having asked 2,000 francs too much, I was a loser by 600 francs.” 353

M. Charavay.--“At any rate I am determined not to answer. I was one of the experts in the first trial. I know nothing of the second.” 356

M. Labori.--“Would you ever condemn a person solely on the strength of an expert examination of handwriting?” 357

M. Labori.--“You add your impression, _Monsieur le Président_, to that of the expert, and I shall have something to say about that in my argument.” 358

EIGHTH DAY--FEBRUARY 15. 359

M. Crépieux-Jamin then took the witness-stand to answer the charges made by M. Teyssonnière the day before. 361

M. Labori.--“Has not the witness refused to testify as an expert in the present trial?” 363

M. Labori.--“If I am well informed, the witness declined to testify for motives of prudence?” 364

M. Labori.--“What is the difference between the official photographs and the _fac-simile_?” 365

M. Labori.--“Is the witness an Israelite?” 366

M. Labori.--“Will you give us your opinion of the _bordereau_?” 367

M. Labori.--“But, _Monsieur le Président_, I pray you.” 370

M. Labori.--“I am drawing up a motion, and I consider it absolutely 372

M. Labori.--“There was nothing like that in the old _régime_. It is inaugurated in this assize court. I can only bow, while I protest.” 373

M. Molinier.--“I made it of my own accord, for, in common with all Frenchmen, I am interested in this case.” 375

M. Molinier was then succeeded by M. Célerier, professor in the College of Fontenay-le-Comte. 377

M. Célerier.--“I did not.” 378

M. Clemenceau.--“_Monsieur le Président_, I beg your pardon for 380

M. Grimaux.--“If M. Labori thinks it necessary to the defence” ... 383

M. Labori.--“I think it indispensable, and I beg you to complete your great act of courage by telling the whole truth.” 384

M. Zola.--“Absolutely.” 388

NINTH DAY--FEBRUARY 16. 392

M. Labori.--“I ask permission to offer a motion. I ask for the presence of Colonel Picquart here.” 394

M. Labori.--“I ask the floor.” 398

M. Labori.--“If you deprive me of the floor, _Monsieur le Président_, 401

M. Labori.--“I am saying something now of greater consequence than my motion.” 402

M. Labori.--“But, _Monsieur le Président_, do you hold to what you just said?” 403

M. Labori.--“At once. I will ask no other question until he is summoned.” 405

M. Teyssonnière.--“No.” 407

M. Labori.--“Well, then, be off.” 408

M. Teyssonnière.--“I have not said that.” 409

M. Meyer.--“I have made no use of those. But the resemblance, according to ‘Le Matin’s’ _fac-simile_, between Major Esterhazy’s writing and the writing of the _bordereau_ is undeniable.” 411

M. Meyer then asked General de Pellieux to procure for him at least the original photographs of the _bordereau_. 412

M. Meyer.--“Pardon me, I do not defend myself. Pupils are always the best judges of their professors.” 414

M. Labori.--“What is the package, so preciously wrapped, that you have there under the table? Does it contain, perchance, photographs of the _bordereau_?” 415

TENTH DAY--FEBRUARY 17. 418

M. Clemenceau.--“Does not General de Pellieux think that it is of interest to the honor of the army to know whether a French officer wrote such a letter?” 419

M. Clemenceau.--“Under open seal (by sealing a thread passed through the corner of the document). Does not that sort of seal leave the document uncovered?” 420

M. Labori.--“Yesterday General de Pellieux declared that Major Esterhazy could not have procured in 1894 the documents enumerated in the _bordereau_. What has Colonel Picquart to say in answer to that?” 421

M. Labori.--“It has always been said at the war department that it was written in April.” 430

M. Labori.--“And at what date was it written?” 431

M. Labori.--“I read from the Dreyfus indictment: 432

M. Labori.--“I ask that Colonel Picquart be heard on these points.” 433

M. Labori.--“Then, _Monsieur le President_, will you ask General Gonse if Colonel Picquart was not delegated by the minister of war to attend the Dreyfus trial?” 435

M. Labori.--“Come back now to this passage of the _bordereau_: 436

M. Clemenceau.--“Would an artillery officer at the firing lessons have refused to lend his manual to a major of infantry?” 438

M. Labori.--“No, that is not _the_ question, for there are several questions.” 444

M. Clemenceau.--“We have tried to prove it, and have been prevented, and, if General de Pellieux wishes me to explain further, I am ready to do so.” 446

M. Labori.--“It is well. I thank you, my general.” 447

M. Clemenceau.--“We brought here a witness who had it from the lips of one of the members of the council of war that a secret document was communicated to the judges. We were not allowed to question him.” 448

M. Clemenceau.--“As to the secret document, why did not General Billot show it to M. Scheurer-Kestner when that gentleman went to see him? In that case the whole matter would have been finished by this time.” 449

ELEVENTH DAY--FEBRUARY 18. 450

M. Labori.--“I call attention to the way in which, twice in succession, you have refused me the means of maintaining the defence.” 453

PARIS, FEBRUARY 18, 1898. 458

M. Clemenceau.--“Does the witness admit that the passage just read was contained in a letter whose authenticity he did not deny to General de Pellieux?” [Silence.] 467

M. Clemenceau.--“In certain interviews it has been stated that Major Esterhazy had declared that Mme. de Boulancy was either mad or a forger. Does the witness maintain that declaration?” [Silence.] 469

M. Clemenceau.--“At first did not the witness deny all these letters?” [Silence.] 471

M. Clemenceau.--“Concerning the first passage, did not Major Esterhazy declare that he was simply reporting remarks made by German officers at a dinner where French officers were present?” [Silence.] 472

M. Clemenceau.--“In the passages that I have just read Major Esterhazy repeatedly indicates that he was exasperated; yet has not Major Esterhazy received excellent testimonials from his superiors?” [Silence.] 473

M. Clemenceau.--“When did he learn it?” 475

M. Clemenceau.--“I note, _Monsieur le Président_, that the honor of the country permits these things to be done, but does not permit them to be said.” 478

TWELFTH DAY--FEBRUARY 19. 479

M. Labori sustained the demand of Colonel Picquart that General de Galiffet be called, but the court ruled that his testimony would be useless. 480

M. Labori.--"_Monsieur le Président_, you abuse the right that your lofty position gives you. You have no right to insult me. Do you maintain that I do not say serious things here?" 484

M. Labori.--"Was it not then that Colonel Picquart proposed to have Major Esterhazy arrested for certain matters of indelicacy?" 486

M. Labori.--"Does the witness know anything concerning M. Zola's good faith?" 488

M. Labori then read the following letter received from M. Gabriel Séailles, professor of philosophy at the Sorbonne, who had been summoned, but was kept at home by illness. 490

GENERAL DE LUXER. 498

M. Zola was followed by his counsel, M. Labori, who summed up his case with the following elaborate argument: 508

PARIS, FEBRUARY 20, 1898. 530

FOURTEENTH DAY--FEBRUARY 22. 533

M. Labori.--"I pass on, _Monsieur le Président_. But I do not think there is anything in my words that can be attacked by anybody." 549

M. Demange asks the floor. 554

M. Brisset.--"There are other interests at stake in this trial than 556

M. Brisset.--"It is the principal part." 557

M. Demange.--"How do you know, since I have not read the whole? My motion is filed. Now I have a right to speak in support of it. I offer two observations." 558

M. Demange.--“A decree has declared that the court must consider the circumstances of the case.” 559

M. Brisset.--“These are the tactics of the defence.” 560

JANUARY 3, 1895. 573

FIFTEENTH DAY--FEBRUARY 23. 579

M. Labori.--“_Monsieur le Président_, all this has been told at length in the newspapers.” 605

M. Labori then read the Esterhazy examination, in which, in answer to General de Luxer, he spoke of the robberies, and attributed them to Mathieu Dreyfus. 608

M. Labori was followed by M. Georges Clemenceau, representing the _gérant_ of “L’Aurore.” He spoke as follows: 618

M. Zola.--“And he is an anti-Semite.” 630

Opening pages

FULL REPORT, FROM ORIGINAL SOURCES.

THE TRIAL OF EMILE ZOLA

A DETAILED REPORT OF THE Fifteen Days' Proceedings in the Assize Court at Paris

NEW YORK BENJ. R. TUCKER, 24 GOLD STREET 1898

THE TRIAL OF EMILE ZOLA

CONTAINING

M. ZOLA'S LETTER TO PRESIDENT FAURE RELATING TO THE DREYFUS CASE, AND A FULL REPORT OF THE FIFTEEN DAYS' PROCEEDINGS IN THE ASSIZE COURT OF THE SEINE, INCLUDING TESTIMONY OF WITNESSES AND SPEECHES OF COUNSEL

NEW YORK BENJ. R. TUCKER, PUBLISHER 1898

□ The advantages of the method of typography employed in the composition of this volume, in which the "justification" of lines is dispensed with, are undeniable. From the standpoint of æsthetics it is an improvement, because by it absolutely perfect spacing is secured. From the standpoint of economy it is almost a revolution, since it saves, in the case of book work, from twenty to forty per cent. of the cost of type-setting, according to the grade of the work. If adopted in all printing-offices, it would effect a daily saving of the labor of about two hundred thousand men.

THE OFFENCE.

On January 10, 1898, some three years after the secret trial and conviction, by a council of war, of Captain Alfred Dreyfus, then a staff officer of the French army, of having sold French military secrets to a foreign power, in consequence of which he was stripped of his uniform in a degrading public ceremony and sent for life to Devil's Island, a French penal settlement situated off the coast of French Guiana, where he is now confined under guard, a second council of war convened in Paris for the trial of Major Marie Charles Ferdinand Walsin-Esterhazy, a French infantry officer temporarily relieved from active service on account of poor health, the charge against him--preferred by Mathieu Dreyfus, brother of Captain Alfred Dreyfus--being that he was the real author of the *bordereau*, or itemized memorandum, supposed to have been written by Captain Dreyfus, and on the strength of which the latter was convicted.

The trial was conducted publicly until the most important witness, Lieutenant-Colonel Georges Picquart, of the Fourth Algerian Sharpshooters, was reached, when the council went into secret session, remaining behind closed doors until the evening of January 11, when the doors were thrown open and General de Luxer, the president of the council, announced a unanimous vote in acquittal of the defendant.

Two days later--January 13--"L'Aurore," a daily paper published in Paris under the directorship of Ernest Vaughan and the editorship of Georges Clemenceau, and having as its *gérant*, or legally responsible editor, J. A. Perrenx, published the following letter from Emile Zola, man of letters, to Félix Faure, president of France:

I ACCUSE...!

LETTER TO M. FELIX FAURE, PRESIDENT OF THE REPUBLIC.

Monsieur le Président:

Will you permit me, in my gratitude for the kindly welcome that you once extended to me, to have a care for the glory that belongs to you, and to say to you that your star, so lucky hitherto, is threatened with the most shameful, the most ineffaceable, of stains?

You have emerged from base calumnies safe and sound; you have conquered hearts. You seem radiant in the apotheosis of that patriotic *fête* which the Russian alliance has been for France, and you are preparing to preside at the solemn triumph of our Universal Exposition, which will crown our great century of labor, truth, and liberty. But what a mud-stain on your name--I was going to say on your reign--is this abominable Dreyfus affair! A council of war has just dared to acquit an Esterhazy in obedience to orders, a final blow at all truth, at all justice. And now it is done! France has this stain upon her cheek; it will be written in history that under your presidency it was possible for this social crime to be committed.

Since they have dared, I too will dare. I will tell the truth, for I have promised to tell it, if the courts, once regularly appealed to, did not bring it out fully and entirely. It is my duty to speak; I will not be an accomplice. My nights would be haunted by the spectre of the innocent man who is atoning, in a far-away country, by the most frightful of tortures, for a crime that he did not commit.

And to you, *Monsieur le Président*, will I cry this truth, with all the force of an honest man’s revolt. Because of your honor I am convinced that

you are ignorant of it. And to whom then shall I denounce the malevolent gang of the really guilty, if not to you, the first magistrate of the country?

First, the truth as to the trial and conviction of Dreyfus.

A calamitous man has managed it all, has done it all--Colonel du Paty de Clam, then a simple major. He is the entire Dreyfus case; it will be fully known only when a sincere investigation shall have clearly established his acts and his responsibilities. He appears as the most heady, the most intricate, of minds, haunted with romantic intrigues, delighting in the methods of the newspaper novel, stolen papers, anonymous letters, meetings in deserted spots, mysterious women who peddle overwhelming proofs by night. It is he who conceived the idea of dictating the *bordereau* to Dreyfus; it is he who dreamed of studying it in a room completely lined with mirrors; it is he whom Major Forzinetti represents to us armed with a dark lantern, trying to gain access to the accused when asleep, in order to throw upon his face a sudden flood of light, and thus surprise a confession of his crime in the confusion of his awakening. And I have not to tell the whole; let them look, they will find. I declare simply that Major du Paty de Clam, entrusted as a judicial officer with the duty of preparing the Dreyfus case, is, in the order of dates and responsibilities, the first person guilty of the fearful judicial error that has been committed.

The *bordereau* already had been for some time in the hands of Colonel Sandherr, director of the bureau of information, who since then has died of general paralysis. “Flights” have taken place; papers have disappeared, as they continue to disappear even today; and the authorship of the *bordereau* was an object of inquiry, when little by little an *a priori* conclusion was arrived at that the author must be a staff officer and an officer of artillery,--clearly a double error, which shows how superficially this *bordereau* had been studied, for a systematic examination proves that it could have been written only by an officer of

troops. So they searched their own house; they examined writings; it was a sort of family affair,--a traitor to be surprised in the war offices themselves, that he might be expelled therefrom. I need not again go over a story already known in part. It is sufficient to say that Major du Paty de Clam enters upon the scene as soon as the first breath of suspicion falls upon Dreyfus. Starting from that moment, it is he who invented Dreyfus; the case becomes his case; he undertakes to confound the traitor, and induce him to make a complete confession. There is also, to be sure, the minister of war, General Mercier, whose intelligence seems rather inferior; there is also the chief of staff, General de Boisdeffre, who seems to have yielded to his clerical passion, and the sub-chief of staff, General Gonse, whose conscience has succeeded in accommodating itself to many things. But at bottom there was at first only Major du Paty de Clam, who leads them all, who hypnotizes them,--for he concerns himself also with spiritualism, with occultism, holding converse with spirits. Incredible are the experiences to which he submitted the unfortunate Dreyfus, the traps into which he tried to lead him, the mad inquiries, the monstrous fancies, a complete and torturing madness.

Ah! this first affair is a nightmare to one who knows it in its real details. Major du Paty de Clam arrests Dreyfus, puts him in close confinement; he runs to Madame Dreyfus, terrorizes her, tells her that, if she speaks, her husband is lost. Meantime the unfortunate was tearing his flesh, screaming his innocence. And thus the examination went on, as in a fifteenth-century chronicle, amid mystery, with a complication of savage expedients, all based on a single childish charge, this imbecile *bordereau*, which was not simply a vulgar treason, but also the most shameless of swindles, for the famous secrets delivered proved, almost all of them, valueless. If I insist, it is because here lies the egg from which later was to be hatched the real crime, the frightful denial of justice, of which France lies ill. I should like to show in detail how the judicial error was possible; how it was born of the machinations of Major

du Paty de Clam; how General Mercier and Generals de Boisdeffre and Gonse were led into it, gradually assuming responsibility for this error, which afterward they believed it their duty to impose as sacred truth, truth beyond discussion. At the start there was, on their part, only carelessness and lack of understanding. At worst we see them yielding to the religious passions of their surroundings, and to the prejudices of the *esprit de corps*. They have suffered folly to do its work.

But here is Dreyfus before the council of war. The most absolute secrecy is demanded. Had a traitor opened the frontier to the enemy in order to lead the German emperor to Notre Dame, they would not have taken stricter measures of silence and mystery. The nation is awe-struck; there are whisperings of terrible doings, of those monstrous treasons that excite the indignation of History, and naturally the nation bows. There is no punishment severe enough; it will applaud even public degradation; it will wish the guilty man to remain upon his rock of infamy, eaten by remorse. Are they real then,--these unspeakable things, these dangerous things, capable of setting Europe aflame, which they have had to bury carefully behind closed doors? No, there was nothing behind them save the romantic and mad fancies of Major du Paty de Clam. All this was done only to conceal the most ridiculous of newspaper novels. And, to assure one’s self of it, one need only study attentively the indictment read before the council of war.

Ah! the emptiness of this indictment! That a man could have been condemned on this document is a prodigy of iniquity. I defy honest people to read it without feeling their hearts leap with indignation and crying out their revolt at the thought of the unlimited atonement yonder, on Devil’s Island. Dreyfus knows several languages--a crime; no compromising document was found on his premises--a crime; he sometimes visits the neighborhood of his birth--a crime; he is industrious, he is desirous of knowing everything--a crime; he does not get confused--a crime; he gets confused--a crime. And the simplicities of

this document, the formal assertions in the void! We were told of fourteen counts, but we find, after all, only one,--that of the *bordereau*. And even as to this we learn that the experts were not in agreement; that one of them, M. Gobert, was hustled out in military fashion, because he permitted himself to arrive at another than the desired opinion. We were told also of twenty-three officers who came to overwhelm Dreyfus with their testimony. We are still in ignorance of their examination, but it is certain that all of them did not attack him, and it is to be remarked, furthermore, that all of them belonged to the war officers. It is a family trial; there they are all at home; and it must be remembered that the staff wanted the trial, sat in judgment at it, and has just passed judgment a second time.

So there remained only the *bordereau*, concerning which the experts were not in agreement. It is said that in the council-chamber the judges naturally were going to acquit. And, after that, how easy to understand the desperate obstinacy with which, in order to justify the conviction, they affirm today the existence of a secret overwhelming document, a document that cannot be shown, that legitimates everything, before which we must bow, an invisible and unknowable god. I deny this document; I deny it with all my might. A ridiculous document, yes, perhaps a document concerning little women, in which there is mention of a certain D---- who becomes too exacting; some husband doubtless, who thinks that they pay him too low a price for his wife. But a document of interest to the national defence the production of which would lead to a declaration of war tomorrow! No, no; it is a lie; and a lie the more odious and cynical because they lie with impunity, in such a way that no one can convict them of it. They stir up France; they hide themselves behind her legitimate emotion; they close mouths by disturbing hearts, by perverting minds. I know no greater civic crime.

These, then, *Monsieur le Président*, are the facts which explain how it was possible to commit a judicial error; and the moral proofs, the

position of Dreyfus as a man of wealth, the absence of motive, this continual cry of innocence, complete the demonstration that he is a victim of the extraordinary fancies of Major du Paty de Clam, of his clerical surroundings, of that hunting down of the “dirty Jews” which disgraces our epoch.

And we come to the Esterhazy case. Three years have passed; many consciences remain profoundly disturbed, are anxiously seeking, and finally become convinced of the innocence of Dreyfus.

I shall not give the history of M. Scheurer-Kestner’s doubts, which later became convictions. But, while he was investigating for himself, serious things were happening to the staff. Colonel Sandherr was dead, and Lieutenant-Colonel Picquart had succeeded him as chief of the bureau of information. And it is in this capacity that the latter, in the exercise of his functions, came one day into possession of a letter-telegram addressed to Major Esterhazy by an agent of a foreign power. His plain duty was to open an investigation. It is certain that he never acted except at the command of his superiors. So he submitted his suspicions to his hierarchical superiors, first to General Gonse, then to General de Boisdeffre, then to General Billot, who had succeeded General Mercier as minister of war. The famous Picquart documents, of which we have heard so much, were never anything but the Billot documents,--I mean, the documents collected by a subordinate for his minister, the documents which must be still in existence in the war department. The inquiries lasted from May to September, 1896, and here it must be squarely affirmed that General Gonse was convinced of Esterhazy’s guilt, and that General de Boisdeffre and General Billot had no doubt that the famous *bordereau* was in Esterhazy’s handwriting. Lieutenant-Colonel Picquart’s investigation had ended in the certain establishment of this fact. But the emotion thereat was great, for Esterhazy’s conviction inevitably involved a revision of the Dreyfus trial; and this the staff was determined to avoid at any cost.

Then there must have been a psychological moment, full of anguish. Note that General Billot was in no way compromised; he came freshly to the matter; he could bring out the truth. He did not dare, in terror, undoubtedly, of public opinion, and certainly fearful also of betraying the entire staff, General de Boisdeffre, General Gonse, to say nothing of their subordinates. Then there was but a minute of struggle between his conscience and what he believed to be the military interest. When this minute had passed, it was already too late. He was involved himself; he was compromised. And since then his responsibility has only grown; he has taken upon his shoulders the crime of others, he is as guilty as the others, he is more guilty than they, for it was in his power to do justice, and he did nothing. Understand this; for a year General Billot, Generals De Boisdeffre and Gonse have known that Dreyfus is innocent, and they have kept this dreadful thing to themselves. And these people sleep, and they have wives and children whom they love!

Colonel Picquart had done his duty as an honest man. He insisted in the presence of his superiors, in the name of justice; he even begged of them; he told them how impolitic were their delays, in view of the terrible storm which was gathering, and which would surely burst as soon as the truth should be known. Later there was the language that M. Scheurer-Kestner held likewise to General Billot, adjuring him in the name of patriotism to take the matter in hand, and not to allow it to be aggravated till it should become a public disaster. No, the crime had been committed; now the staff could not confess it. And Lieutenant-Colonel Picquart was sent on a mission; he was farther and farther removed, even to Tunis, where one day they even wanted to honor his bravery by charging him with a mission which would surely have led to his massacre in the district where the marquis de Morès met his death. He was not in disgrace; Gen. Gonse was in friendly correspondence with him; but there are secrets which it does one no good to find out.

At Paris the truth went on, irresistibly, and we know in what way the expected storm broke out. M. Mathieu Dreyfus denounced Major Esterhazy as the real author of the *bordereau*, at the moment when M. Scheurer-Kestner was about to lodge a demand for a revision of the trial with the keeper of the seals. And it is here that Major Esterhazy appears. The evidence shows that at first he was dazed, ready for suicide or flight. Then suddenly he determines to brazen it out; he astonishes Paris by the violence of his attitude. The fact was that aid had come to him; he had received an anonymous letter warning him of the intrigues of his enemies; a mysterious woman had even disturbed herself at night to hand to him a document stolen from the staff, which would save him. And I cannot help seeing here again the hand of Lieutenant-Colonel du Paty de Clam, recognizing the expedients of his fertile imagination. His work, the guilt of Dreyfus, was in danger, and he was determined to defend it. A revision of the trial,--why, that meant the downfall of the newspaper novel, so extravagant, so tragic, with its abominable *dénouement* on Devil's Island. That would never do. Thenceforth there was to be a duel between Lieutenant-Colonel Picquart and Lieutenant-Colonel du Paty de Clam, the one with face uncovered, the other masked. Presently we shall meet them both in the presence of civil justice. At bottom it is always the staff defending itself, unwilling to confess its crime, the abomination of which is growing from hour to hour.

It has been wonderingly asked who were the protectors of Major Esterhazy. First, in the shadow, Lieutenant-Colonel du Paty de Clam, who devised everything, managed everything; his hand betrays itself in the ridiculous methods. Then there is General de Boisdeffre, General Gonse, General Billot himself, who are obliged to acquit the major, since they cannot permit the innocence of Dreyfus to be recognized, for, if they should, the war offices would fall under the weight of public contempt. And the beautiful result of this prodigious situation is that the one honest man in the case, Lieutenant-Colonel Picquart, who alone has done his

duty, is to be the victim, the man to be derided and punished. O justice, what frightful despair grips the heart! They go so far as to say that he is a forger; that he manufactured the telegram, to ruin Esterhazy. But, in heaven's name, why? For what purpose? Show a motive. Is he, too, paid by the Jews? The pretty part of the story is that he himself was an anti-Semite. Yes, we are witnesses of this infamous spectacle,--the proclamation of the innocence of men ruined with debts and crimes, while honor itself, a man of stainless life, is stricken down. When a society reaches that point, it is beginning to rot.

There you have, then, *Monsieur le Président*, the Esterhazy case,--a guilty man to be declared innocent. We can follow the beautiful business, hour by hour, for the last two months. I abridge, for this is but the *résumé* of a story whose burning pages will some day be written at length. So we have seen General de Pellieux, and then Major Ravary, carrying on a rascally investigation whence knaves come transfigured and honest people sullied. Then they convened the council of war.

How could it have been expected that a council of war would undo what a council of war had done?

I say nothing of the choice, always possible, of the judges. Is not the superior idea of discipline, which is in the very blood of these soldiers, enough to destroy their power to do justice? Who says discipline says obedience. When the minister of war, the great chief, has publicly established, amid the applause of the nation's representatives, the absolute authority of the thing judged, do you expect a council of war to formally contradict him? Hierarchically that is impossible. General Billot conveyed a suggestion to the judges by his declaration, and they passed judgment as they must face the cannon's mouth, without reasoning. The preconceived opinion that they took with them to their bench is evidently this: "Dreyfus has been condemned for the crime of treason by a council of war; then he is guilty, and we, a council of war, cannot declare him

innocent. Now, we know that to recognize Esterhazy's guilt would be to proclaim the innocence of Dreyfus." Nothing could turn them from that course of reasoning.

They have rendered an iniquitous verdict which will weigh forever upon our councils of war, which will henceforth tinge with suspicion all their decrees. The first council of war may have been lacking in comprehension; the second is necessarily criminal. Its excuse, I repeat, is that the supreme chief had spoken, declaring the thing judged unassailable, sacred and superior to men, so that inferiors could say naught to the contrary. They talk to us of the honor of the army; they want us to love it, to respect it. Ah! certainly, yes, the army which would rise at the first threat, which would defend French soil; that army is the whole people, and we have for it nothing but tenderness and respect. But it is not a question of that army, whose dignity is our special desire, in our need of justice. It is the sword that is in question; the master that they may give us tomorrow. And piously kiss the sword-hilt, the god? No!

I have proved it, moreover; the Dreyfus case was the case of the war offices, a staff officer, accused by his staff comrades, convicted under the pressure of the chiefs of staff. Again I say, he cannot come back innocent, unless all the staff is guilty. Consequently the war offices, by all imaginable means, by press campaigns, by communications, by influences, have covered Esterhazy only to ruin Dreyfus a second time. Ah! with what a sweep the republican government should clear away this band of Jesuits, as General Billot himself calls them! Where is the truly strong and wisely patriotic minister who will dare to reshape and renew all? How many of the people I know are trembling with anguish in view of a possible war, knowing in what hands lies the national defence! And what a nest of base intrigues, gossip, and dilapidation has this sacred asylum, entrusted with the fate of the country, become! We are frightened by the terrible light thrown upon it by the Dreyfus case, this human sacrifice of an unfortunate, of a "dirty Jew." Ah! what a mixture

of madness and folly, of crazy fancies, of low police practices, of inquisitorial and tyrannical customs, the good pleasure of a few persons in gold lace, with their boots on the neck of the nation, cramming back into its throat its cry of truth and justice, under the lying and sacrilegious pretext of the *raison d'Etat*!

And another of their crimes is that they have accepted the support of the unclean press, have suffered themselves to be championed by all the knavery of Paris, so that now we witness knavery's insolent triumph in the downfall of right and of simple probity. It is a crime to have accused of troubling France those who wish to see her generous, at the head of the free and just nations, when they themselves are hatching the impudent conspiracy to impose error, in the face of the entire world. It is a crime to mislead opinion, to utilize for a task of death this opinion that they have perverted to the point of delirium. It is a crime to poison the minds of the little and the humble, to exasperate the passions of reaction and intolerance, while seeking shelter behind odious anti-Semitism, of which the great liberal France of the rights of man will die, if she is not cured. It is a crime to exploit patriotism for works of hatred, and, finally, it is a crime to make the sword the modern god, when all human science is at work on the coming temple of truth and justice.

This truth, this justice, for which we have so ardently longed,--how distressing it is to see them thus buffeted, more neglected and more obscured. I have a suspicion of the fall that must have occurred in the soul of M. Scheurer-Kestner, and I really believe that he will finally feel remorse that he did not act in a revolutionary fashion, on the day of interpellation in the senate, by thoroughly ventilating the whole matter, to topple everything over. He has been the highly honest man, the man of loyal life, and he thought that the truth was sufficient unto itself, especially when it should appear as dazzling as the open day. Of what use to overturn everything, since soon the sun would shine? And it is for this confident serenity that he is now so cruelly punished. And the same is the

case of Lieutenant-Colonel Picquart, who, moved by a feeling of lofty dignity, has been unwilling to publish General Gonse's letters. These scruples honor him the more because, while he remained respectful of discipline, his superiors heaped mud upon him, working up the case against him themselves, in the most unexpected and most outrageous fashion. Here are two victims, two worthy people, two simple hearts, who have trusted God, while the devil was at work. And in the case of Lieutenant-Colonel Picquart we have seen even this ignoble thing,--a French tribunal, after suffering the reporter in the case to publicly arraign a witness and accuse him of every crime, closing its doors as soon as this witness has been introduced to explain and defend himself. I say that is one crime more, and that this crime will awaken the universal conscience. Decidedly, military tribunals have a singular idea of justice.

Such, then, is the simple truth, *Monsieur le Président*, and it is frightful. It will remain a stain upon your presidency. I suspect that you are powerless in this matter,--that you are the prisoner of the constitution and of your environment. You have none the less a man's duty, upon which you will reflect, and which you will fulfill. Not indeed that I despair, the least in the world, of triumph. I repeat with more vehement certainty; truth is on the march, and nothing can stop it. Today sees the real beginning of the affair, since not until today have the positions been clear: on one hand, the guilty, who do not want the light; on the other, the doers of justice, who will give their lives to get it. When truth is buried in the earth, it accumulates there, and assumes so mighty an explosive power that, on the day when it bursts forth, it hurls everything into the air. We shall see if they have not just made preparations for the most resounding of disasters, yet to come.

But this letter is long, *Monsieur le Président*, and it is time to finish.

I accuse Lieutenant-Colonel du Paty de Clam of having been the diabolical workman of judicial error,--unconsciously, I am willing to

believe,--and of having then defended his calamitous work, for three years, by the most guilty machinations.

I accuse General Mercier of having made himself an accomplice, at least through weakness of mind, in one of the greatest iniquities of the century.

I accuse General Billot of having had in his hands certain proofs of the innocence of Dreyfus, and of having stifled them; of having rendered himself guilty of this crime of *lèse-humanité* and *lèse-justice* for a political purpose, and to save the compromised staff.

I accuse General de Boisdeffre and General Gonse of having made themselves accomplices in the same crime, one undoubtedly through clerical passion, the other perhaps through that *esprit de corps* which makes of the war offices the Holy Ark, unassailable.

I accuse General de Pellieux and Major Ravary of having conducted a rascally inquiry,--I mean by that a monstrously partial inquiry, of which we have, in the report of the latter, an imperishable monument of naive audacity.

I accuse the three experts in handwriting, Belhomme, Varinard, and Couard, of having made lying and fraudulent reports, unless a medical examination should declare them afflicted with diseases of the eye and of the mind.

I accuse the war offices of having carried on in the press, particularly in “L’Eclair” and in “L’Echo de Paris,” an abominable campaign, to mislead opinion and cover up their faults.

I accuse, finally, the first council of war of having violated the law by condemning an accused person on the strength of a secret document, and I accuse the second council of war of having covered this illegality, in obedience to orders, in committing in its turn the judicial crime of knowingly acquitting a guilty man.

In preferring these charges, I am not unaware that I lay myself liable under Articles 30 and 31 of the press law of July 29, 1881, which punishes defamation. And it is wilfully that I expose myself thereto.

As for the people whom I accuse, I do not know them, I have never seen them, I entertain against them no feeling of revenge or hatred. They are to me simple entities, spirits of social ill-doing. And the act that I perform here is nothing but a revolutionary measure to hasten the explosion of truth and justice.

I have but one passion, the passion for the light, in the name of humanity which has suffered so much, and which is entitled to happiness. My fiery protest is simply the cry of my soul. Let them dare, then, to bring me into the assize court, and let the investigation take place in the open day.

I await it.

Accept, *Monsieur le Président*, the assurance of my profound respect.

EMILE ZOLA.

At the sitting of the French chamber of deputies on the day of the appearance of the foregoing letter, Comte de Mun, a member of the chamber and representing the monarchical party, questioned the government “as to the measures which the minister of war intends to take, in consequence of the article published this morning by M. Emile Zola.” After a stormy debate and a suspension of the sitting, M. Méline, the prime minister, reluctantly declared the intention of the government to prosecute the author of the article.

Accordingly, on January 20, the assize court of the Seine served notice on M. Zola and M. Perrenx to appear before it at the Palais de Justice on the following February 7, and there answer to a charge of having publicly defamed the first council of war of the military government of Paris, the charge being based on the following passages from the incriminated article:

“A council of war has just dared to acquit an Esterhazy in obedience to orders, a final blow at all truth, at all justice. And now it is done; France has this stain upon her cheek; it will be written in history that under your presidency it was possible for this social crime to be committed.”

“They have rendered an iniquitous verdict which will weigh forever upon our councils of war, which will henceforth tinge all their decrees with suspicion. The first council of war may have been lacking in comprehension; the second is necessarily criminal.”

“I accuse the second council of war of having covered this illegality, in obedience to orders, in committing in its turn the judicial crime of knowingly acquitting a guilty man.”

On January 22 “L’Aurore” published a second letter from M. Zola, addressed to the minister of war, in which he complained that the government had based its charge of defamation exclusively on those passages of his first letter which related to the trial of Major Esterhazy, carefully refraining from specification of those passages relating to the trial of Captain Dreyfus, lest thereby the truth about the latter should come to light and compel a revision of his case. This second letter concluded as follows:

Why were you afraid to take notice of all my charges? I will tell you.

Fearing an open discussion, you have resorted, in order to save yourself, to the methods of a prosecuting attorney. They have called to your attention, in the law of July 21, 1881, an Article 52 which permits me to offer proof concerning only the matters “set forth and complained of in the summons.”

And now you are quite at your ease, are you not?

Well, you are mistaken; I warn you in advance; you have been ill-advised.

The first thought was to bring me before the police court, but they did not dare, for the court of appeals would have upset the whole procedure.

Then they conceived the idea of delaying matters by greatly prolonging the preliminary examination; but they were afraid that this might give a new development to the case, and pile up against you a crushing mass of evidence, methodically recorded.

Finally, in desperation, they decided to impose upon me an unequal struggle, tying my hands in advance, to assure you, by the methods of a lawyer’s clerk, the victory that undoubtedly you did not expect from a free discussion.

You have forgotten that I am to have for judges twelve French citizens, in possession of their independence.

I shall find a way to win by the force of justice; I shall illuminate consciences with the effulgence of truth. At the first words we shall see the methods of the quibblers swept away by the imperious necessity of proof. This proof the law bids me give, and the law would be a liar if, imposing on me this duty, it should refuse me the means of doing it.

How could I prove the charges of which you complain, if I were not allowed to show the concatenation of facts and were prevented from placing the whole matter in the fullest light?

Liberty to prove,--that is the power on which I depend.

On January 24 M. Zola's counsel served notice on the attorney-general of a long list of witnesses whom he intended to summon, in which notice he called on the attorney-general to produce in court all the papers relating to the trials of Captain Dreyfus and Major Esterhazy, and made formal offer to prove, not only the matters set forth in the summons, but also, as inseparable from them, the charges preferred in the letter to President Faure against Lieutenant-Colonel du Paty de Clam, General Mercier, General Billot, General de Boisdeffre, General Gonse, General de Pellieux, Major Ravary, the three experts in handwriting,--Belhomme, Varinard, and Couard,--the war offices, and the Dreyfus council of war.

On February 7 M. Zola and M. Perrenx appeared for trial, and the record of the court proceedings here follows.

THE TRIAL.

FIRST DAY--FEBRUARY 7.

The first day's proceedings began with the entrance of the presiding judge, M. Delegorgue, the other members of the court being Councillors Lault and Bousquet. Attorney-General Van Cassel appeared for the prosecution, M. Fernand Labori for M. Zola, and M. Albert Clemenceau, assisted by his brother, M. Georges Clemenceau, for M. Perrenx, the *gérant* of "L'Aurore." The court-room of the assize court of the Seine was crowded to its utmost capacity; wherefore the judge, on taking his seat, addressed those present as follows:

"I notify the public that we shall not begin until all are seated. I likewise warn the public that every sort of manifestation, whether for or against the accused, is formally forbidden, and that at the first sign of disorder I shall order the court-room cleared. Please consider this said once for all, for I shall not repeat it."

The usual dialogue then ensued between the judge and M. Zola.

"Your name?"

"Emile Zola."

"Your profession?"

"Man of letters."

"Your age?"

"Fifty-eight years."

"Your residence?"

"21 *bis*, Rue de Bruxelles."

The drawing of the jury was then proceeded with. Three challenges were used by the prosecution, and seven by the defence, the jurors finally selected being as follows:

Foreman, Auguste Dutrieux, merchant; Auguste Leblond, roof-builder; Pierre Emery, merchant; Bernier, molder in copper; Edouard Gressin, clerk; Bouvier, proprietor; Albert Chevanier, wine merchant; Nigon, leather-dresser; Charles Fouquet, seedsman; Joseph Moureire, wire-drawer; Charles Huet, market-gardener; Brunot, linen-draper. Supplementary jurors: Antoine Jourde, tradesman; Alfred Boucreux, butcher.

Then began the reading of the documents in the case by the clerk, the only one of interest being the complaint of Gen. Billot. Referring to M. Zola's letter, the complainant declared:

This article contains a series of insults and slanders directed against two ministers of war, general officers, and army officers of all grades under their orders. Chiefs and subordinates are above such outrages, and the opinion of parliament, of the country, and of the army has already placed them beyond reach of attack. Though the minister of war does not consider it his duty to lodge a complaint for the persons above referred to, any more than for the council of war which rendered the verdict of 1894, the authority of which must remain intact, we cannot admit any suspicion of the independence of military justice or any accusation that it rendered on January 11 in obedience to orders an iniquitous sentence and committed a judicial error in knowingly acquitting a guilty man. Consequently I have the honor to lodge a complaint against the *gérant* of "L'Aurore" and M. Emile Zola on account of the defamation directed against the first council of war of the military government of Paris, which at its sessions of January 10 and 11, 1898, declared the acquittal of Major Esterhazy.

After the reading of the documents, Attorney-General Van Cassel took the floor to make what he described as “a statement of the case,” speaking as follows:

“The minister of war has taken notice, in his complaint, of the imputation cast by M. Emile Zola upon the first council of war of having acquitted Major Esterhazy in obedience to orders. The summons could not go beyond the terms of the complaint. It is natural that every complainant should circumscribe the grievances for which he demands reparation. Otherwise it would be too easy for the accused to turn the discussion from its proper course, and create a diversion for the audience, which is the great art in the assize court. A single question is submitted to you, gentlemen of the jury: *Did the first council of war act in obedience to orders in acquitting Major Esterhazy?* The other imputation contained in M. Zola’s article the minister of war holds in contempt. Nevertheless the accused assert the right to discuss all the allegations contained in the article. Their avowed plan is to make you judges of the legality of the sentence passed upon Dreyfus. We shall not permit it. I warn them that any attempt on their part to provoke a sort of indirect revision of the Dreyfus case would be illegal and futile. No one has a right to indirectly call in question the thing judged. Our legislation, in its desire to avoid judicial error, has laid down rules for revision. These rules were broadened by the law of 1895. This law was passed prior to the trial of Dreyfus. Why have the accused not availed themselves of it? Why have they not attempted revision by the legal methods? They have not done so. They have tried to secure the conviction of a second officer on account of the crime of which Dreyfus was convicted. They have failed in their undertaking. Since then no new fact has been produced; no unknown document of such a nature as to establish the innocence of the condemned has been revealed to justice. In the absence of material wherewith to secure a legal revision, they wish--I use the words of M. Emile Zola--to provoke a revolutionary revision. The court will not lend

itself to this manœuvre. Respect for the thing judged requires that the discussion be circumscribed to the single matter of which the minister of war takes notice in his complaint. Therefore no evidence can be admitted here except such as tends to prove the charges relating to the pretended iniquity committed in obedience to orders in 1898 by the military judges of Major Esterhazy. Accusations foreign to this special matter must remain outside of the discussion. I ask, then, that the accused may not be authorized to attempt proof thereof, either by documents or by testimony. The charges preferred by them against the officers, the witnesses, the experts, the members of the council of war of 1894, which convicted Dreyfus, have no connection with the defamation of the council of war of 1898."

To this contention M. Labori made the following reply:

"I am not much astonished, gentlemen, at the difficulties which M. Zola meets in this affair, and I expect that this incident, which is the first, will not be the last. We expected that they would offer to you and impose upon us a restricted discussion. Such was the desire of the minister of war, and it was his right. It will be ours, at a certain moment, to ask what could have been the underlying reasons for the exercise of this right under the circumstances in which the minister of war has made use of it. However that may be, it was his right, and I do not deny it. But, gentlemen, I do not believe that the form of the complaint within which he confines himself involves the consequences which he has hoped for."

Reading then all the charges made at the end of M. Zola's letter, M. Labori continued:

"You know, gentlemen, what was the reply. It began on the day when, after five days and five nights of deliberation and uncertainty, the minister of war preferred this complaint, the bearing of which you now know, and it continues today in the motions which the attorney-general now makes in the name of the complainant and in his own name. Do you

think that that is going to strangle the discussion? Absurd! It is as if one should place himself in the middle of a torrent to prevent it from flowing. The discussion is open. If they wanted to stifle it, they need not have prosecuted either Perrenx or Zola. They had the right to refrain; and, in fact, public opinion, to which, gentlemen, I shall speak,--public opinion, which is not enlightened, and which, admirable in generosity and in faith, but blind, most faithfully supports the ruling powers,--public opinion perhaps would have given its sanction to such a course. But they have chosen to prosecute M. Zola. Being accused, he will defend himself. Are they, then, serious when they say to us today that the three paragraphs cited from this letter of two thousand lines have nothing to do with the intention of M. Zola on the one hand, or, on the other, with the article as a whole and the other charges contained in it? Can the court accept that? Between the three matters taken notice of by the minister of war and the sum total of the matters which I have read to the court there is a connection not only close, but indivisible. In the first place, gentlemen, Major Esterhazy was prosecuted for the same crime of treason for which Captain Dreyfus had been prosecuted. The document of the trial was the *bordereau*; the *bordereau* concerning which the first experts testified; the *bordereau* concerning which, at the second trial, experts testified again. And it is not strange to read that the experts of both trials, not being the same, feel no desire to meet at this bar in contradiction of each other in a discussion where the light is to be complete. But it is certain that the document in question, and which was the object of discussion in the Esterhazy trial and in the Dreyfus trial, is the *bordereau*. The two crimes were the same. M. Mathieu Dreyfus had denounced Major Esterhazy. If Major Esterhazy had been condemned, the setting aside of the verdict against Captain Dreyfus would have followed as a matter of necessity. Major Esterhazy was acquitted. The question remains open, and we are to deal with it. The question takes the form of a dilemma. Either we are to be prevented from offering any proof, and in that case we shall see; or, on the contrary, we are to be permitted to examine the situation of Captain

Dreyfus as well as that of Major Esterhazy, since both are closely connected, and it would not be possible for us to prove here the guilt of Major Esterhazy and his acquittal in obedience to orders, if we had not the right to prove at the same time the innocence of Captain Dreyfus. To say nothing of the fact, gentlemen, that the minister of war, in drawing up his complaint, perhaps not perceiving this dangerous detail, allowed a little paragraph to slip in, in which it was said that the second council of war covered the illegality to which the first had committed itself. Now, gentlemen, how are we to demonstrate that they have covered an illegality, unless we are allowed to demonstrate first that an illegality has been committed? Unless, indeed, they mean--and I confess that that would seem to me a really curious preliminary to this discussion--to acknowledge that the illegality has been committed, and that it is recognized in the face of France and the civilized world. If not, then on this point as on others we must be permitted the opportunity of proof. You know, gentlemen, what the authorities say. It is a matter of doctrine and of law that, outside of the matters set forth in the summons, it is permissible to prove matters connected with them by close and indivisible ties. I have shown you that the matters which it is our right to prove are closely bound up with the other matters of which we likewise offer proof. It remains only to say a single word in answer to a last objection of the attorney-general,--the thing judged. The thing judged! What will be left of it, gentlemen, if we succeed in showing that it has been irregularly and illegally judged, this thing, in which public opinion has such faith that it considers as public malefactors those who dream for a second of doubting it, even though they have declared that they are ready to furnish the proof? Citizens respect this thing judged. It is their right and their duty to respect it. But only, I repeat, because they believe it to have been regularly and legally judged. Where there is no right, there is no legality, no justice, no thing judged, Mr. Attorney-General, and let us say no more of exceptions."

In reinforcement of the position of M. Labori, M. Albert Clemenceau then addressed the court:

“I wish to speak simply of two points made by the attorney-general. He has told us that his hands are tied by the minister of war, that he is unable to broaden the discussion, and that it must take the form that the minister of war desires. We suspected it, but I believe that it will be interesting to the jury to know that, if he had desired a general discussion, the minister of war perhaps would have done as all French citizens do when they believe themselves injured,--namely, would have lodged a complaint with the attorney-general. The attorney-general is supposed to know something about law. He would have read M. Zola’s article, and it is probable that he would have had us indicted on grounds much more numerous than those which this complaint specifically alleges. So much for the first point. The second is this. The attorney-general, who knows the meaning of words, began his observations by saying: ‘Gentlemen, I am going to make a statement of the case’; but he made an argument, and he finished in a way of which the jury had had no warning, asking the court to limit the discussion which we desire to carry on at this bar.”

M. Labori then submitted a formal motion that the court authorize the introduction of evidence on all the matters referred to in M. Zola’s letter.

Before the court had passed upon this motion, the three experts in handwriting, Couard, Belhomme, and Varinard, intervened through their counsel, M. Cabanes, asking that, in view of the fact that they had prosecuted M. Zola and “L’Aurore” in the police courts, no introduction of their names into the case now on trial should be permitted.

The Judge.--“The purpose of this motion is to enable the experts, in case it is granted, to prosecute M. Zola in the assize court for outrages upon witnesses because of their testimony before the council of war.”

M. Albert Clemenceau.--“We accept any discussion before the assize court.”

M. Labori.--“If that is the motive of the intervention of the experts, I ask the court to suspend judgment on the motion, until that point in the discussion is reached which concerns the experts and their testimony. And, if it is a matter of reserving to these gentlemen a special right, which will end, I imagine, in one facility more for the production of the explanations that we have to furnish, we can only congratulate ourselves in so far as we are concerned. I speak in the name of M. Zola and M. Perrenx.”

M. Zola.--“Complete light!”

M. Clemenceau.--“Whatever motions may be made in this court, and from whatsoever persons they may come, if their object is to bring about a public discussion in the assize court, we second them. In fact, I do not care even to know whether these motions are well founded in law; you warn us that their tendency would be to bring us here again on another charge; we accept every sort of discussion before the assize court.”

Without passing upon the motion of M. Cabanes, the court then rendered an adverse decision on M. Labori’s motion for the introduction of evidence concerning all the charges preferred by M. Zola, claiming that they were not indivisibly connected with the matter on trial.

The time having arrived for the calling of the witnesses, the court announced that it had received letters from several of them, in explanation of their absence.

The Judge.--“I have a letter from the keeper of the seals, saying that the minister of war, General Billot, has not been authorized to respond to the summons. M. Labori and M. Clemenceau, do you forego this witness’s evidence?”

M. Labori.--“In regard to him we make a reservation.”

The Judge.--“Here is a letter from General Gonse. He asks to be heard among the first, because of his service.”

M. Labori.--“We shall be able to hear General Gonse among the first. It was our intention to do so. But, in spite of our great desire to hear him, we cannot take his personal convenience into consideration.”

The Attorney-General.--“Nor his service?”

M. Labori.--“Nor his service.”

The Judge.--“Here is a letter from Major d’Ormescheville, declaring that, having been the reporter for the council of war, he does not believe it his duty to respond to the summons.”

M. Labori.--“I make a reservation, as in the case of General Billot.”

The Judge.--“Here is a letter from M. Gibert, cited as a witness by M. Zola. ‘I have left Havre, and have retired to.... In view of the gravity of my condition, it is impossible for me to come to testify in person, and I have just sent what I have to say to M. Labori.’”

M. Labori.--“I have not yet received it.”

The Judge.--“Then you make a reservation?”

M. Labori.--“Yes.”

The Judge.--“Here is a letter from M. Casimir-Perier, in which he says: ‘I am unable to enlighten justice on any matter that has occurred since my resignation of the presidency of the republic. I add that, if I were questioned concerning matters which occurred when I held the presidency, personal responsibilities would impose silence upon me. Out of deference for the court, I am ready to appear before it, if it deems it necessary that I repeat this declaration verbally.’”

M. Labori.--“I make a reservation in regard to M. Casimir-Perier.”

The Judge.--“Here is a letter from Lieutenant-Colonel du Paty de Clam. He says: ‘In the Dreyfus case I performed the functions of an officer of judicial police. My only part in the Esterhazy trial was to testify behind closed doors, and in the matter of this testimony I am bound to professional secrecy. Under these circumstances I have the honor to pray you to excuse me from appearing in court, where I should be unable to furnish any information concerning the matters mentioned in the summons.’”

M. Labori.--“M. Zola and M. Perrenx deem Lieutenant-Colonel du Paty de Clam a witness of the highest importance, not only in matters relating to the Dreyfus trial, but in matters relating to the Esterhazy trial. Furthermore, the testimony of Lieutenant-Colonel du Paty de Clam is necessary, because it bears upon the good faith of the accused, for, if certain information that has come to M. Zola, and the production of which he will call for before this court, is to be believed, Lieutenant-Colonel du Paty de Clam has been mixed up in matters which concerned Lieutenant-Colonel Picquart, certain of which are very curious. Furthermore, a complaint has been lodged against Lieutenant-Colonel du Paty de Clam, the consideration of which has been entrusted to Examining Magistrate Bertulus. For all these reasons the testimony of Lieutenant-Colonel du Paty de Clam is indispensable. We cannot produce here certain evidence that concerns him, unless he is called to explain himself in person. And under these circumstances I believe it my duty to make formal motion that all legal means be employed to make Lieutenant-Colonel du Paty de Clam come here and testify concerning his relations with the de Comminges family,

concerning the scene with the mysterious lady in 1892, and concerning the telegrams signed ‘Speranza’ and ‘Blanche,’ addressed to Lieutenant-Colonel Picquart at Tunis.”

The Attorney-General.--“M. du Paty de Clam declares in his letter, like all the members of the council of war, the hearing of whom has been abandoned because it was evident that it could not be exacted, that professional secrecy prevents him from giving any information whatever. Consequently there is no reason for rejecting his excuse. But M. Labori points out that Lieutenant-Colonel du Paty de Clam was interested as a witness in an examination not yet finished, but opened on the complaint of Lieutenant-Colonel Picquart. The reply to this is manifest and direct. There can be no confusion here between M. Zola and the *gérant* of ‘L’Aurore’ on the one hand, and Colonel Picquart on the other. The latter has lodged a complaint which is being regularly examined, and it is for him alone to intervene if he sees fit. But his proceeding is the proceeding of a third party, so far as these defendants are concerned. From no point of view, then, do the arguments that have just been presented seem to me well founded.”

M. Labori.--“Will the court permit me to indicate the matters concerning which M. Zola desires to hear Lieutenant-Colonel du Paty de Clam, and the connection between them and the verdict of January 11? In 1892 Lieutenant-Colonel du Paty de Clam, who had not then risen to his present office, was in very close relations with the de Comminges family, whose society Lieutenant-Colonel Picquart also frequented. Mlle. Blanche de Comminges and her brother, Captain de Comminges, have been summoned here as witnesses.”

The Judge.--“I regret to inform you that Mlle. de Comminges is sick, and that she has sent a doctor’s certificate.”

M. Labori.--“We hope that she will be well again within forty-eight hours. There are many sick people in this case. We shall have something

to say concerning the things that are happening in this matter to prevent witnesses from coming, and we shall expose all intimidations and threats. Mlle. de Comminges knew Lieutenant-Colonel Picquart and Lieutenant-Colonel du Paty de Clam. At the beginning of the campaign in relation to Major Esterhazy, Lieutenant-Colonel Picquart received at Tunis two singular dispatches. One of them read: 'All is discovered. Speranza.' The court will remember that this is a signature which has been met already in the Esterhazy trial. The other dispatch said in substance: 'It is known that Georges (that is the name of Lieutenant-Colonel Picquart) is the author of the telegram. All is discovered. Blanche.' By Blanche was meant Mlle. Blanche de Comminges, and that this was understood by the military authorities is proved by the fact that they demanded of Mlle. Blanche de Comminges certain specimens of her handwriting. She protested, and lodged a complaint, as did Lieutenant-Colonel Picquart. These dispatches, then, were forgeries. It would be interesting to find out who the forgers are. Lieutenant-Colonel Picquart attributes one of them to the police agent, Souffrain, and we have summoned him. We hope that he will come, and then we shall have an explanation. As for the other telegram, we are curious to know how there could have started from certain circles which must be in touch either with the minister of war or with Major Esterhazy a dispatch signed Blanche which Lieutenant-Colonel Picquart was expected to consider as coming from Mlle. Blanche de Comminges. We should like to hear Lieutenant-Colonel du Paty de Clam concerning these matters, and others of an earlier date in which he has been mixed up, and which relate exclusively and very closely to Major Esterhazy. They happened in 1892, and we shall have need also of the testimony of Mlle. de Comminges on the same subject."

The Judge.--"There is no question here of Mlle. de Comminges. The question is of Lieutenant-Colonel du Paty de Clam."

M. Labori.--“But it is Lieutenant-Colonel du Paty de Clam whom these matters concern. He was induced at a certain moment, on the intervention of one of his most eminent superiors, General Davout, to restore to the de Comminges family certain correspondence. I cannot be more precise on this point, and the court understands why; but the matter is in the hands of the prefect of police. One day Lieutenant-Colonel du Paty de Clam said that a certain letter belonging to this correspondence was not in his hands, and that he could not give it up directly, because it had fallen into the hands of a woman, but that it was not very difficult to see her, and that the only thing necessary was to hand her a 500-franc bill in exchange for the letter. Then, it seems, on the demand of Lieutenant-Colonel du Paty de Clam, a meeting was appointed at the *cours la Reine*, at the very spot to which came the singular veiled lady of Major Esterhazy. There, in the presence of witnesses, Lieutenant-Colonel du Paty de Clam entered into conversation with the veiled lady, with whom he remained a long time, and to whom he pretended to have given a 500-franc bill, which, however, no one had sent to him. Then he brought back the letter to transmit it anew to the de Comminges family. These are facts concerning which I can say nothing more, in presence of the interested parties. I can furnish only indications.”

The Judge.--“But I do not see the relation between what you have just said and the matter for which your client is prosecuted.”

M. Labori.--“You shall see. M. Zola does not hesitate to think that the veiled lady, far from being in relations with Colonel Picquart, as they have not feared to state in official reports, and as Major Esterhazy loudly and audaciously charges, belongs to the circle of certain members of the staff, or to the circle of Major Esterhazy himself. Now, concerning this veiled lady we shall have to have explanations. For how can you expect us to prove that a guilty man has been acquitted in obedience to orders, if we do not begin by proving that he is guilty, and by establishing consequently the various circumstances which could culminate in his

guilt? Under these circumstances it is for us to examine in detail, in order to get complete light, points that in no way concern the national defence, which has been abused. It is our indisputable right to seek light on Major Esterhazy's means of defence, which have been welcomed in another place with a facility that they will not meet at the hands of this jury."

M. Albert Clemenceau.--"At the trial of Major Esterhazy, and in the course of his examination, reference was made to the veiled lady, and this mysterious person was taken so seriously that the president of the council of war asked the accused if he could not give some indications concerning this lady, who had given him the mysterious rendezvous. I conclude therefrom that in the Esterhazy trial, with which we are necessarily concerned, the veiled lady was in question, and that therefore all that concerns her is well within our case. Again, Major du Paty de Clam, in his letter, says that he cannot come here to testify, because he was a judicial officer of police in the first examination. The court perhaps remembers that in this very place, in the case known as the Prado case, they heard Examining Magistrate Guillot, who came to testify concerning facts that took place in his private office. The presiding judge was a Paris magistrate. Now, what was done in the Prado case can be done in this case, and I do not see that the fact that Major du Paty de Clam played a part in another inquiry is a reason why we should not hear him here."

M. Labori.--"Another thing. This is the first time that I have known witnesses to be judged according to the utility of their evidence. M. du Paty de Clam is not sick, nor is he detained, so far as I know, by the duties of his military office. He does not know upon what points he is to be examined, or what we shall ask him. It is his duty to appear in this case. We have to question him as well on matters of fact as on matters of morals pertaining exclusively to the Esterhazy case, and not at all to the Dreyfus case. Under these circumstances it is indispensable that M. du Paty de Clam should appear at this bar. If we question him upon points in regard to which he can take shelter behind professional secrecy, he will

take such shelter, and will not answer. And even then it will be our right to make a motion before the court, asking whether, as a matter of law, M. du Paty de Clam can cut himself off behind professional secrecy. M. du Paty de Clam refers to closed doors. Well, if closed doors are necessary in this assize court, we will have them. With a jury, closed doors have no terrors for us. But we shall ask no questions concerning the national defence. None are involved in this affair."

M. Zola.--"None."

M. Labori.--“They have put forward the plea of the nation’s defence. But that is a jest.”

The Attorney-General.--“The defence of the nation a jest?”

M. Labori.--“Ah! really, that is not worthy of you, Mr. Attorney-General. I do not accept that. No, no! I will suffer no one, not even you, to suspect my patriotism. No! I repeat, gentlemen of the jury, if there is any question here that concerns the national defence, we shall not approach it. If closed doors are necessary, let the doors be closed; we are willing. But we will not permit them to say, in placing us at the mercy of all calumnies and all insults, that we are paid men, when, in fact, in a trial like this, we are fighting a battle in which we risk our life and honor. We will allow no one to say that we are triflers, and that contempt is the most that we deserve. It will be seen later whether we deserve it.”

The Judge.--“I have a letter from Mme. de Boulancy in which she says: ‘I am kept in bed by an affection of the heart, which gives me much pain just now. I enclose the certificate of my doctor, M. de Basse, 4, Rue de Berlin. I beg to refer you to my evidence before M. Bertulus.’”

M. Labori.--“We must hear Mme. de Boulancy. She cannot lapse into a state of perpetual silence simply because she testified before M. Bertulus. From the standpoint of authenticity Major Esterhazy’s letters belong to this discussion. Major Esterhazy, realizing how terrible a blow the letter in which he styled himself a Uhlan would be to him, in spite of his numerous protectors, has denied its genuineness; now, it is genuine, it is, I declare it! And, if Mme. de Boulancy were here, we would prove it. In the presence of all these obstacles, I have the right, in the name of my client, who, I am sure, will approve me” ...

M. Zola.--“Certainly.”

M. Labori.--“... and it is my duty, to tell the whole. Mme. de Boulancy has other letters” ...

M. Zola.--“That is absolutely true.”

M. Labori.--“... which are authentic and still more serious. For weeks she has been the object of all sorts of threats. Major Esterhazy visits her house daily, with the support and protection of the police, who do not prevent him. And Major Esterhazy threatens her with death, if she gives up the letters. Mme. de Boulancy has also in her hands telegrams from Major Esterhazy of a later date, in which he begs her to give him the letters, and this is a fact known to more than one witness. For instance, there is M. Tysse. We shall be told directly that he will not come because, it seems, the Crédit Lyonnais threatens him with discharge if he comes, and promises to pay his fine if he does not come. We submit these facts to the jurors, and we ask them whether it is M. Zola, or the minister of war by his complaint and his limitations, who is creating in France a situation which, whatever may be said, is really revolutionary.”

M. Albert Clemenceau.--“It was not until this morning that Mme. de Boulancy became afflicted with heart trouble, but for two days we have known that she would not come, and that, in the fear that the court will send an expert physician to examine her, she will remain in bed all day. I must add that Mme. de Boulancy has informed the court that she lives in the Rue de Berlin. I beg the court to send either a doctor or a sheriff’s officer to that address. He will not find Mme. de Boulancy there.”

The Judge.--“She lives in the Boulevard des Batignolles, No. 22.”

M. Zola.--“She is not there either.”

M. Albert Clemenceau.--“You will not find Mme. de Boulancy at 22, Boulevard des Batignolles. I have the honor to offer a motion drawn up forty-eight hours ago, in which we foresaw that Mme. de Boulancy would be afflicted with heart trouble, and here, according to the terms of her letter, she is suffering with an affection of the heart. We were not mistaken.”

M. Clemenceau then offered a formal motion that, whereas Mme. de Boulancy had declared on several occasions that she possessed letters from Major Esterhazy no less insulting to the French army than those already known, and that she would produce them in the assize court, and whereas it was known to the defence that Mme. de Boulancy had recently received three dispatches from Major Esterhazy demanding a return of these letters, and threatening her with death if she should produce them in court, and whereas, because of these threats, Mme. de Boulancy had moved, concealing her new address, a physician be sent to examine her physical condition, and that a police officer be sent to seize the letters and dispatches referred to, wherever he might find them.

The Judge.--“M. Lebrun-Renault writes: ‘I am summoned only because of the special service that I performed January 5, 1895, at the parade in which Captain Dreyfus was disgraced. I can report what took place in the course of this service only to my hierarchical chiefs, and that is what I did. It is for them to make such use of my report as may seem to them proper. As for me, outside of them, I am bound to silence by my professional duty. Wherefore it is impossible for me to testify before the jurors. Under these circumstances I shall not respond.’”

M. Labori then offered a motion that, whereas there had been for some weeks a question in the press and at the tribune of the chamber of

deputies of pretended confessions made by ex-Captain Dreyfus to Captain Lebrun-Renault on the day of the former's degradation, the court order the hearing, first, of M. Lebrun-Renault, who will be asked to state whether he received the confession from Dreyfus and under what conditions, whether he reported the confession officially and under what circumstances, and whether he has spoken to various persons concerning them, and especially to M. Forzinetti, the baron de Vaux, M. P..., M. Fontbrune, and M. Dumont, and, second, of any other witness who can be usefully questioned concerning these matters.

The judge then read the following letter from Major Ravary:

My presence at the trial would be absolutely useless. I abstain, then, from appearing.

RAVARY.

M. Labori.--“Major Ravary was the first to establish officially, in a report that has been read publicly, the existence of what is known as the secret documents in the Dreyfus case. This is a point wholly pertinent to the discussion, since M. Zola and his fellow-defendant are authorized to prove that an illegality was committed in 1894 and covered in 1898. Therefore it is indispensable that M. Ravary be heard, and I shall have the honor to make a motion to that effect.”

The Judge.--“I have received a letter from General Mercier, in which he says that the prosecution of M. Zola deals only with the Esterhazy verdict, with which he had nothing do. He says that he has received from General Billot an authorization not to appear.”

M. Labori.--“I am greatly surprised that General Mercier, like so many others, should constitute himself judge of the question whether it is incumbent upon him to appear before the court. The minister of war may confine his complaint within limits, but he has no right as complainant to pursue the shocking and monstrous course of interposing an obstacle, not juridical, but material to the facts that we wish to establish. General Mercier is a witness of the first importance. Perhaps he will read tomorrow in the newspapers what has occurred at this first hearing, which is given in the presence, not of fifteen hundred persons simply, but of all France. M. Zola declares that in 1894 General Mercier, then minister of war, constituting himself judge in a council of war, did, after the hearing was over, outside of the discussion, without the knowledge of the accused, without examination of the accused upon the matter, and without even submitting it to his counsel, communicate to the council of war a secret document, and a document, for that matter, of no significance. If that is not true, let General Mercier come here tomorrow and say so. If it is true, I have no further use for him.”

The judge then announced that Major Rivals and the court clerk, Vallecalle, had notified him that they would not appear.

M. Labori.--“The complainant is represented here by the attorney-general. We should like him to inform us whether the minister of war has given to all these witnesses, as to General Mercier, an authorization which to them would have been more than an authorization,--that is, an order. If the attorney-general does not know, I would like him to put the question to the minister of war between now and tomorrow, in order to give us an answer.”

M. Zola.--“In short, we should like to know whether these persons have received orders from Billot, or are acting on their own initiative.”

M. Labori.--“Have they been ordered not to come? If so, let it be stated frankly, and the court tomorrow will pass upon our motion, which possibly will ask for a postponement of the case, in order that it may be judged when we are in full possession of the facts.”

M. Albert Clemenceau.--“The president of the republic refused to sign the decree of the minister of justice summoning M. Billot; then M. Billot authorized General Mercier not to appear in the assize court. Knowing the beginning of the story, we are interested in knowing the sequel, and I ask the attorney-general to inform us at the next hearing if the other officers, of a lower grade than that of General Mercier, have likewise been authorized by their superiors not to appear in court. If so, I may be permitted to express my astonishment that there has not been found a person in all this hierarchy to understand that there is one thing which is above the minister of war,--namely, justice. We thought so until today.”

The court then presented the refusals of Colonel Maurel, president of the council of war of 1894, M. Autant, architect, and M. Eichmann, who sat in the first council of war; and the defence, as in the previous cases, insisted upon their appearance.

The Judge.--“A letter from General de Boisdeffre reads as follows: ‘I do not need to tell you that, out of respect to the jury and deference to the court, I would willingly appear, but I have been in no way connected with the Esterhazy case, which was conducted entirely by the military

government of Paris. Outside of professional secrecy, therefore, I could furnish no useful information.'"

M. Labori.--"All these witnesses seem to imagine that they constitute a caste apart and independent, and that it is permissible to them to rise above the law, above justice itself, and personally constitute themselves judges of the question whether they are useful or not as witnesses in a trial. Consequently in the case of General de Boisdeffre, as in the other cases, we insist and we protest."

M. Albert Clemenceau.--"We are a little at sea. In the letters read, some witnesses declare that they will not come because they know certain facts, while others, like M. de Boisdeffre, declare that they will not come because they do not know any facts in this case. We do not know which of these two observations is sound, but it is impossible for both of them to be. It is interesting also to the jurors to know that former cabinet ministers, who are by no means the first comers, MM. Guérin and Trarieux, former keepers of the seals, and M. Raymond Poincaré, former minister of finance, have responded to the summons. It is certain that they would have had nothing to fear, if they had written to the court that they could not come. These former cabinet ministers come; yet among the military officers we cannot get a single witness. I believe it is well for the jurors to remember that."

The court announcing that ex-President Casimir-Perier would appear, the defence withdrew its motion for his further summons. But M. Labori then offered a formal motion that MM. d'Ormescheville, Ravary, General Mercier, Patron, Vallecalle, Maurel, Autant, Eichmann, de Boisdeffre, and Captain de Comminges be forcibly constrained to appear. And he submitted a further motion that Mlle. Blanche de Comminges be constrained to appear, unless it should be found that her illness was genuine, and that, in the latter case, a commission should be appointed to visit her and ask her the following questions:

(1) Is she aware that her name has been used in writing to Colonel Picquart?

(2) How did she become aware of it?

(3) Did she not give the nickname “demigod” to Captain Lallement?

(4) Does she know whether this name was used in a telegram which is said to have been a forgery?

(5) Had Colonel du Paty de Clam any reason for entertaining a revengeful feeling toward her and her family?

(6) Is it not within her knowledge that he resorted in 1892 to very serious manœuvres, notably the employment of anonymous letters?

(7) Was not this matter put in the hands of M. Lozé, prefect of police, and did not General D---- have to intervene?

(8) Did not Colonel du Paty de Clam arrange, for the restitution of a letter, a scene that took place at *cours la Reine*, in which a veiled lady appeared?

After hearing these motions, the court adjourned for the day.

SECOND DAY--FEBRUARY 8.

The second day's hearing began at half past twelve with the announcement of the court that, before proceeding to the hearing of the witnesses, there were new excuses to be read. The first was from Major Esterhazy, who wrote as follows:

I have been accused by M. Mathieu Dreyfus of the crime of high treason, and my judges have acquitted me by a unanimous decree of the council of war. Today I receive, at the instance of a simple individual, M. Emile Zola, a summons to appear as a witness in his trial in the assize court. It is plain, on the other hand, that in this trial the object of M. Zola is at the same time to revise by a revolutionary method the decree of acquittal rendered in my favor, and to sully, by representing them as criminals, the judges whom I respect. Such is the work in which M. Emile Zola invites me to participate. Under such circumstances I consider that I am not obliged to respond to M. Zola's summons.

M. Labori.--"Major Esterhazy was present yesterday. It does not become me to inquire what suggestions he obeys today. I have not consulted M. Emile Zola, but I can say this for myself: it was a feeling of high discretion that led us to summon Major Esterhazy. He will not be here as an accused person, since he has been acquitted, and we consider his case a thing judged. But we have a right to the testimony of Major Esterhazy for the purpose of proving M. Zola's good faith. Major Esterhazy refuses. So be it. I do not insist. We will discuss his *rôle* without him."

M. Albert Clemenceau.--"Pardon me. For my part, I do not give up his testimony. I have some questions to put to Major Esterhazy in the name of the *gérant* of 'L'Aurore.' I demand that he be summoned again, and, if need be, forced to come."

The next letter was from a widow Chapelon, who declared herself afflicted with influenza.

M. Albert Clemenceau.--“Mme. Chapelon appeared at the office of ‘L’Aurore’ a week ago; it was after she had been notified. She asked that her name be struck from the list of witnesses. She was asked why. She replied that she was soliciting for her son a scholarship at Chaptal, and that, if she were to testify, they would not give it to her. M. Perrenx informed her that this was not a good reason, and that she was required to come to the assize court and tell the truth. She went away, slamming the doors, and saying: ‘If you force me to come, I will tell the opposite of the truth.’ I insist that this witness shall come, and I demand that, as in the case of Major Esterhazy, she be brought to court after a second summons.”

The Judge.--“There is a doctor’s certificate.”

M. Clemenceau.--“I ask that an expert physician be sent to her. The one who is to see Mme. de Boulancy can see her too.”

The court then rendered its decision on the motions of the day before, ordering that Dr. Socquet be sent to examine Mme. de Boulancy, Mlle. Blanche de Comminges, M. Autant, and the widow Chapelon, and that a second summons be served upon Captain Lebrun-Renault, Lieutenant-Colonel du Paty de Clam, Major d’Ormescheville, Major Ravary, General Mercier, MM. Patron, Vallecalle, Maurel, Eichmann, General de Boisdeffre, and Major Esterhazy, directing them to appear on February 9.

Testimony of Mme. Dreyfus.

The calling of the witnesses was then begun, the first to take the stand being Mme. Lucie Dreyfus, wife of ex-Captain Dreyfus.

M. Labori.--“I would like Mme. Dreyfus to have the goodness to tell us what she thinks of M. Zola’s good faith, and in this connection to make known to us under what circumstances in 1894 she learned of her husband’s arrest, and what was the attitude at that time of Colonel du Paty de Clam, who was then only a major.”

The Judge.--“What has that to do with the case?”

M. Labori.--“It concerns M. Zola’s good faith.”

M. Zola.--“I ask to be allowed here the liberty that is accorded thieves and murderers. They can defend themselves, summon witnesses, and ask them questions; but every day I am insulted in the street; they break my carriage windows, they roll me in the mud, and an unclean press treats me as a bandit. I have the right to prove my good faith, my probity, my honor.”

The Judge.--“Do you know Article 52, of the law of 1881?”

M. Zola.--“I do not know the law, and at the present moment I do not

M. Zola.--“I do not know the law, and at the present moment I do not want to know it. I appeal to the probity of the jurors. I make them judges of the situation in which I am placed, and I entrust myself to them.”

The Judge.--“I remind you of the terms of the decree rendered yesterday by the court, the provisions of Article 52 of the law of 1881, and the terms of your summons. Let us not depart therefrom. Any question outside of these limits will not be put by me. Let that be well understood. It is useless to recur to the matter.”

M. Zola.--“I ask to be treated here as well as thieves and murderers. All accused persons are entitled to prove their probity, their good faith, and their honor.”

M. Labori.--“Will you permit me to point out the bearing of my questions? M. Zola has made two assertions. He has asserted that the council of war of 1894 convicted, in the person of ex-Captain Dreyfus, an innocent man by illegal methods.”

The Judge.--“He is not prosecuted for that.”

M. Labori.--“Pardon me, he is prosecuted for having said that the second council of war knowingly acquitted a guilty man by covering, in obedience to orders, the illegality committed by the first.”

M. Zola.--“It is in the summons.”

M. Labori.--“M. Zola asks to prove this illegality, and the elements out of which it grew, from the standpoint of his good faith. This illegality is not confined to the moment of the verdict of the council of war, but extends over the very period of inquiry in which occurred facts of the highest gravity which M. Zola asks to produce. If the court considers that Mme. Dreyfus can not be heard on this point, I shall be obliged to offer a motion.”

The Judge.--“Offer your motion. The question will not be put by me.”

M. Clemenceau.--“I ask to make a simple observation, addressed especially to the jurors. I am of the opinion that the law must be complied with, whatever it may be. But I beg you to remember, gentlemen of the jury, that M. Zola has written an article which fills sixteen pages of the pamphlet in my hands. Out of these sixteen pages the public prosecutor, at the order of the minister of war, complains of only fifteen lines, and, when we come to court, it transpires that, in spite of a judicious selection of fifteen lines from sixteen pages, the prosecution is still embarrassed by one of these fifteen lines. They tell us in these fifteen lines there are still six which must be put aside, because, were we to leave them there, embarrassing evidence would be put in.”

The Judge.--“I repeat that no question will be put which would be a means of arriving at the revision of a case sovereignly judged.”

M. Clemenceau.--“Then the court will put no question concerning good faith?”

The Judge.--“Concerning anything that relates to the Dreyfus case. No. Offer your motions. I repeat that I will not put the question.”

M. Labori.--“Will you permit me, _Monsieur le Président_, in our common interest, to ask you, then, what practical means you see by which we may ascertain the truth?”

The Judge.--“That does not concern me.”

M. Labori then made a formal motion that, whereas the matters upon which the testimony of Mme. Dreyfus was required bore directly upon the matters expressly set out in the complaint, and especially upon the illegality charged, and whereas the defendants maintained, in spite of the court’s decree, the right to prove their good faith, and whereas the refusal to hear the witnesses summoned would constitute the highest violation of the defendants’ rights, the court order the following questions to be put to Mme. Dreyfus:

(1) What do you think of M. Zola’s good faith?

(2) What are the reasons that have led you to believe in his good faith?

(3) Do you consider from what you know that the measures taken against your husband were legal or illegal?

(4) Will you describe the first visit of Major du Paty de Clam at your house? Who were present?

(5) Did not M. du Paty de Clam utter the grossest insults against your husband?

(6) Did he not pretend to demonstrate his guilt geometrically and by drawing concentric circles?

(7) Did he not speak of the Iron Mask?

(8) Did he not expressly forbid you to speak of the arrest to anyone whomsoever, even to his family?

(9) After how long a time were you allowed the right to write to your husband?

(10) After how long a time did you again see your husband?

(11) Did not M. du Paty de Clam say to you: “He denies, but I shall succeed in making him spit out all that he has in his body”?

(12) Did not M. du Paty de Clam nevertheless lead you to hope that perhaps there had been an error, and that up to November?

(13) Did not M. du Paty de Clam try, by the most irregular means, and even by insidious means, to tear confessions from you throughout the trial and after the verdict?

(14) What do you think of your husband’s character and morals? What was the nature of your life with him after your marriage?

(15) Did not your husband steadily declare, during the trial and after, that this whole matter was incomprehensible, and that he was the victim of a conspiracy?

The reading of these questions being received with a hostile manifestation from those present in the court-room, M. Labori turned to the audience, and shouted: “If you think you can prevent me from doing my duty, you are mistaken. I am embarrassed only when I am applauded. Let them howl! It is all one to me.”

The Attorney-General.--“I simply call attention to this,--that these incidents are rehearsed before the audience, but they are always the same, and that the jurors whom you have just addressed will remember that you have for the thing judged yesterday the same respect that you have for the thing judged on a previous occasion. I said at the beginning that a plan had been fixed upon; it is being carried out, and you have just given us the formula: ‘I do not know the law, and I do not want to know it.’ Well, we know it, and we will see that it is respected, with the aid of the jurors, in whom I have absolute confidence.”

M. Labori.--“M. Zola will answer in a moment, and it is to assure him the means of doing so that I take the floor.”

The Judge.--“Take it once for all, and do not renew this scene with each witness.”

M. Labori.--“Pardon me, I am much grieved if the line of conduct which I follow is in any way inconvenient or disagreeable to anyone whomsoever. But I know very well that it is dictated to me by a conviction so profound and a resolution so fixed that nothing, nothing, shall force me to deviate from it by a line. That said, I answer the attorney-general in a word. The attorney-general, who, after a firm and energetic beginning, preserved a profound silence throughout the last part of yesterday’s hearing” ...

The Attorney-General.--“To the point of self-denial.”

M. Labori.--“To the point of self-denial, ... rises today to tell us that we are confronted with a fixed plan, and that the same incidents, starting from the same preconceived idea, are being rehearsed. Very well, but the plan that we have fixed is the plan that leads to the light. There is another plan which is being rehearsed at the other side of the bar,--the plan which leads to obscurity and darkness. Reference has been made to the thing judged. We respect it. We respect the thing judged yesterday, but

between that and the other the difference is that the thing judged yesterday was legally judged, and that the other was judged illegally.”

M. Zola.--“Gentlemen of the jury, to you will I address myself. I am not an orator, I am a writer; but unfortunately” ...

The Judge.--“You should address the court.”

M. Zola.--“I ask your pardon. I thought that I had permission to address the jurors. But I will address myself to you. What I have to say will be as well said. I am a writer; I am not accustomed to public speaking; moreover, I am an extremely nervous being, and am liable to use words that ill express my thought. Undoubtedly I have expressed it ill, since I have been misunderstood. I am quoted as saying that I have placed myself above the law. Did I say that?”

M. Labori.--“You said: ‘I have not to know the law at this moment.’”

M. Zola.--“I meant to say, at any rate, that I do not revolt against this grand idea of the law. I submit to it completely, and from it I expect justice. I meant to say that my revolt was against the processes that find expression in all these quibbles raised against me, against the way in which I am prosecuted, against the limitation of the complaint to fifteen lines from my long letter of accusation; and these things I declare unworthy of justice. I say that these few lines are not to be taken and passed upon without regard to all that I have said. A writing is consecutive; phrases lead to phrases, ideas lead to ideas; and to fix upon a single thing therein because it brings me under the law is, I say, unworthy. That is what I say, and that is what I meant. I do not place myself above the law, but I am above hypocritical methods.”

M. Labori.--“Bravo!”

The Attorney-General.--“So, M. Labori, you give the signal for these bravos?”

M. Labori.--“It is true, I said ‘Bravo;’ but frankly, it was the cry of my conscience.”

M. Albert Clemenceau.--“There is one point beyond dispute,--that we are authorized to prove that M. Zola has accused the council of war of having committed an illegality. Well, I ask you how it is possible for us to prove this, if we do not begin by establishing that an illegality has been committed.”

The court denied the motion of M. Labori, and the second witness was called,--M. Leblois, a lawyer of the appellate court.

Testimony of M. Leblois.

The Judge.--“M. Labori, what question do you desire me to put to the witness?”

M. Labori.--“Will you ask M. Leblois at what date and under what circumstances he came into possession of the facts now within his knowledge concerning the Esterhazy case?”

The court interposing no objection, M. Leblois made the following statement:

“I have been for many years the friend of Colonel Picquart. We made all our studies together, and we have remained faithful to this friendship. In 1890 Colonel Picquart was made professor in the School of War, and since then I have seen him more or less frequently. Then he entered the war department, to which he had already been attached for several years, and finally, about the middle of 1895, if I am not mistaken, he was appointed chief of the bureau of information. It would have been natural at that time for him to consult me occasionally upon the legal difficulties that he met, since I was his intimate friend and had belonged to the magistracy for ten years. Nevertheless he spoke to me of only two cases,--a case of criminal procedure that was under way at Nancy, and a batch of documents relating to carrier pigeons, which was nothing but a collection of ministerial decrees upon that question. When, on November 16, 1896, Colonel Picquart was suddenly obliged to quit the war department, he had never said a word to me, either of the Dreyfus case or of the Esterhazy case, and I was absolutely unaware that he was concerning himself with either of them. All who know Colonel Picquart will not be astonished at this reserve.

“In June, 1897, I received a visit from Colonel Picquart, who had come to pass a fortnight’s leave of absence in Paris. On June 3, he had received at Sousse a threatening letter, which had been written to him by one of his former subordinates, and thus he found himself under the necessity of consulting a lawyer. For purposes of his defence he made known to me some of the facts in the cases of Dreyfus and Esterhazy. I say, gentlemen, some of the facts, for Colonel Picquart never revealed to me any military secret, in that sense of the term secret in which it is employed in military language. Colonel Picquart had become convinced of the innocence of Captain Dreyfus, and he explained to me the facts upon which his conviction rested. I had too much confidence in his intelligence and honesty not to admit the materiality of the facts that he made known to me, and from them I came to the same conclusion that he had arrived at. I was profoundly disturbed by what I had just learned, for I not only deplored the possibility of so grave an error, and the submission to undeserved torture of a man who seemed to be innocent, but I was anxious lest such revelations might agitate the country; and so I determined to exercise the greatest prudence.

“First, I collected all the information that I could procure. I consulted certain persons who had been familiar with other facts, making my study more precise by reading documents published in 1896. I gathered information as to the Dreyfus family, and as to Captain Dreyfus, whom I did not know, and finally I studied the various questions of law to which the case might give rise. In the course of these inquiries I learned that M. Scheurer-Kestner had been concerning himself with the Dreyfus case for a year, and had collected facts of some interest. About the same time I met M. Scheurer-Kestner at a dinner, and an interview was arranged between us for a subsequent day. When he found that I was in possession of important information, he urged me strongly to tell him more. He was so insistent, and showed so keen anxiety, that I could not refrain from enlightening him more completely. My original plan, the only one that

seemed possible to me, was to promptly put the government in possession of the facts that I had learned through Colonel Picquart. M. Scheurer-Kestner, vice-president of the senate, seemed to me the best person that I could find through whom to approach the government. For these reasons I thought it my duty to yield to M. Scheurer-Kestner's solicitations, and I gave him the desired enlightenment. Especially I spoke to him of letters that General Gonse had written to Colonel Picquart. M. Scheurer-Kestner begged me to show him these letters immediately, and he accompanied me to my house to get them. From that moment he was convinced of the innocence of Dreyfus, and his conviction has never since been shaken. He will never abandon the cause that he has undertaken.

"Meanwhile, the vacation season was approaching, and it seemed very difficult to institute proceedings at that time. It seemed to me that an affair of this sort should not be entered upon, unless there was a possibility of pursuing it to the end. Furthermore, M. Scheurer-Kestner deemed it necessary to have in his hands certain material proofs which both he and I lacked,--proofs in the shape of examples of Major Esterhazy's handwriting, which was supposed to be identical with that of the *bordereau*. Nevertheless, I thought it my duty to submit to M. Scheurer-Kestner at that moment the idea of presenting to the keeper of the seals a petition for the cancellation of the verdict of 1894, because it seemed to me a settled fact that a secret document had been communicated to the judges, and that consequently the judgment was void. M. Scheurer-Kestner thought that it was too early to take such a step in the absence of material proofs. He made arrangements to get examples of Major Esterhazy's handwriting as soon as possible, and toward the end of July started on his vacation. In the course of the following months he succeeded in procuring examples of Major Esterhazy's handwriting, and, on returning to Paris, he entered into communication with the government. Concerning that, he will testify

himself. For my part, I have nothing more to say upon this point. Nevertheless I add that, when M. Scheurer-Kestner made his interpellation in the senate on November 7, 1897, it seemed to him that this should be the end of his personal participation in the matter. In fact, the declarations of the government pointed to an honest and full investigation, and it did not seem to M. Scheurer-Kestner that there was any occasion for him to interfere in the working-up of a criminal case. So about Christmas time he thought himself entitled to take a few days' rest, of which he was in great need.

"At that moment I had been informed by Colonel Picquart of the conspiracies against him,--conspiracies of extreme gravity, the most serious and important point of which is found in two telegrams addressed to him from Paris on November 10, 1897, and reaching him at Sousse, the first on November 11, the second on November 12 in the morning. These telegrams were forgeries. It seemed plain that they could not have been drawn up, except upon information emanating from the bureau of information, and this it would be easy to demonstrate; but Colonel Picquart will demonstrate it better than I. As the jury and the court will see, this was a new incident in an extremely serious matter, since these telegrams were dated November 10, 1897. Nevertheless it was a conspiracy which had long been in preparation, for in December, 1896, false letters had been addressed to the minister of war signed with the same name, 'Speranza,' that appeared at the foot of the two telegrams of November 10, 1897. It seemed to me it was my first duty to inform the government of this situation. But, having with the government no easy and direct means of communication, I asked M. Trarieux, senator and former keeper of the seals, whom I had met several times at the house of a friend, and who, moreover, had taken part in the senate discussion of M. Scheurer-Kestner's interpellation, to give me the benefit of his sanction by acting as an intermediary between myself and the government. He will tell you what steps he took. For my part I could do

but one thing,--lodge, on behalf of my client, a complaint with the government attorney, which complaint is under examination by M. Bertulus, who has already taken the deposition of Mlle. Blanche de Comminges.

“I said just now that Lieutenant-Colonel Picquart suddenly left the war department on November 16, 1896, on the eve of the Castelin interpellation in the chamber of deputies. His friends were unaware of his departure, and I in particular went several times, and during several weeks, to see him, and failed to find him. One of his friends wrote to the minister of war a letter which should be among the documents in the hands of M. Bertulus, and which, at any rate, constitutes one of the papers in the investigations made by General de Pellieux and Major Ravary. This letter was insignificant, but in it there was a brief allusion to a personage who, in the *salon* of Mlle. de Comminges, had been nicknamed the ‘demigod.’ The letter contained this sentence: ‘Every day the demigod asks Mme. the Countess [that is Mlle. de Comminges] when he will be able to see the good God.’ In this circle, where Colonel Picquart was very popular, he was known as ‘the good God,’ and the name ‘demigod’ had been given to a certain Captain Lallement, who was the orderly of General des Garet, commanding the sixteenth army corps at Montpellier. This letter was intended for Colonel Picquart, but reached him only after it had been secretly opened and copied at the war department. The following month there came to the bureau of information a letter which was intercepted entirely, and of which no knowledge came to Colonel Picquart. This letter is surely the work of a forger. It is signed ‘Speranza.’ That was the beginning, in December, 1896, of the attempt to compromise Lieutenant-Colonel Picquart. The existence of the second letter was concealed for more than a year, and he learned of it for the first time in the course of General de Pellieux’s investigation. But it was made the basis of all the conspiracies for the ruin of this officer. Be not astonished, then, that last November, when

this matter came to public attention and enlisted the interest of parliament, new conspiracies came to light. In the evening of November 10, 1897, two telegrams started from Paris together. The first read thus: ‘Stop, demigod. Affair very serious. Speranza.’ From this telegram it seemed that the demigod must be a very important personage, probably a political personality, perhaps M. Scheurer-Kestner. The second telegram read: ‘We have proofs that the dispatch was manufactured by Georges. Blanche.’ This second telegram, which was evidently a part of the same conspiracy to which the first belonged, tended to destroy the authenticity, and consequently the force as evidence, of a certain dispatch on which rested the investigation opened by Colonel Picquart in the spring of 1896 concerning Major Esterhazy. Thus they endeavored to represent Colonel Picquart as the tool of a politician and the author of a forgery. I should add that it is certain that Colonel Picquart was not acquainted with M. Scheurer-Kestner, and that he had no communication with him, direct or indirect. As for the charge of forgery brought against Colonel Picquart, it has been completely abandoned, for, although there were some insinuations to that effect in Major Ravary’s report, Colonel Picquart recently appeared before a council of inquiry, and among the things with which he was reproached there was not the slightest allusion to the possibility of a forgery in the case of the document in question.”

The Judge.--“What do you know about it?”

M. Leblois.--“*Monsieur le Président*, I know it in the most certain and natural way, because I was myself a witness before the council of inquiry.”

The Judge.--“Were you there throughout the hearing?”

M. Leblois.--“No, but I have knowledge of the facts with which the colonel was reproached.”

The Judge.--“You say that you have knowledge of them, but you do not know them of your own knowledge, since you were not there.”

M. Labori.--“Permit me to observe, *Monsieur le Président*, that the witnesses should have the advantage of the right to give their testimony without being interrupted, according to the terms of Article 315 of the code of criminal examination. I claim this right for M. Leblois. As to the fact which he affirms, the question is not how he knows it, but whether it is true.”

The Judge.--“Permit me, Maître Labori; I suppose that the court is entitled to question witnesses.”

M. Labori.--“It is not entitled to interrupt them.”

The Judge.--“I did not interrupt M. Leblois. I asked him for indications on a point which it is necessary to throw light upon. I will continue to do so, rest assured.”

M. Labori.--“I do not pretend to discuss with you the duties of the judge of the assize court. You know them better than I do. I add that I am ready to render homage to the great impartiality with which you endeavor to direct the debate. But, on the other hand, this is a matter in which it is impossible for us to part with the smallest particle of our rights. They deprive us here of all the faculties that they can deprive us of. We are here face to face with testimony which is entitled to be heard; we ask that it shall be heard freely and independently. Now, Article 315 of the code of criminal examination authorizes witnesses to give their testimony without interruption, without prejudice to the right of the court to ask them, after their deposition, whatsoever questions it sees fit.”

The Judge.--“That is what I have just done.”

M. Labori.--“The deposition of M. Leblois is not finished. He was in the course of it when you interrupted him.”

The Judge.--“Pardon, M. Leblois had finished. I asked him a question to throw light upon his deposition.”

M. Leblois.--“I will answer you in the clearest fashion. In the first place, I declare that I know that Colonel Picquart was asked but four questions. As to the source of this knowledge, I do not think that I am bound to give it, and for a good reason; I am Colonel Picquart’s lawyer.”

The Judge.--“You should have said so at the beginning.”

M. Leblois.--“I did say so.”

The Judge.--“I did not hear it.”

M. Leblois.--“I said just now that I was first introduced to this affair in June, 1897, when Colonel Picquart came to ask my aid and protection against written threats that he had received on June 3 from one of his former subordinates. It was for purposes of his defence that Colonel Picquart related to me a portion of the facts, but not those concerning military secrets, and it was for purposes of his defence that he gave me General Gonse’s letters. I consider that you are now reassured as to the source of my information.

“I add that nothing is easier than to establish materially the proof of what I have just said, for information telegraphed by a provincial agency on February 2, and not contradicted since by any newspaper or otherwise, specifies the points raised in the debate before the council of inquiry. Furthermore, Colonel Picquart has received, in conformity with military regulations, a clear notification of the questions concerning which he was examined. In fact, if a single question is to be put in a council of inquiry, the law requires that the person to be questioned shall receive a notice of the points on which the discussion will turn. Then Colonel Picquart, being in possession of such notice, emanating from the reporter in the case, is clearly in a position to prove what I have just said.”

M. Albert Clemenceau.--“Permit me to ask a question. Just now the witness said this second letter, which was a forgery, was so drawn up as to prove that it emanated from a personage familiar with the documents of the war offices. But the witness did not explain this declaration. I should like to ask him what there was in this letter that enables him to make this declaration, and to say that it came from the war offices.”

M. Leblois.--“I prefer not to give any explanations in regard to this letter, for I should run a risk of altering the version that you will soon hear from Colonel Picquart. [Laughter.] I think there is some misunderstanding. I said that the text of the two telegrams was a certain proof that they emanated from a man familiar with all the secrets of the war department, but I can say that only of the telegrams, because I have seen them and am in possession of their text. I cannot speak so certainly of a letter which I have not seen, and concerning which I have only information.”

M. Labori.--“From the standpoint of the conspiracies to which M. Leblois has referred, what was the bearing of the false letter intercepted in the war offices?”

M. Leblois.--“I said just now that I considered this false letter signed ‘Speranza’ another stone on which to erect, little by little, the edifice of the conspiracies against Colonel Picquart. Regarding the two telegrams, must I give details?”

The Judge [hastily].--“No.”

M. Labori.--“_Monsieur le Président_, we are very desirous that he should.”

The Judge [sadly].--“Since the defence demands it, speak.”

M. Leblois.--“The following telegram: ‘We have proofs that the dispatch was manufactured by Georges. Blanche,’ suggests to me this reflection: Who, outside of the war department, could then know that an inquiry was in progress concerning Major Esterhazy, and especially that the basis of this inquiry was a dispatch? That was an absolute secret. The two telegrams of which I have spoken were not the only elements of this complicated plot against Colonel Picquart. There were many other telegrams sent by third parties. For instance, an individual sent from Paris a telegram signed ‘Baron Keller’ and addressed to a pretended Baroness Keller at Sousse. All these telegrams were intended to compromise Colonel Picquart. The two which I have cited are the only ones that reached him, but they are only the centre of a very complicated network. He referred to all of this in an article in ‘La Libre Parole’ of November 16, 1897.”

M. Labori.--“M. Leblois has told us that Colonel Picquart left the war department November 16, 1896. Could he tell us what was the attitude of his superiors, and especially of General Gonse, toward him at that time? Did Colonel Picquart go in disgrace, and how has he been treated since, up to the time of his recall to Paris, under circumstances with which the jurors must be familiar, at the beginning of the Esterhazy inquiry?”

M. Leblois.--“Colonel Picquart’s superiors behaved toward him in the most kindly manner throughout his inquiry concerning Major Esterhazy,--an inquiry which began toward the end of spring and

continued until September. According to Colonel Picquart, it was not until the moment had come for a decision in this matter that a difference of opinion was revealed between his superiors and himself. This difference did not assume an acute form at first. In the beginning it was simply an exchange of opposite views, such as often takes place between inferiors and superiors. The solution of the matter, clearly stated in a letter from Colonel Picquart bearing date of September 5, 1896, remained in suspense until November, 1896. At that moment things were growing worse under influences which I do not exactly know myself. Perhaps the government, upon the question being laid before it, decided that there was no occasion to review the Dreyfus case. I know nothing about it; I can only form hypotheses. Answering M. Labori's question, I will say this: when Colonel Picquart left the war department, they gave him not the slightest hint that he was sent away in disgrace. On the contrary, they represented to him as a favor the rather vague mission with which he was entrusted. They said to him: 'You are to go away for a few days. You will go to Nancy, to do certain things.' When once he was at Nancy, they said to him: 'Go elsewhere.' Thus from day to day they gave him new orders, continually prolonging his mission; and the colonel, who had left Paris without extra clothing, was told, when he asked permission to return to get his linen, that his mission was too important to warrant a diversion of even a few hours; and they sent him to Besançon. Thus, without suspecting the fate that was in store for him, he was sent along the frontier, and then to Algeria and Tunis, where, in March, 1897, he was made lieutenant-colonel of the Fourth Sharpshooters. They pretended that he was given this appointment as a favor. General Gonse told him positively, in a letter, that the regiment was a very select one, and that he should consider himself fortunate in belonging to it. The general's letters are full of expressions of sympathy."

M. Labori.--"M. Leblois referred just now to a threatening letter which intervened at a certain moment, and which apparently modified the state

of mind prevailing in the office of the minister of war. Could he tell us when this letter was addressed to Colonel Picquart, from whom it came, and in what spirit it was conceived?”

M. Leblois.--“I have already said that this letter was dated June 3, 1897. It came from Lieutenant-Colonel Henry, who had been Colonel Picquart’s subordinate, and it was couched in terms almost insulting.”

M. Albert Clemenceau.--“The witness has said that at the same time when Colonel Picquart’s letters were being seized in the war department he was suffered to receive forged telegrams, and that at the same time also General Gonse, sub-chief of the general staff, acted in a very kindly manner toward him. I ask him if these three matters were really contemporaneous.”

M. Leblois.--“The reply is simple enough. You must distinguish between two utterly distinct orders of events,--the events at the end of 1896, which was the time of Colonel Picquart’s departure, and the events at the end of 1897. I know of only one letter intercepted at the bureau of information in 1896,--namely, the letter signed ‘Speranza.’ It was at that time that General Gonse showed the greatest sympathy for Colonel Picquart. Coming to the conspiracy of 1897, it is my opinion that letters were then intercepted, but I prefer that the testimony on this point should come from Lieutenant-Colonel Picquart.”

M. Clemenceau.--“Yet the witness said just now that they sent a letter to Lieutenant-Colonel Picquart after having opened it.”

M. Leblois.--“That was in 1896. It was in December of that year that the Speranza letter was sent.”

M. Clemenceau.--“Then my question was appropriate. All these things happened at the same time.”

M. Labori.--“Does M. Leblois know of certain facts in the relations that prevailed in 1892 between M. du Paty de Clam and the de Comminges family that offer a singular analogy with the participation of the veiled lady in the Esterhazy case?”

M. Leblois.--“The comte de Comminges received in 1892 a certain number of very serious anonymous letters. He had reason to suspect that they were written by Colonel du Paty de Clam, who was then only a major. He consulted the prefect of police, M. Lozé, who, if I have been correctly informed, answered: ‘It is du Paty de Clam.’”

The Judge.--“But you know nothing about it; this information is second-hand.”

M. Labori.--“But the sequel is interesting.”

M. Leblois.--“Thereupon the comte de Comminges went to General Davout, and asked him to insist that these conspiracies should cease. General Davout sent for Major du Paty de Clam, and, as a result, the anonymous letters stopped entirely. But there remained a letter in the hands of Major du Paty de Clam, and the comte de Comminges insisted upon its restitution. General Davout helped him to bring this about, if I am correctly informed. But, however that may be, Major du Paty de Clam restored the letter under the following circumstances. He said that this letter had fallen into the hands of a woman, and that she would not part with it unless the sum of 500 francs was paid to her. So he convoked certain members of the family on the bank of the Seine, near the Jardin de Paris, at ten o’clock in the evening. There came a woman, carrying an umbrella, whom Major du Paty de Clam approached. After conversing with her a few minutes, he came back, saying: ‘I have just handed this woman an envelope containing a 500-franc bill. In exchange, she has given me the letter that you desire, in another envelope. Here it is.’ They opened the envelope, and, to be sure, found the letter. It is evident that there was something very strange about all this,--something useless, to say the least.”

The Judge.--“But what relation has all this to the charge against the defendants?”

M. Labori.--“I am ready to explain at once. It is our contention that the veiled lady, far from being in relations with, or in the circle of, Colonel Picquart, as has been insinuated, was in relations with certain members of the war department, and that those who have aided Major Esterhazy in

his campaign may well have been in relation with certain members of the war department. That is the bearing of the question."

The Judge.--"At what time did the events in connection with this letter occur?"

M. Leblois.--"In the spring of 1892, and, if I am not mistaken, the restitution took place on Good Friday of that year."

Testimony of M. Scheurer-Kestner.

The next witness was M. Scheurer-Kestner.

M. Labori.--"*Monsieur le Président*, will you ask M. Scheurer-Kestner under what circumstances he was led to concern himself with the facts which revealed to him that the authorship of the *bordereau*, attributed in 1894 to Captain Dreyfus, was really to be attributed to Major Esterhazy, and what steps he took in the matter afterwards?"

The Judge.--"Monsieur Attorney-General!"

The Attorney-General.--"It is always the same question."

M. Labori.--“It _is_ always the same question, and I understand why you are always ready to welcome it in the same manner.”

The Judge.--“M. Scheurer-Kestner, you are to tell us of Major Esterhazy, but I beg you not to say anything of the Dreyfus case, concerning which we will not hear a word. Tell us of the Esterhazy case, but not of the Dreyfus case.”

M. Scheurer-Kestner.--“I note what you say, *Monsieur le Président*. Last July I learned that, at the office of the general staff, in the bureau of information, in September, 1896, Colonel Picquart, who was then a major and the chief of this bureau, had discovered, in the course of investigations undertaken *à propos* of other matters, but relating to Major Esterhazy, that there had been a mistake in 1894 in attributing the *bordereau* to M. Alfred Dreyfus. I learned at the same time that, as soon as Colonel Picquart had made his discovery, he made haste to consult M. Bertillon, who had been one of the experts consulted in 1894, and who, without any hesitation, had attributed the *bordereau* to Alfred Dreyfus. Colonel Picquart, showing him the *bordereau* and Major Esterhazy’s handwriting, but without telling him whose handwriting it was, asked him what he thought of it, and M. Bertillon said to him: ‘Ah! the forgers have succeeded. It is no similarity; it is identity.’ Colonel Picquart came back with this reply, and asked his chief to continue an investigation in this direction. He proposed to General Gonse, among others, to submit the documents to a new expert examination, and General Gonse dissuaded him. There is in existence a correspondence which was then exchanged between General Gonse and Colonel Picquart. I took pains to

become acquainted with this correspondence, for it was of great value to me, being of a nature to settle my opinion. The correspondence being communicated to me, I was convinced by reading it that General Gonse accepted the opinion of Colonel Picquart, who was paving the way for a revision of the trial. It seems to me indispensable, in order to enlighten the jurors, that I should read this correspondence to them."

The Judge.--"No, that is not possible."

M. Labori.--"We must have the light, and I consider it indispensable that these letters should be put in evidence."

The Judge.--"The law requires that witnesses shall testify without the aid of any document. However, if the attorney-general is not opposed to it, I shall not oppose it."

The Attorney-General.--"General Gonse and Lieutenant-Colonel Picquart have been summoned. They will testify concerning the letters, if they see fit."

M. Labori.--"I suggest that M. Scheurer-Kestner be authorized to hand the letters to the court."

The Attorney-General.--"It is not possible. The government should have been notified of them at the proper time."

M. Labori.--"M. Zola could not do so, as he did not then have the letters in his possession; but he called upon the attorney-general, as the representative of the complainant, to put these letters in evidence, thereby complying as far as possible with Article 52 of the law of 1881; therefore I have the honor to offer a motion" ...

The Judge.--"Oh!"

M. Labori.--“Oh! _Monsieur le Président_, if you knew how much pain it gives me, as a man of the world, to thus make you suffer.”

The Judge.--“Permit me to tell you, before you offer your motion, that it is impossible. Article 52 of the law concerning the press does not permit the production of documents not previously announced.”

M. Albert Clemenceau.--“The law obliges us to announce documents. We ought to have announced the letters of General Gonse. Why did we not do so? It is well that the jurors should know. We did not do so, because these letters have already been produced at one hearing,--the hearing of the council of war,--and under the following circumstances. Colonel Picquart was asked: ‘Have you General Gonse’s letters?’ He answered: ‘They are in my pocket.’ The president of the council of war then asked: ‘Will you give them to me?’ Colonel Picquart handed him the letters. The president of the council of war took them and placed them with the documents of the case, without having them read. So that, in order to conform to the law, we had to give notice of letters which had been confiscated, as it were, by a president of the council of war,--letters which were not at our disposal, and which only the attorney-general could produce.”

The Judge.--“Offer your motion. But, after all, if M. Schemer-Kestner, instead of reading them, wishes to say what they contain, he may do so.”

M. Labori.--“Very well; so be it.”

M. Scheurer-Kestner.--“I greatly regret that I cannot read these letters. I regret it from the standpoint of the manifestation of truth. I considered this reading indispensable, but I see that it is forbidden. Since, however, I am authorized to say what they contain, I will do so in a manner necessarily incomplete, but sufficient perhaps to enlighten the jurors.”

M. Scheurer-Kestner then repeated the substance of the letters, but, as the full text of the letters was printed in “L’Aurore” of the following day, February 9, they are given here in place of the description of them made to the jury by M. Scheurer-Kestner, although legally the full text of the letters forms no part of the evidence placed before the jury.

CORMEILLES-EN-PARISIS (SEINE-ET-OISE), SEPTEMBER 7, 1896.

My dear Picquart:

I have received your letter of the 5th, and, after reflecting upon all that you say. I hasten to tell you that it seems to me useful to proceed in this matter with great prudence, distrusting first impressions. The thing necessary now is to determine the nature of the documents.[1] How could they have been copied? What requests for information have been preferred by third parties? You may say that in this order of ideas it is rather difficult to reach a result without making some stir. I admit it. But in my opinion it is the best way of making sure progress. To the continuation of the inquiry from the standpoint of the handwritings[2] there is the grave objection that it compels us to take new people into our confidence under bad conditions, and it seems to me better to wait until we are more firmly settled in our opinions before going further in this rather delicate path. I return September 15, and we can better discuss an affair of this nature in conversation. But my feeling is that it is necessary

to proceed with extreme prudence. I shake your hand most affectionately, my dear Picquart. Devotedly yours,

A. GONSE.

[1] The reference here is to the documents that accompanied the *bordereau* attributed to Dreyfus.

[2] The reference here is to the comparison of Major Esterhazy's handwriting with that of the bordereau.

PARIS, SEPTEMBER 8, 1896.

My General:

I have read your letter carefully, and I shall scrupulously follow your instructions, but I believe it my duty to say this to you. Numerous indications, and a serious fact of which I shall speak to you on your return, show me that the time is near at hand when people who have the conviction that there has been an error in this matter are going to make a great effort and create a great scandal. I believe that I have done all that was necessary to give ourselves the opportunity of initiative. If too much time is lost, that initiative will be taken by others, which, to say nothing of higher considerations, will not leave us in a pleasant position. I must add that the people to whom I refer do not seem to be as well informed as we are,[3] and that in my opinion they will make a mess of it, creating a scandal and a great uproar without furnishing light. There will be a sad and useless crisis, which we could avoid by doing justice in season. Be good enough, etc.,

PICQUART.

[3] The reference here is to the relatives of Dreyfus.

CORMEILLES-EN-PARISIS (SEINE-ET-OISE), SEPTEMBER 10, 1896.

My dear Picquart:

I acknowledge receipt of your letter of the 8th, after having given it careful consideration. In spite of the disturbing fact stated therein, I persist in my first feeling. I believe that it is necessary to act in the most circumspect manner. At the point at which you have arrived in your investigation there is no question, of course, of avoiding the light, but we

must ascertain what course should be taken in order to arrive at a manifestation of the truth. This granted, it is necessary to avoid all false manœuvres, and especially to guard against irreparable steps. It seems to me necessary to arrive silently, and in the order of ideas that I have pointed out to you, at as complete a certainty as possible before compromising anything. I know very well that the problem is a difficult one, and may be full of unexpected elements. But it is precisely for this reason that it is necessary to proceed with prudence. You are not lacking in that virtue; so my mind is easy. Remember that the difficulties are great, and that wise tactics, weighing in advance all possibilities, are indispensable. I have occasion to write to General de Boisdeffre; I say to him a few words of the same tenor as this letter. Prudence! Prudence! That is the word that you must keep steadily before your eyes. I return on the morning of the 15th. Come to see me at my office early, after you have been through your mail. I shake your hand most affectionately, my dear Picquart. Yours devotedly,

GONSE.

PARIS, SEPTEMBER 14, 1896.

My General:

September 7 I had the honor to direct your attention to the scandal that certain people were threatening to precipitate, and I permitted myself to say to you that, in my opinion, if we do not take the initiative, we shall have much trouble on our hands. The article from “L’Eclair” which you will find enclosed confirms me unhappily in my opinion. I shall try to find out who has succeeded so well in preparing the bomb. But I believe it my duty to affirm once more that it is necessary to act without delay. If we wait longer, we shall be run over, and imprisoned in an inextricable situation, where it will be impossible for us to establish the real truth. Be good enough, etc.,

PICQUART.

M. Scheurer-Kestner, after repeating the substance of the foregoing letters, continued his testimony as follows:

“Such, gentlemen, is the *résumé* that I have been able to make from memory of these fine letters, which honor their author, both as a soldier and as a man. After reading them, I was convinced that there had been an error. I saw that General Gonse, Colonel Picquart’s superior, shared his ideas, and looked upon revision as a possibility. What had I to do? My first duty was to inform the minister of war, and show him the documents which proved that the handwriting of the *bordereau* was the handwriting of Major Esterhazy, and not that of Captain Dreyfus. That was what I did. I had a long conversation with General Billot, and showed him the documents that I possessed, though I did not speak at that time of the correspondence between General Gonse and Colonel Picquart, thinking it better not to do so. But I was not slow in offering this correspondence to the government, and naturally I was authorized to keep a copy of it. Unhappily new events had taken place, and the government perhaps had changed its attitude; I do not know; in any case, my offer was refused. It seemed to me that the honor of the government, of the republic, of democracy, and of the army required that the initiative in such a reparation should come from above, and not from below.

“Then what happened? The day after my visit to the minister of war, in which I spoke to him of the documents and showed them to him (that was October 31),--on the day after, November 1, though it had been agreed between us that our conversation should be secret, that it should not be noised abroad, that there should be no mention of it, what did I see in the

newspapers inspired, so I was told, by the minister of war,--my visit to the minister related with false comments. It was said that I had shown nothing, that I had refused to give the minister of war proof of the innocence of Dreyfus, when, in fact, I had been with him three hours, begging him to make the proof public, and offering to cry it from the house-tops. He either would not, or could not, do it. He confined himself to saying: ‘He is guilty.’ ‘Prove to me that he is guilty,’ I said. ‘I cannot prove it to you.’ That was General Billot’s answer when I had brought important documents, and when my heart was full of all that I knew through the reading of the letters of which I had just spoken. That is how I came to my present conviction, and that is the way in which I gained courage to take up a cause which is a cause of humanity, truth, and justice.”

M. Labori.--“M. Scheurer-Kestner has told us of his conversation with General Billot. Will he now be good enough to tell us if he has interviewed the prime minister?”

M. Scheurer-Kestner.--“I had several interviews with the prime minister in the early days of November. To him I told all that I knew, all that I had learned. I offered to him the letters that passed between General Gonse and Colonel Picquart, for to him I could speak of what had happened at the bureau of information.”

M. Labori.--“Whence and under what circumstances came M. Mathieu Dreyfus’s denunciation of Major Esterhazy? Did not M. Mathieu Dreyfus have a conversation with you in which he revealed to you the name of Major Esterhazy,--a name which had come to his knowledge by a path wholly different from that by which it had come to your ears?”

M. Scheurer-Kestner.--“I had not uttered the name of Major Esterhazy in the presence of a single private individual. I had mentioned it only to the government when, on November 12, I received a message from M. Mathieu Dreyfus, asking me to receive him at my house. I had no relations with him; he had never been at my house; I had never seen him; I was not acquainted with him. He came, and this is the story that he told. A certain M. de Castro, whom he did not know, was walking on the boulevards, at the time when they were selling the placards which contained the proof of treason,--placards which bore portraits on both sides, and in the middle a *fac-simile* of the *bordereau*. M. de Castro, who is a foreigner, and who theretofore had not been much interested in this

matter, bought one of these placards simply to pass away the time, and, as soon as he had it in his hands,--I make use of a word which he used himself when he told me the story later,--he was dazed. ‘I went home,’ he said, ‘took out the package of letters from Esterhazy that I had in my desk,--thirty or forty of them,--and made sure that I was not mistaken. The *bordereau* was really in his writing.’ M. de Castro hurried to the house of M. Mathieu Dreyfus, and it was after this visit that M. Mathieu Dreyfus came to me in the evening to say this: ‘You must know the author of the *bordereau*. It is said that you have been occupying yourself with this matter for a long time, with an earnestness really feverish, and that you are searching for information everywhere. Then you must know whom they have substituted, or tried to substitute, for M. Alfred Dreyfus as the author of the *bordereau*, since I know that you are convinced, from the examination of handwritings, that Alfred Dreyfus is not the author of it.’ And, as I refused to give him the name, he said: ‘Well, if I speak the name, and if the name that I speak has come under your eyes in your investigations, will you tell me so?’ I answered: ‘In that case I shall consider myself unbound, and will say yes.’ Then M. Mathieu Dreyfus spoke the name of Major Esterhazy, and I said to him: ‘Under the circumstances in which you find yourself, it is your duty to state this immediately to the minister of war.’ For at that moment, thanks to the newspapers, a certain number of superior officers were under suspicion, and I was very glad that, under the circumstances in which this fact appeared, these superior officers would be placed out of the question. Thus it was that M. Mathieu Dreyfus pointed out Major Esterhazy to the minister of war as the author of the *bordereau*.”

M. Zola.--“I beg M. Scheurer-Kestner to give us further details regarding his interview with General Billot, in order to emphasize a thing which I consider of great importance. You know, *Monsieur le Président*, that they accuse us, and that they accuse me personally, of having been the cause of the frightful crisis that is now dividing the country. They say

that we have produced this great trouble which is disturbing business and inflaming hearts. Well, I should like it to be clearly established that General Billot was warned by M. Scheurer-Kestner of what would take place. I would like M. Scheurer-Kestner to say that he is an old friend of General Billot, that he addresses him with the utmost familiarity, that he almost wept in his arms, and that he begged him, in the name of France, to take the matter up. I would like him to say that."

M. Scheurer-Kestner.--"The conversation that I had with General Billot, who has been my friend for twenty-five years, was a long one. Yes, I begged him to give his best attention to this matter, which otherwise was likely to become extremely serious. 'It is incumbent upon you,' I said to him, 'to take the first steps, make a personal investigation; do not trust the matter to anyone. There are bundles of documents in certain offices. Send for them. Use no intermediary. Make an earnest investigation. If you will promise to make this earnest personal investigation. I pledge myself to maintain silence until I shall know the result.' As I left, General Billot asked me to say nothing to anyone. I agreed, but on one condition. 'Two hours,' I said, 'are all that is necessary for this investigation. I give you a fortnight, and during that fortnight I will not take a step.' Now, during that fortnight I was dragged in the mud, pronounced a dishonest man, treated as a wretch, covered with insults, and called a German and a Prussian."

M. Zola.--“As they call me an Italian.”

M. Scheurer-Kestner--“It was during that fortnight that I wrote to General Billot: ‘We have made a truce, but I did not think that this truce would turn against me, thanks to the people who are about you, and whom you either cause to act or suffer to act.’ I even pointed out to him the names of officers who had been indicated to me as the bearers of the articles to the newspapers. I told him that I did not guarantee the accuracy of this information, but I asked him to inquire into the matter. He pretended that he would make this inquiry, and that, after it, he would report to me. The fortnight passed, and I am still without news, without reply. That is the truth.”

M. Zola.--“Without news, with insults.”

Testimony of M. Casimir-Perier.

The next witness was M. Casimir-Perier, ex-president of the republic.

The Judge.--“You are M. Casimir-Perier, former president of the republic. Of course you are neither the relative or an ally of the accused, and they are not in your service. Will you raise your right hand?”

M. Casimir-Perier.--“*Monsieur le Président*, before taking the oath, I ask your permission to reiterate the declaration that I made yesterday in writing.”

The Judge.--“Yes, but, before making your declaration, it is necessary to take the oath.”

M. Casimir-Perier.--“I cannot tell the whole truth; it is my duty not to tell it.”

M. Labori.--“When M. Casimir-Perier was president of the republic, did he know, prior to the arrest of a staff officer, that this officer was suspected of treason, and did he know the charges against him?”

The Judge.--“The question will not be put.”

M. Labori.--“Did M. Casimir-Perier know at any time that there was a secret document in the war department relating either to the Dreyfus case or to the Esterhazy case?”

The Judge.--“Let the Dreyfus case alone; let us have nothing to say about it. Can you answer, M. Casimir-Perier, in regard to the Esterhazy case?”

M. Casimir-Perier.--“I did not know, while I was president of the republic, that there were any Esterhazy papers.”

M. Labori.--“Was M. Casimir-Perier aware that at a certain moment a secret document was laid before the council of war in the Dreyfus case, outside of the proceedings of the trial and without the knowledge of the accused?”

The Judge.--“The question will not be put.”

M. Zola.--“Is it understood, then, that no attention is to be paid to

M. Zola.--“Is it understood, then, that no attention is to be paid to the word ‘illegality’ contained in the sentence complained of? You do not take that into consideration? Then why was it included in the summons?”

The Judge.--“On that point the court has rendered a decree.”

M. Zola.--“As a man, I bow to that decree, but my reason does not bow. I do not comprehend your limitation of the defence to certain matters indicated in the complaint, in the light of your refusal to hear evidence regarding this word ‘illegality’ that also appears therein.”

The Judge.--“There can be no testimony against the thing judged. That was repeated in today’s decree.”

M. Labori.--“We offer no testimony against the authority of the thing judged.”

The Judge.--“It is the same thing.”

M. Labori.--“No, no.”

The Judge.--“You maintain that in the Dreyfus case there was illegality.”

M. Labori.--“Yes.”

The Judge.--“Then it is the same thing. It is useless to insist.”

M. Zola.--“But the Esterhazy case is also a thing judged.”

The Judge.--“But you are prosecuted on that matter.”

M. Zola.--“But we are also prosecuted on the other.”

The Judge.--“Not the least in the world.”

M. Zola.--“Then there are differences in the thing judged?”

The Judge.--“The question will not be put. It is useless to debate it.”

M. Labori.--“No, it is not useless. Useless, perhaps, so far as obtaining a decision in our favor is concerned; but not useless from the standpoint of our cause, for everybody judges us, and the jurors follow these discussions with interest. But, as you say that discussion is useless, I shall have the honor to offer a motion, and await a decree of the court. I do not wish to detain M. Casimir-Perier longer, so I shall ask you, *Monsieur le Président*, on the ground of morality and good faith,--and I hope that no decree of the court will be needed to give us satisfaction on this point,--to ask M. Casimir-Perier the following question: If a secret document had been produced in any trial whatever, before any jurisdiction whatever, and if in this way an adverse verdict had been obtained, what would M. Casimir-Perier,--who will not, I am sure, in order to answer me, take refuge behind any sort of professional secrecy, since the question here is one of right and public morality, on which such men as Daguesseau have given an opinion before him,--what would M. Casimir-Perier think of it?”

The Judge.--“Allow me to tell you that it is useless to try to arrive by indirect questions at the same result. I will not put the question.”

M. Clemenceau.--“I think the court does not clearly understand my *confrère’s* question, which is this: If M. Casimir-Perier were to learn tomorrow that a person had been condemned on a document that had not been shown to him, what would be his opinion? It is a question of good faith. The high position that M. Casimir-Perier has occupied justifies us in asking his opinion.”

The Judge.--“It is not a fact; it is an opinion.”

M. Clemenceau.--“Then the court refuses to ask this question?”

The Judge.--“It is not a proper question to ask.”

M. Labori.--“Well, on this question, as on the others, we shall offer a motion.”

M. Clemenceau.--“One word more. When M. Casimir-Perier took the stand, he began to testify before making oath, saying: ‘I believe that it is my duty not to tell the whole truth.’”

The Judge.--“That is not at all what M. Casimir-Perier said. He declared that he did not believe it his duty to speak.”

M. Clemenceau.--“I demand that the question be put to the witness.”

M. Casimir-Perier.--“I had in view the formula of the oath, which requires the telling of the whole truth, and I desired to point out that I could not tell the truth entire, having in view, in saying so, my declaration of yesterday, and, moreover, knowing no facts relating to the case before the court, besides considering that concerning other matters silence is imposed upon me by my duty and my constitutional responsibility.”

M. Labori.--“I ask pardon of M. Casimir-Perier for keeping him longer, but I cannot allow him to go until my motion has been passed upon.”

M. Casimir-Perier.--“I am a simple citizen, and at the service of the courts of my country.”

M. Labori.--“M. Casimir-Perier sets an illustrious example, when others have to be forced by legal measures to appear in the assize court.”

The Judge.--“You offer a motion, but you know what the opinion of the court is. It will be the same decree again.”

M. Labori.--“Well, it will be only the easier to render it.”

Testimony of M. de Castro.

The witness-chair was then taken by M. de Castro, who testified as follows:

“At the time in question I was a banker and broker near the Paris Bourse, and I had had occasion to do some business for Major Esterhazy. He was in regular correspondence with the house, and I was very familiar with his writing,--so familiar, indeed, that in the morning, when I opened my

mail, I knew the major's writing before opening his letter. Toward the end of last October I was on the boulevard when a street-fakir passed by me, selling a *fac-simile* of the famous *bordereau* attributed to Dreyfus. I was struck by the writing. It looked to me like a letter from Major Esterhazy. I returned to my house much perturbed in mind. The next day I went with my brother-in-law to find some of Major Esterhazy's letters. I compared them with the *fac-simile*, and found a perfect similarity,--in fact, a striking identity. I spoke to some friends of this strange coincidence, and they advised me to carry a few letters to M. Scheurer-Kestner, who was concerning himself with the Dreyfus case. Meantime these friends probably spoke to M. Mathieu Dreyfus, who came one day to ask me to show him these letters. I offered him some of them, but he refused them, saying: 'I advise you to go yourself to M. Scheurer-Kestner, and show them to him.' So I went one morning, and said to him: 'I come to lay before you some very curious types. You will see for yourself the similarity between the handwriting of these letters and the famous *bordereau*.' M. Scheurer-Kestner took the letters, and looked at them for some time; then he went to a bureau, and came back, saying: 'Here are some letters probably written by the same hand.' and, indeed, I recognized Major Esterhazy's writing."

M. Labori.--"At that time had Major Esterhazy's name been spoken as that of the possible author of the *bordereau*? Did M. de Castro suspect that M. Esterhazy was already under suspicion?"

M. de Castro.--"No."

M. Labori.--"Did M. de Castro receive threatening letters?"

M. de Castro.--"No; no letters. I received one day a telegram. If the court desires, I will produce it."

The Judge.--"No, but what did it say?"

M. de Castro.--“It contained this threat: ‘If you have given in evidence the letters which “Paris” designates by the initials d. d. c., you will pay dear for this infamy.’”

The Judge.--“Did this handwriting resemble that of Major Esterhazy?”

M. de. Castro.--“No, there was nothing to indicate the origin of the dispatch. It was not signed, and the writing was quite different from that of Major Esterhazy.”

The witness was then allowed to step down, and the court adjourned for the day.

THIRD DAY--FEBRUARY 9.

The third day's proceedings began with a statement of the judge that, in refusing to hear Mme. Dreyfus the day before, concerning M. Zola's good faith, he had supposed that the question to be put to her concerned M. Zola's good faith in the matter of the Dreyfus case. Therefore the court desired the defence to specify whether the question concerned M. Zola's good faith in the matter of the Dreyfus case, or his good faith in the matter of the Esterhazy case.

M. Labori.--"I do not understand. M. Zola has committed an act which is considered criminal. We maintain that it is an act of good faith, and we ask the witness what she thinks of M. Zola's good faith. As to the Dreyfus case and the Esterhazy case, they are connected only indirectly with the Zola case."

The Judge.--"There is no Zola case. I can question Mme. Dreyfus on the good faith of M. Zola only so far as the Esterhazy case is concerned."

M. Labori.--"The court will act according to its understanding. It is the sovereign judge. But we are the sovereign judges in the matter of the questions that we wish to put, and to us the question of good faith is indivisible. A man who commits an act commits it either in good or in bad faith, and we have not to inquire whether his faith is good concerning this point or that point. I do not know what Mme. Dreyfus will answer, but I ask that she be questioned in a general way as to the good faith of M. Zola in writing his letter."

The Judge.--"There must be no confusion here, no arriving by indirect methods at that which the decree of the court has forbidden."

M. Labori.--"I allow no one to say that I pursue indirect methods. I have neither the face or the attitude or the voice of a man who does things

indirectly, and, if there are any indirect methods used here, I leave the entire responsibility--I do not say to the attorney-general--but to the complainant, the minister of war. I insist that the question shall be put as I framed it, and, if the court refuses, I shall offer a motion."

The Judge.--"I will question Mme. Dreyfus concerning only the second council of war that tried the Esterhazy case."

M. Clemenceau.--"I am informed that witnesses are present in the court-room, though the trial is now in progress. It seems that General de Boisdeffre, General Mercier" ...

The Judge.--"The trial is not in progress."

M. Clemenceau.--“It is essential that the witnesses should not be present at any part of the trial before their deposition” ...

The Judge.--“The day’s debate has not begun.”

Nevertheless the military officers, who formed a group in the middle of the room, were then excluded, and Dr. Socquet, the expert physician who had been sent to examine the health of those witnesses who had pleaded illness, took the stand.

He reported that M. Autant had been seized on the previous Sunday with an attack of renal colic, but had now recovered, and was in the witnesses’ room. As to Mme. de Boulancy, he said that her case offered all the symptoms of angina pectoris, and that, considering her condition, her appearance in court would be attended by serious danger.

M. Clemenceau.--“I gather from the doctor’s testimony that it is materially possible for Mme. de Boulancy to come to this bar, but that the doctor thinks that the excitement would be bad for her. I ask him, then, supposing that this question had been put to him; ‘Do you believe that Mme. de Boulancy could appear before the examining magistrate in the presence of Major Esterhazy?’ would he have thought that that excitement would be bad for her?”

Dr. Socquet.--“I cannot answer. It is evident that the surroundings in the assize court are different from those in the office of an examining magistrate.”

Being questioned as to Mlle. de Comminges, he said that her physician, Dr. Florent, told him that she was the victim of a nervous affection, and had heart trouble so clearly defined that she was liable to fainting-spells on entering a room the temperature of which was a little above the ordinary.

M. Clemenceau.--“The jurors will note that these two ladies, Mlle. de Comminges and Mme. de Boulancy, were at their residences, and that their own physicians were present.”

Dr. Socquet.--“No, their physicians were not present.”

M. Clemenceau.--“The expert just said that the physician of Mlle. de Comminges told him a certain thing.”

Dr. Socquet.--“That was in his certificate.”

These preliminaries over, the witness-stand was taken by General de Boisdeffre.

Testimony of General de Boisdeffre.

M. Labori.--“Will General de Boisdeffre tell us first what the document was that Major Esterhazy brought to the minister of war some time before his appearance before the council of war?”

General de Boisdeffre.--“That document relates to the Dreyfus case; consequently I cannot speak of it without violating the decree of the court and my professional secrecy.”

M. Labori.--“I am glad to learn that it relates to the Dreyfus case, but Major Esterhazy made use of it as a means of defence, and described it by an interesting phrase which General de Boisdeffre no doubt has heard,--‘the liberating document.’ Moreover, the minister of war gave Major Esterhazy a receipt for it; therefore it concerns exclusively the case of Major Esterhazy. So I ask General de Boisdeffre what the liberating document is.”

General de Boisdeffre.--“Professional secrecy does not permit me to answer.”

M. Labori.--“Professional secrecy can be invoked only by persons capable of receiving confidences because of their profession. Where there is no profession that involves such confidences, there is no secrecy. General de Boisdeffre has received no confidences, and, if he has, we do not ask him to betray them. As chief of staff of the army, he has acted as an official, and, if he invokes any secrecy, it can be only that which seems to have been devised in many respects especially for the

necessities of this case, and which is called the secret of State. When the secret of State is invoked by a government, we are at liberty to ask if there is a reason to recognize it. That question will arise when the members of the Dupuy cabinet shall come to the stand. When it is invoked by a former president of the republic, we bow with deference, because the president of the republic is irresponsible. But General de Boisdeffre is a responsible official. Respect for the army is never shown to a person, but to a symbol or an ideal, and it is based on the confidence that we have in those who represent it, and on their ability to answer at any moment for all their acts before the justice of the country, represented here by twelve jurors who are France, and to whom everybody owes explanations. General de Boisdeffre is in the presence of justice. He can escape by no appeal to secrecy. Therefore I ask the court to put my question again."

General de Boisdeffre.--"I have the profoundest respect for the justice of my country. Perhaps I do not know how to make the legal distinctions that have just been pointed out, but I consider the secret of State a professional secret. That is my reply."

The Judge.--"Let us pass to another order of ideas."

M. Labori.--“I pass not to another order of ideas, but to another order of questions. Can General de Boisdeffre tell us anything about the veiled lady?”

General de Boisdeffre.--“I know absolutely nothing about the veiled lady, and have not heard her spoken of except by the newspapers.”

M. Labori.--“It is not only the newspapers that have spoken of her; she was a means of defence employed by Major Esterhazy before the council of war in the public part of the trial. I should like to know whether either the minister of war or General de Boisdeffre ordered any investigation concerning her.”

General de Boisdeffre.--“We did all that we could to find out who the veiled lady was, but we found out nothing.”

M. Labori.--“Does General de Boisdeffre declare that he does not know at all whence the veiled lady came, or with whom she was connected, or, on the contrary, does he know that she had some sort of relations with Colonel Picquart?”

General de Boisdeffre.--“I know nothing about it.”

M. Labori.--“Can General de Boisdeffre tell us how the liberating document got away from the war department?”

General de Boisdeffre.--“I know nothing about that, either.”

M. Labori.--“But the general must have made an inquiry.”

General de Boisdeffre.--“Yes, but I arrived only at uncertain results, which, being doubtful, I cannot state here, for they are simple presumptions concerning people that may be entirely innocent.”

M. Labori.--“Yet Major Ravary insinuates in his report that the document may have reached the veiled lady through indiscretions on the part of Colonel Picquart. Does General de Boisdeffre accept the responsibility for such insinuations?”

General de Boisdeffre.--“I have been in no way mixed up in the Esterhazy case. I know nothing of what was done in the examination, and have kept quite aloof from the whole matter.”

M. Labori.--“Can General de Boisdeffre tell us what charges are made against Colonel Picquart?”

General de Boisdeffre.--“They are of two kinds. There are some which have not yet taken on a definite character. There are others relating to his professional service, and which have been absolutely proved. The best proof is that certain letters appear in the newspapers of this morning which were the property of their writer, and which were written for the service.”

M. Labori.--“And are there other reprehensible points?”

General de Boisdeffre.--“Yes; the attention of the council of inquiry was called to them, and, the doings of that body being absolutely secret, I can make no explanation concerning them.”

M. Labori.--“Does General de Boisdeffre know that Colonel Picquart was sent on a mission in November, 1896, and can he tell us why he was so sent?”

General de Boisdeffre.--“He was sent upon an order of the minister of war.”

M. Labori.--“Which is also secret, evidently.”

General de Boisdeffre.--“The object of the mission was secret.”

M. Labori.--“Exactly. Was Colonel Picquart sent away in disgrace?”

General de Boisdeffre.--“I cannot say of any officer sent upon a mission that he was sent away in disgrace.”

M. Labori.--“Oh! everything that comes from a general’s mouth does not necessarily concern the national defence. General de Boisdeffre must tell us whether Colonel Picquart was sent away in disgrace or not.”

General de Boisdeffre.--“Colonel Picquart was in a state of mind that did not permit him to attend to his duties satisfactorily. He was absorbed by a single idea. The minister of war thought it wise to send him on a mission that would restore him to his normal state of mind.”

M. Labori.--“Will General de Boisdeffre tell us what idea it was that obsessed Colonel Picquart’s mind?”

General de Boisdeffre.--“I do not believe that I can answer that question, because I must not answer concerning the case” ...

Here the witness hesitated.

M. Labori.--“Concerning what case?”

General de Boisdeffre.--“The case of Dreyfus.”

M. Labori.--“And why must not the witness go into the Dreyfus case?”

General de Boisdeffre.--“Because a decree of the court, which I have read in the newspapers, separates the two cases.”

M. Labori.--“Does not General de Boisdeffre know that Major Esterhazy has been prosecuted and examined concerning the _bordereau_ attributed to Dreyfus in 1894?”

General de Boisdeffre.--“Major Esterhazy was examined behind closed doors. Consequently it is not for me to know what took place behind closed doors.”

M. Labori.--“I believe that General de Boisdeffre is mistaken, for I was present at the public part of that trial. I imagine that General de Boisdeffre, having so many secrets to keep, confuses those concerning which he is obliged to keep silence with those concerning which he need not keep silence. At any rate, he cannot dispute that the *bordereau* has been in question, for it has been discussed by the newspapers for the last fortnight. I ask him to tell us, since I well understand that it was the question of the innocence of Dreyfus that obsessed the mind of Colonel Picquart, what Colonel Picquart did in relation to the Esterhazy case.”

General de Boisdeffre.--“He made known his doubts concerning Major Esterhazy’s situation. We told him to do everything to illuminate the matter, and to settle the doubts that preoccupied him. He could find no document that sustained his doubts to our satisfaction, and we could only invite him to abstain and not continue his researches.”

M. Labori.--“I note here, for the benefit of the jurors, that at the time when General de Boisdeffre, chief of staff of the army, learned that

Colonel Picquart was obsessed by this case which he will not name, he invited him to confirm his doubts. It results therefrom that at that time it did not seem impossible to General de Boisdeffre that Major Esterhazy was the author of the crime for which Dreyfus had been condemned."

General de Boisdeffre.--"My words are incorrectly interpreted. The guilt of Captain Dreyfus has always been to me a thing absolutely certain, and my conviction is absolute regarding it. I do not say more, because I wish to touch this matter as little as possible. Consequently, when another officer was pointed out to me as guilty of such a crime, it was my duty to order an investigation. My doubts concerned the guilt of Major Esterhazy, and not the guilt of Captain Dreyfus."

M. Labori.--“Is General de Boisdeffre’s belief in the guilt of Dreyfus based on the facts of 1894, or on facts of earlier or later date?”

General de Boisdeffre.--“It is based on the facts and the trial of 1894, the outcome of which is beyond discussion. There have been other facts, subsequent and prior, which have,--I do not say confirmed, for my conviction needed no confirmation,--but which have assisted my certainty most decidedly.”

M. Labori.--“What is the source of the communications made to certain newspapers, seeming to come from the war offices?”

General de Boisdeffre.--“To my knowledge, they do not emanate from the war offices.”

M. Labori.--“Has General de Boisdeffre investigated the matter?”

General de Boisdeffre.--“I have made an investigation, and questioned the officers.”

The Judge.--“And you are certain that these communications do not emanate from them?”

General de Boisdeffre.--“I take their word. There is only one case,--a communication from Major Pauffin de Saint-Moret to M. Rochefort. That communication was made by this officer’s initiative. For it I punished him with thirty days’ confinement, and by suppressing his application for the cross of the legion of honor. It will be seen, then, that he is very far from the fifth stripe which, it has been said, he was on the

point of obtaining. He yielded to an impulse of his heart, but he is an excellent officer and a very worthy fellow."

M. Clemenceau.--"It results from the testimony of the witness that the liberating document is a secret document which was at the war department. It was stolen from the war department by some unknown person and given to a veiled lady. This veiled lady carried it about Paris, and one evening gave it to Major Esterhazy. He brought it back to the chief of staff, and the importance of the document is such that the chief of staff, when asked concerning its nature, says: 'I consider that here my professional secrecy is one with the secret of State.' Upon which I observe, gentlemen of the jury, that secrets of State are ill-kept at the war department. And that is simply what I wished to say."

General de Boisdeffre.--"My staff officers, several of whom have been so violently attacked, are worthy people who do their whole duty. They have at heart nothing but the interest of the country."

M. Clemenceau.--"I have never attacked the staff officers. They are very honest, and I am persuaded that they do not take documents. I desire simply to note a fact, and against a fact there is no possible struggle. I note it again. A secret document has been taken from the war department and carried about by Major Esterhazy and by a veiled lady. That is what I said; nothing more, nothing less."

M. Labori then offered a formal motion that, whereas professional secrecy can be invoked only by those who have received a confidence in some sense forced and constrained, and who have received it in a professional capacity, the court rule that General de Boisdeffre cannot be relieved of the duty of answering the questions put to him, on the ground of professional secrecy.

The court suspended its decision, and General Gonse was called to the witness-stand.

Testimony of General Gonse.

M. Labori.--“What was the document emanating from the war department that was carried from the war offices and given to Major Esterhazy for his protection, by the veiled lady?”

General Gonse.--“I cannot answer as to that.”

M. Labori.--“Why did Major Esterhazy call that document the liberating document?”

General Gonse.--“I cannot answer.”

M. Labori.--“Do you know the veiled lady?”

General Gonse.--“No.”

M. Labori.--“Did you make an inquiry in order to discover her?”

General Gonse.--“I cannot answer these questions. They are traps.”

M. Labori.--“Ah! my general, they are traps? You permit yourself to say the defence is laying traps for you? Those are words that are not familiar here. I wait for the attorney-general to rise and enforce respect for the defence.”

The attorney-general made no response, but half turned his back, whereupon the president of the bar, M. Ployer, amid great tumult on the part of the audience, advanced to the middle of the court-room. In the absence of any response from the attorney-general, M. Labori, addressing General Gonse in a loud voice, said: “In the name of the entire bar” ...

But the clamor that arose prevented him from finishing his sentence, and was so great that the judge ordered the guards to clear the court-room. The order was executed, and the session was suspended. When the session was resumed half an hour later, with the president of the bar standing at the bar beside General Gonse, Attorney-General Van Cassel rose, and said:

“The word uttered by General Gonse certainly exceeded his thought. This is proved by the deference with which he has put himself at the disposition of justice. If I did not intervene at an earlier moment, it was because I am not in the habit of responding to a summons; but the bar is familiar with my sentiments.”

M. Ployer.--“I thank the attorney-general for his words. I hope that General Gonse will spontaneously give us the satisfaction demanded by the entire profession and its chief.”

General Gonse.--“It is true that under the influence of excitement my words exceeded my thought. It was not my intention to attack the bar.”

M. Labori.--“In my name, and in the name of the entire bar, I accept the explanations of General Gonse. I regret but one thing,--that the president of the bar deprived me of the pleasure of being the first to accept General Gonse’s frank apology. I was not personally hit, and now the defence is not hit either. The incident is closed.”

General Gonse then resumed his testimony, speaking as follows in regard to his correspondence with Colonel Picquart:

“When Colonel Picquart came to me in the country in August, 1896, to tell me that he was on the track of a traitor, I told him to pursue his investigations and get at the light. He informed me that Major Esterhazy had had confidential documents copied, and had tried to question artillery officers. I told him that it was necessary, first of all, to distinguish between the Esterhazy case and the Dreyfus case, as the latter was not to be reconsidered. The letters that I wrote to him had but one object,--to find out whether Major Esterhazy was guilty or not. Colonel Picquart wanted him arrested. To this I was opposed. I awaited sufficient proofs. I

am astonished that Colonel Picquart has made use of my letters, but I declare that I never dreamed of a reconsideration of the Dreyfus case."

Testimony of Major Lauth.

General Gonse was succeeded at the witness-stand by Major Lauth, Colonel Picquart's subordinate in the bureau of information.

M. Labori.--“Is it true, as Major Ravary declares in his report on the

M. Labori.--“Is it true, as Major Ravary declares in his report on the Esterhazy case, that Colonel Picquart kept for a month a card-telegram addressed to Major Esterhazy, instead of immediately communicating it to Major Lauth?”

Major Lauth.--“Not quite. Colonel Picquart kept the card only a week. Then he asked me to photograph it, and remove all evidence of tear. He also insisted that I should certify to the handwriting. ‘Never in my life,’ said I; ‘this writing is utterly unknown to me.’ Colonel Picquart tried to make me say that it came from a personage whom I cannot designate, but from whom we had more than twenty letters. I refused. At that time it did not occur to me that Colonel Picquart wanted to make me an accomplice in a forgery. Nevertheless there was an animated scene between us, and some of our remarks were heard by my comrades through the partition.”

M. Labori.--“And now your interpretation is different?”

Major Lauth.--“It is certain that Colonel Picquart wanted me to certify a handwriting that I did not know.”

M. Labori.--“None the less you remained Colonel Picquart’s friend?”

Major Lauth.--“I was under his orders.”

M. Labori.--“You have dined at his house?”

Major Lauth.--“And he has dined at mine. I could not turn my back on him for a thing like that.”

M. Labori.--“When did you photograph Major Esterhazy’s handwriting?”

Major Lauth.--“In May, 1896. Colonel Picquart had me photograph his correspondence, concealing certain passages. I still have the plates. After Colonel Picquart’s departure from the bureau of information, the report spread that he had made suspicious assertions regarding several officers. He persisted in carrying on an investigation concerning Major Esterhazy. He also wrote us in complaint of our hostility toward him. ‘When,’ he asked, ‘is this campaign of mystery and falsehood to end?’ He was answered that the mystery was now cleared up, and that, as to the falsehood, the future would show who had lied.”

The stand was then taken by Adjutant Gribelin, keeper of the archives in the bureau of information.

Testimony of Adjutant Gribelin.

M. Labori.--“What do you know of the interviews that M. Leblois had with Colonel Picquart at the war department?”

M. Gribelin.--“I saw M. Leblois in Colonel Picquart’s office several times after hours. The lamp was lighted. One evening I saw them both with files before them. One of these files related to carrier pigeons. The other was a secret file in an envelope, bearing the initial of Colonel Henry, put there so that the envelope could not be opened without his knowledge.”

M. Labori.--“Was that the only file that Colonel Henry had so stamped?”

M. Gribelin.--“Yes.”

M. Labori.--“What was this secret file?”

M. Gribelin.--“I do not know.”

M. Labori.--“Who was the chief at that time,--Colonel Henry, then major, or Colonel Picquart?”

M. Gribelin.--“Colonel Picquart.”

M. Labori then demanded that M. Gribelin be confronted with M. Leblois. Accordingly the latter advanced to the bar.

“It is true,” said he, “that I visited Colonel Picquart. The rest of M. Gribelin’s testimony I absolutely deny.”

M. Gribelin.--“I swear that I have told the truth.”

M. Leblois.--“And so do I. M. Gribelin already stands convicted of a material inaccuracy. At the Esterhazy investigation he declared that my visits dated back to August, 1896. I showed that at that time I was absent from Paris. Now he says that this visit took place in the autumn. It is very convenient to change dates. Major Henry made the same inexact assertion.”

M. Clemenceau.--“Where are these declarations?”

M. Leblois.--“They are in the file of the council of inquiry which met to judge Colonel Picquart.”

M. Labori.--“I ask that they be sent for.”

Attorney-General Van Cassel.--“That is not possible. The file does not belong to me. I can no more bring it here than I could bring the Dreyfus file. It is for the accused to gather their proofs before making their charges.”

M. Labori.--“You know very well that the minister of war abuses the right of silence, in order to put the light under a bushel. If it were easy to get at the light, we should have gotten at it long ago.”

M. Clemenceau.--“Here are two witnesses who contradict each other. Then one of the two lies. Perjury has been committed on this witness-stand. Justice is entitled to know which of the two is guilty. If it refuses to aid us, it will be clear that it is afraid of the light.”

M. Labori offered a motion that the court order the production of the file. The motion was opposed by the attorney-general, and the court suspended its decision. Whereupon General Mercier, former minister of war, and now in command of the fourth army corps, at Mans, was called to the witness-chair.

Testimony of General Mercier.

Being asked by M. Labori if he was acquainted with the document known as the liberating document, he answered in the negative.

M. Labori.--“That document contains a postscript beginning with the words: ‘That scoundrel D----.’ Are you familiar with this document?”

General Mercier.--“No.”

M. Labori.--“Was a secret document communicated to the council of war in the Dreyfus case in 1894, outside of the trial?”

The Judge.--“Can you answer the question?”

General Mercier.--“I believe that the Dreyfus case is not in question here, and that there is a decree of the court forbidding us to call it in question.”

M. Labori.--“Does General Mercier know of the publication in September, 1896, of certain confidential information belonging to the war department?”

General Mercier.--“I read in a newspaper at that time--I believe it was ‘L’Eclair’--the communication of pretended documents. I absolutely do not know whence this information came. At any rate, I had nothing to do with it.”

M. Labori.--“General Mercier had then ceased to be minister of war, so I cannot ask him if an inquiry was instituted. I would have asked General Billot, if he had come. But can General Mercier tell us whether in 1894 he made an inquiry in regard to the indiscretions committed for the benefit of certain newspapers, notably ‘La Libre Parole’ and ‘L’Eclair’?”

General Mercier.--“What was the date of the indiscretion to which you refer?”

M. Labori.--“The arrest of Captain Dreyfus was announced in ‘La Libre Parole’ of October 29, then in ‘L’Eclair’ on October 30 and 31. Then ‘La Libre Parole’ printed an article, declaring that, other newspapers, and notably ‘L’Eclair,’ having spoken, there was no further reason for keeping back the truth; and so this newspaper told a long story. Many of its statements having been shown to be true, I desire to know whether the minister of war made an investigation as to the manner in which these newspapers became possessed of them.”

General Mercier.--“I made no inquiry. These publications were made outside of the war department, and, if you ask my opinion, they were made against the wishes of the war department.”

M. Labori.--“Could General Mercier tell me to whom he attributes the publication?”

General Mercier.--“On October 29, 1894, Dreyfus had already been arrested and imprisoned. Consequently his family might know many things, and, since you ask me my opinion, though it is based on no proof, I believe that the information then given to the newspapers could have come from the Dreyfus family.”

M. Labori.--“I asked General Mercier just now if a secret document was communicated to the council of war in 1894.”

M. Clemenceau.--“The question was put by the court, and the answer was made that there was a decree of the court that prevented General Mercier from speaking. Consequently, if General Mercier had not been moved by these legal scruples, he would have spoken.”

The Judge.--“But I should have stopped him. We are not a court of revision, but an assize court. Remember that.”

M. Labori.--“Agreed, *Monsieur le Président*. Let us note the reply already made by General Mercier, and let us note that the court would not put the question, if General Mercier had not answered spontaneously. M. Zola is prosecuted for three paragraphs, in one of which he accuses the second council of war of having covered an illegality in obedience to orders. I say that we are entitled to prove this illegality, unless the prosecution will admit that it has been committed.”

The Judge.--“I point out to you that we are not a court of revision, but an assize court.”

M. Labori.--“I answer: If in 1894 they had boasted, as they have boasted since, of having communicated a secret document, then that fact could have been used to secure a revision. But this fact was not then known. It is only since then that it has been openly repeated. General Mercier himself will not say that this is not true, but he will say that he cannot answer.”

General Mercier.--“Pardon me, I say that that is not true.”

M. Labori.--“Does General Mercier say that it is not true that a secret document was communicated, or does he say that he has not repeated the fact to anyone whomsoever? I ask him to leave no ambiguity in his reply.”

General Mercier.--“I have not to answer the first question, but, as to the second, I say that it is not true.”

M. Labori.--“I desire to say to General Mercier that, whatever I may have to express in my summing-up, I have absolute confidence in his word.”

General Mercier.--“I thank you.”

M. Labori.--“If General Mercier were to say here a word contrary to my thought on a point as serious as that of which we have been speaking, I should be filled with frightful anguish, because I should no longer understand anything of what I have seen going on for months; and so I shall keep silent, because I am confronted with a soldier whose tact I may pass upon in my argument, but whose honesty I respect.”

The Judge.--“Have you anything to add, General?”

General Mercier.--“I have not to come back to the Dreyfus case, but, if I had to come back to it, it would be to say, on my word as a soldier, that Dreyfus was a traitor who was justly and legally condemned.”

The Judge.--“M. Labori, you have heard the declarations of M. Mercier, the former minister of war. He has given you all the explanations desired. He has even gone farther than I desired.”

M. Labori.--“You are mistaken, *Monsieur le Président*.”

The Judge.--“No.”

M. Labori.--“You are mistaken so far as I am concerned. General Mercier has not gone far enough. I will not sit down until a certain matter

has been cleared up. The statement of General Mercier must be made clear, for here I am in the centre of my case."

The Judge.--"No, you are not in the centre of your case. You are away from it. You are the lawyer of your client, and you fill the *rôle* of the presiding judge. I point out to you that you are encroaching on the Dreyfus case."

M. Labori.--"The question is whether General Mercier, who has uttered certain words, answered one question or another. It is regrettable that General Mercier should come here to say that a man has been legally condemned. It is regrettable, because he cannot be examined as to the reasons for his belief. As to his belief, I knew what it was, and I knew very well that, if I were to ask him for it, he would proclaim it loudly. So I am not surprised. But, when I asked General Mercier: 'Is it true that a secret document was introduced into the Dreyfus case in 1894?' he replied: 'I will not answer'."

The Judge.--"And he did well."

M. Labori.--"Then I asked General Mercier: 'Have you anywhere said so?' He interrupted me not to answer my first question, but to say: 'It is not true that I have so stated.' That does not interest me. It is the first point that interests me, and on that, in spite of all incidents and all emotions, General Mercier is dumb."

The former minister of war then stepped down, and the former minister of justice, M. Trarieux, took the stand.

Testimony of M. Trarieux.

His deposition was as follows:

"I did not follow the details of the Dreyfus trial of 1894. But in 1895 and 1896 serious matters leaked out that much disturbed my mind. The first concerned the existence of secret documents that were said to have

played a part. Much more light has been thrown upon that matter since, but I was profoundly agitated by what was said even then. If other documents than those communicated to the accused and his counsel had indeed been submitted to the judges and had influenced their decisions, there was, at least in my opinion, no State reason that could justify it. The first principle and the essential basis of our penal law is that an accused person cannot appear before justice without knowing of what he is accused and concerning what he is to be called upon for an explanation. Nevertheless, gentlemen, I was not certain of the fact, and so I kept the secret to myself. Afterward my trouble was increased by the reading of the testimony of one of the experts in the Dreyfus case, which chance had placed in my hands. Thus I became acquainted with the document that determined the condemnation, and the *bordereau* of which so much has been said. Resemblances in the details of certain letters were pointed out; but a serious observation was made, which I found later in the indictment when the indictment was made public. It was admitted that the *bordereau* showed important differences from the documents with which it was compared. To explain these differences, it was said that undoubtedly they were intentional on the part of Dreyfus. I was much struck by this remark. It was the observation of a moralist rather than the affirmation of an expert; so I could reason with these gentlemen. I asked myself if their explanations were not in a certain measure--let us say in a large measure--shockingly against the probabilities. I asked myself if it was possible that a person, fearing that he might be compromised by his handwriting, and wishing to disguise it, had been so stupid as not to make it absolutely unrecognizable; if it was possible, in short, that this condemned man would have been so stupid, in spite of his intention to disarm suspicion, as to leave apparent traces of similarity in the document. I confess, gentlemen, I was infinitely more struck by the dissimilarities that could not be explained than by certain resemblances that are to be found in documents of this sort. I kept my secret, gentlemen, but my agitation increased. Serene persons about me asked:

‘Why do you concern yourself with the matter?’ I could not help it. It is the honor of a land of liberty to concern itself with questions of justice, for, if a people wishes to be free, it must first of all be just. It is justice that guarantees liberty to all.

“But, after M. Scheurer-Kestner’s interpellation, I asked him to relieve my conscience, and to tell me all that he knew. His statements tore the veil from my eyes. He enabled me to properly compare Esterhazy’s writing with that of the *bordereau*. It was no longer a matter of dissimilarities to explain; it was evidence itself; and I found no difference that was astonishing. Since then I have repeated the comparison many times, not for myself and alone, but with the aid of friends. Never have I found a dissenting voice. All who have been willing to examine have been impressed by the same evidence, and I may say now, anticipating the chronological order of facts, that later the experts themselves who contributed to the preparation of the Esterhazy case had to recognize in it a large measure, although they concluded that the *bordereau* is not the material work of Major Esterhazy. As everybody knows, they have affirmed that the *bordereau* bears a striking resemblance to Major Esterhazy’s writing. Only they set up the hypothesis that this writing must be the work of a skilful forger. At any rate, these conclusions, made by the experts as well as by myself, absolutely overturned the conclusions of 1894. M. Scheurer-Kestner placed in my hands the correspondence between Lieutenant-Colonel Picquart and his superior, General Gonse, adding a series of other letters--thirteen, if I am not mistaken--that passed between the same persons after the departure of Lieutenant-Colonel Picquart from the war department. I have read them and reread them, and have often reviewed them since in my mind. They left me in no doubt, but I must declare in what measure they enlightened me. I did not find in them certain proof that General Gonse had arrived at a fixed decision to open a revision of the Dreyfus case at a certain date, but I did find in them indisputable proof that this officer admitted the

possibility of revision, and gave instructions for its preparation, covering all the acts of Lieutenant-Colonel Picquart with his entire approbation. General Gonse did not say to his subordinate: ‘You are mistaken; you know it well; you have a secret file in your hands.’ He did not say to him: ‘Calm yourself; this is madness.’ No. He said: ‘Act with prudence. No irreparable steps. Do not proceed recklessly. The question is one of the highest gravity. You must conduct all your negotiations with the greatest circumspection.’ Then, on the question of expert examination, he added. ‘To submit the question to experts at this moment is to mix up third parties with the examination of the affair, under unfavorable conditions. I advise other steps.’ And he indicated these. He called attention notably to the necessity of ascertaining under what conditions the documents enumerated in the *bordereau* could have been communicated by the man who was suspected of being its author, and then the letter finished with recommendations of prudence and the expression of affectionate sentiments.

“M. Picquart’s reply laid down the question of revision in terms as express as possible. It was not possible, indeed, to speak in clearer and more prudent language. What did General Gonse reply? His reply was formal. He said that, in spite of the disturbing information contained in the letter, he still advised most careful procedure. But he added a declaration which to me is absolutely decisive concerning his state of mind: ‘It is not a question, of course, of stopping the light. It is a question of preparing the conditions under which the truth may be manifested.’ That was the language of a man who had not in his hands certain proof of the treason of Dreyfus. It was the language of a man whose conscience and heart were disturbed by the fears that had already invaded the mind of Colonel Picquart, and that with the latter had become absolute convictions.

“That settled the matter for me, and, when they talk of proof of judicial error, I say that it is almost absolutely acquired. Similarity of

handwritings; proof that there was no certain demonstration of the guilt of Dreyfus; demonstration that our military officers were familiar with the facts, and had given their approval to investigations,--all these circumstances removed from my mind the last vestige of doubt.

“General Gonse returned from Cormeilles-en-Parisis on September 15, the day after the letter of the 14th written to him by Colonel Picquart. The same day ‘L’Eclair’ published an article in which it was said, I believe, that all veils must be torn off. ‘L’Eclair’ published a document which until then had remained a secret, and which, it said, had been produced at the deliberations of the council of war without the knowledge of Dreyfus or his counsel. This document, said ‘L’Eclair,’ had determined the condemnation. It was a letter exchanged between the military *attachés* of two embassies, at the foot of which were these words: ‘That animal D---- is really becoming too exacting.’ But ‘L’Eclair’ published it as follows: ‘That animal Dreyfus is really becoming too exacting.’ This, M. Scheurer-Kestner told me, was like a train of powder through the whole press. A formidable movement of opinion rose against the few persons who could still speak of what had happened in 1894. The clear proof of guilt had been found. At last timid consciences could hope; there was no longer anything to fear. Dreyfus was really a traitor, since his relations with *attachés* of a foreign embassy were confessed by a foreign *attaché* himself.

“Gentlemen, who could have communicated this document? A few days later another article was published in ‘Le Matin,’ which reproduced the *bordereau* and some bits of the writing of Dreyfus. Violent discussions ensued. There was a renewal of the report of attempts at escape. The government was called on to keep careful guard, and an interpellation was announced by deputy Castelin, who had collected these various rumors and intended to ask the government for an explanation as soon as the chamber should reconvene. Then, gentlemen, came a radical change in the dispositions of the minister of war. Not only was Colonel Picquart

requested to cool his ardor, but it was deemed necessary to send him away from the war department. It was announced that there would be no resistance to M. Castelin's interpellation. It was deemed impossible to make head against such a storm. And so, on the 14th, two days before the interpellation, Colonel Picquart was sent away from the department on a mission, in the course of which he finally reached Tunis. That is the explanation of this sudden about-face.

"But who had communicated the document? Not Colonel Picquart. That was impossible, for he was after a revision of the Dreyfus case, and this communication was clearly made by some one opposed to such revision. The communication to 'L'Eclair' was not made out of kindness for Dreyfus; it was a final blow at the condemned man, the last word that was to arch his tomb. It could not have been Dreyfus's counsel, for his counsel did not know the document. It could not have been the experts, for they had never had it in their hands. No journalist could have obtained it, except from some one in a position to be acquainted with it. The persons in such a position were not numerous. There were six, or eight, or ten, in the department who had it at their disposal. There was certainly one of these, perhaps several, whose interest it was to thwart Colonel Picquart, and who, to this end committed this indiscretion, this criminal indiscretion, for a crime had to be committed in order to communicate the document under the circumstances in which it was reproduced by the newspaper. This newspaper, in fact, had printed the passage in the terms that I have just stated, but it is now known that the document did not say 'That animal Dreyfus.' It said 'That animal D....' It had been necessary to alter the document in order to make it more decisive. Evidently some one was bent on laying a trap for Colonel Picquart, bent on threatening him in order to make the production of his testimony impossible; some one wanted to close his mouth, and threatened to ruin him if he dared to speak. Colonel Picquart desired an investigation to determine the author, or authors, of the plots against him, and, indeed, if they had succeeded in

discovering the guilty party, the whole case might have been cleared up. On December 18, 1897, I went to the minister of justice to lay the facts before him, finding, moreover, that he was not at all familiar with the situation. He promised to consult the prime minister. On December 23 he notified me that the prime minister had had an interview with the minister of war, who had promised to send to Colonel Picquart for the text of the dispatches, and compare them with the writing of an officer whom Colonel Picquart suspected. He told me that the minister of war had promised to examine these writings himself, and that later he would let me know the result. This he did on the 28th. The answer of the minister of war was that he did not consider Colonel Picquart's suspicions well founded, and that he did not see sufficient similarity in the handwritings to warrant suspicion. I have not to inquire, gentlemen, whether he was mistaken; it is too delicate a question to be examined by me. But it is certain that, though the author of these documents could not be designated with certainty, a crime had been three times repeated in the Speranza letter of 1896 and in the two dispatches of 1897. So I expected that a supplementary investigation would be undertaken. But nothing of the kind. There was silence for several days, and then in despair Colonel Picquart decided to lodge with the public prosecutor on January 4, 1898, a formal complaint that these four documents were forged. Another week went by, and nothing was done. Major Ravary continued to think that these facts did not call for the examination solicited. Undoubtedly they had not, in his eyes, the importance that Colonel Picquart attached to them, and so on January 10, six days later, the council of war met, and, before it, was read the indictment with which you are familiar,--an indictment, astounding to say, which made not the slightest allusion to the facts which Colonel Picquart considered so serious.

"It is certain--Major Esterhazy confesses it--that a document was withdrawn from the war department,--the document which he says was delivered to him by a veiled lady. Who took away that document? What

was done in the course of investigation to find out who took it away? Nothing. I pointed out to the minister of war that letters and dispatches had been sent to Colonel Picquart in order to close his mouth, telling him not to come back from Tunis, and that his future would be destroyed, if he should come back. Who sent these letters and dispatches? No attempt has been made to find out.

“In conclusion, I have but a single word to say. After my participation in this affair I desired to attend the hearing before the council of war to see what would take place there. I mingled with the public, and, not as former minister of justice or as a senator, but as a simple citizen, I was present at the trial. I was conscious from the first moment that I was not witnessing an ordinary trial, but a trial like no other. In the first place I heard read a declaration from General Saussier that he had ordered this matter carried before the council of war in order to clear up obscurities which, in his opinion, could be cleared up only by an open debate. By this I was somewhat reassured, for to have an open debate was in itself a great deal. Now, gentlemen, there immediately appeared a lawyer for Mme. Dreyfus and her children, and another for the complainant. They asked to be accepted as participants in the trial. I knew that there were precedents for this, notably in the Kraemer case at Lyons; Dalloz and other authors say that councils of war can admit such participation. But in this case it was denied. Then came the reading of the indictment. This indictment was a plea for the accused, and a fierce attack upon his accusers. As soon as the reporter opened his mouth, it was apparent that he was not present as an accuser, but as the foremost defender of the accused. Then I asked myself: ‘Where, then, is the open debate called for by General Saussier?’ Up to the moment when the closing of the doors made it impossible for me to hear more of the trial, I saw nothing but a semblance of an open debate. And now, gentlemen, I have told you all that I know, all that I have seen, all that I can say.”

At this point an adjournment was taken for the day.

FOURTH DAY--FEBRUARY 10.

The first witness at the fourth day's hearing was to have been Mme. Dreyfus, whom at first the court had refused to hear on the question of Zola's good faith, but whom, after further reflection, it had decided to hear. Nevertheless Mme. Dreyfus did not appear, M. Labori consenting to excuse her in view of a letter which he had received from her, and which read as follows:

Dear Master:

I answered to the call of my name at Tuesday's hearing, in spite of my great agitation. I made the effort because I hoped to express to the court and the jury my deep gratitude to, and my admiration for, M. Zola, who, obeying the voice of his conscience, has sacrificed himself for justice and truth with a sublime disdain of the insults and threats which he has drawn upon himself. I hoped also to declare my absolute faith in my husband's innocence,--an innocence which, I am convinced, will be established before long,--and also my sincere gratitude to you, dear master, who display so much courage and talent to secure the triumph of the truth. The anguish of these three days, added to all that I have suffered for three years, has put me in a condition in which I could not endure a fresh trial. Permit me, then, to absent myself from the court and accept, I beg of you, the expression of my most distinguished sentiments.

L. DREYFUS.

FEBRUARY 10, 1898.

Testimony of M. Trarieux.

M. Trarieux was recalled to the witness-stand.

M. Labori.--“Will M. Trarieux tell us what he knows about the way in which Colonel Picquart’s mission was executed?”

The Judge.--“In other words, you ask M. Trarieux if he is familiar with the mission entrusted to Colonel Picquart.”

M. Labori.--“I do not ask the object of the mission. I simply wish to know if the circumstances surrounding it are familiar to the witness, in which case I should like to have him tell us what they were.”

The Judge.--“General de Boisdeffre told us yesterday that it was a secret mission.”

M. Labori.--“I do not ask the witness the object of the mission. It is secret, like everything else in this case, but those in a position to know the details of the mission know that their declarations would compromise no higher interest. It is a secret, because it is a secret; there is no other reason.”

The Judge.--“It may involve secrets concerning the national defence. That is why I will put no question on the point.”

M. Labori.--“It is so said, I know, but I should like to find out whether M. Trarieux is familiar with the circumstances under which Colonel Picquart was asked to undertake his mission, and whether there was anything extraordinary about these circumstances.”

The Judge.--“Witness, you understand the question. I will ask you to say what you think it is your duty to say.”

M. Trarieux.--“I saw nothing in General Gonse’s letters in the nature of a secret concerning the national defence. All that I can say is that I got an impression from the letters that Colonel Picquart was in most affectionate

and cordial relations with his superiors, and seemed to command their entire confidence. The reading of this correspondence gave me the idea--though this is but an interpretation--that Colonel Picquart was sent away from Paris for a certain reason. At first he was sent to the east; then to the south. Frequently new orders came to him, taking him ever a little farther from Paris, and finally he had to cross the Mediterranean and go to Algeria and Tunis. These letters gave me the impression that, after having sent him away from Paris on the eve of the Castelin interpellation, they were determined that he should not come back."

M. Labori.--"Could M. Trarieux tell us whether, while he was minister of justice, he received a visit from a lawyer especially interested in the matters in question here?"

M. Trarieux.--"I suppose you refer to the visit of M. Demange?"

M. Labori.--"Yes."

The Judge.--"Is this in relation to the Dreyfus case?"

M. Labori.--“It is in relation to a document involved in the Dreyfus trial.”

The Judge.--“I ask you to say nothing about it.”

M. Labori.--“Yesterday General Mercier thought it his duty to refer to the Dreyfus case in words which, like all those that come from a certain direction here, are incomplete. They were received with very violent manifestations, but I have not been able to obtain anything additional, because it is an understood thing here that in this matter anyone can say anything that will injure us, but no one has a right to say anything that can help us.”

The Judge.--“Pardon me, M. Labori, I believe that I preside here with all the independence desirable. If I prevent M. Trarieux from speaking of the Dreyfus case, it is because there has been a decree of the court. You remind me of what General Mercier said yesterday. Permit me to add that, if the general said it, it was because I did not have time to stop him. He spoke too quickly; otherwise I would have prevented him. You ask questions that violate the decree which we have rendered.”

M. Labori.--“I shall ask all the questions that I think useful to my offence, whatever your opinion of them may be. You will pass upon them, *Monsieur le Président*,--and the court with you, for you are not the sole master,--as you see fit.”

M. Clemenceau.--“I think that the court misunderstands. None of us intend to violate its decrees. What we wish to point out is that, in spite of you, *Monsieur le Président*,--you yourself have said it,--General Mercier made a certain declaration yesterday. We desired to bring out today

either a contradiction or a confirmation of the words uttered by General Mercier, and, by virtue of a decree of the court, you say to us: ‘That is not possible.’ The jurors will observe that for a court of justice this is a singular situation. The charge may be made, but it may not be contradicted.”

M. Trarieux.--“The charge, whether against M. Scheurer-Kestner or against M. Mathieu Dreyfus, that they are responsible for the existing agitation and disorder is quite erroneous and ill-founded. In fact, there are two ways of obtaining the revision of a judicial error, and Article 443 of the code of criminal examination defines them. The first is this: once a condemnation has been pronounced, if it be discovered that the facts on which this condemnation rest were committed by some other person than the person condemned, this other person may be prosecuted, and, if a condemnation is secured, this condemnation being contradictory of the previous condemnation of an innocent man, a revision of the judicial error becomes imperative. Thus these two condemnations necessarily bring about, *ipso facto*, a revision of the trial. The second method is provided by a law passed by the present legislature on June 6, 1895, under the government to which I had the honor to belong. It provides that, if, after a condemnation, a new fact be discovered which was unknown at the time of the condemnation, and which is of a nature to establish the innocence of the party condemned, the matter may be laid before the minister of justice to induce him to procure a revision of the case. The minister of justice is asked to lay the matter before the court of appeals, which is judge in such a matter. Now, it is indisputable that M. Mathieu Dreyfus took the first method, for, by preferring a formal complaint against Major Esterhazy, he hoped to secure a condemnation of him, the immediate consequence of which would have been a revision of his brother’s case. The question is whether he would not have done better to take the second method. It seems to be the opinion that he should have applied to the minister of justice and asked him to lay the

matter before the court. I think that this is a mistaken opinion. Suppose, instead of making the complaint against Major Esterhazy, M. Mathieu Dreyfus had applied to the minister of justice for a revision, what new fact could he have pointed out to induce the minister of justice to lay the matter before the court of appeals? There was only one,--the similarity of Major Esterhazy's handwriting to that of the *bordereau* attributed by the verdict of 1894 to Captain Dreyfus. If this had been pointed out to the minister of justice, it would have been necessary to draw the immediate conclusion that the author of this handwriting, M. Esterhazy, was the guilty party. It would have been impossible to lay the demand for revision before the court of appeals prior to a decision upon this question after a confrontation with M. Esterhazy. No revision of the judicial error of which Dreyfus was the victim could have been ordered, until it had been established in the presence of the party directly interested, M. Esterhazy, that this error was committed by him, or that it was the result of his crime, and that he was the author of the *bordereau* unjustly attributed to Dreyfus. Therefore the minister of justice would have had to prosecute M. Esterhazy. But this he could not have done himself, for the simple reason that M. Esterhazy, being a soldier, is responsible only to the military courts, and consequently the minister of justice would have had to hand the matter over to the minister of war, who would have been charged with the prosecution. If, then, M. Mathieu Dreyfus had chosen the method of appealing to the minister of justice, not only would nothing have been gained, but time would have been lost, for the same result would have been reached by a circuitous route."

A group of witnesses was then called, consisting of M. Forzinetti, M. Lebrun-Renault, and others who had heard M. Lebrun-Renault declare that Dreyfus had never made a confession to him. But, the court declining to hear any of them, on the ground that their testimony concerned the Dreyfus case, they were all obliged to retire.

Testimony of Doctor Socquet.

Dr. Socquet was then recalled to the stand.

M. Clemenceau.--“I forgot to ask Dr. Socquet whether he found Mme. de Boulancy at No. 22, Boulevard des Batignolles.”

Dr. Socquet.--“No.”

M. Clemenceau.--“Will he tell the court how he succeeded in finding her, since that was the only address that he knew?”

Dr. Socquet.--“Through the letter handed to me by *Monsieur le Président*. He gave me a doctor’s certificate establishing her sickness, which was accompanied by a letter that gave the address.”

M. Clemenceau.--“I remind the court of an incident that occurred at the last hearing. I informed the court that Mme. de Boulancy did not live in the Boulevard des Batignolles, and the court answered: ‘She does live there, for the doctor’s certificate designates that address.’ Therefore I am at a loss to understand. Does *Monsieur le Président* recall the incident?”

The Judge.--“Perfectly. I am looking for the address in the letter.”

Dr. Socquet.--“It is on the third page.”

M. Zola.--“From whom is this letter?”

The judge then read the letter from Mme. de Boulancy which he had read at a previous hearing, but including this time the following sentence, which before he had omitted: “I am with my family, at No. 54, Avenue de Neuilly.”

M. Clemenceau.--“The court will remember that this information had not been previously furnished me. Therefore I have no further occasion to ask the doctor how he found Mme. de Boulancy, but I should like to ask him another question.”

M. Zola.--“Reference to the stenographic report will show that Mme. de Boulancy’s present address was not given at the hearing.”

The Judge.--“That is a matter of no importance.”

M. Clemenceau.--“I make a reservation, and pass on. In the course of Dr. Socquet’s visit to Mme. de Boulancy was there any conversation between them about matters other than his sickness?”

Dr. Socquet [after some hesitation].--“Yes, we talked of something else.”

M. Clemenceau.--“Something that did not concern her health?”

Dr. Socquet.--“Yes.”

M. Clemenceau.--“Did Dr. Socquet ask Mme. de Boulancy the following question: ‘Is it true that you have other letters from Major Esterhazy than those that have been published?’”

Dr. Socquet.--“No.”

M. Clemenceau.--“Did the witness say to Mme. de Boulancy: ‘Is it true that you have three telegrams from Major Esterhazy?’”

Dr. Socquet.--“No.”

M. Clemenceau.--“Did Mme. de Boulancy declare spontaneously: ‘I have letters from Major Esterhazy which are much more serious than those that have been published?’ And did she also declare, of her own initiative: ‘It has been incorrectly stated that I had three telegrams from Major Esterhazy; I have only two’?”

Dr. Socquet.--“No.”

M. Clemenceau.--“Was the name Esterhazy uttered at all in the course of the conversation?”

Dr. Socquet [after reflection].--“Yes.”

M. Clemenceau.--“Under what circumstances was this name uttered, and by whom?”

Dr. Socquet.--“By Mme. de Boulancy.”

M. Clemenceau.--“As Mme. de Boulancy would not have uttered this word singly, will the witness tell us what other words she added?”

The Judge.--“I call M. Clemenceau’s attention to the fact that he is entering into the domain of a private conversation.”

M. Clemenceau.--“The defence attaches the greatest importance to the testimony of Mme. de Boulancy and to the production of the letters which are still in her possession, as well as of the two telegrams which she also possesses. Under these circumstances we shall do all that we possibly can, and shall talk as long as the court does not prevent us, to secure the appearance of Mme. de Boulancy that she may enlighten this court and this jury regarding Major Esterhazy’s letters. I ask the witness what other words Mme. de Boulancy added to the word Esterhazy.”

Dr. Socquet.--“I am entirely ready to answer, but it is a matter outside of the mission that the court entrusted to me. Still, if it be not inappropriate, I will say that, when I examined Mme. de Boulancy, she talked to me of sundry matters,--among others of the way in which she had reached her present condition, and the annoyance that she felt. I let her talk, for I wanted to form an opinion as to the state of her health. She spoke of Major Esterhazy’s letters, and told me that she had complained at the office of the public prosecutor, who was looking into her charge, that a person had abused her letters. She said that she had entrusted these letters to a person who had found them interesting, and who had used them in a way of which she did not learn until later. She told me especially that this person had entrusted them to ‘Le Figaro,’ and that, an hour after he

brought them back, M. Hadamard, sub-chief of police, came to seize them. She added that all these letters were from Major Esterhazy. That is all that she said to me on that subject."

M. Clemenceau.--"By 'all these letters' did she mean those published by 'Le Figaro,' or the other letters that she had in her possession, or had deposited with one of her lawyers?"

Dr. Socquet.--"She said: 'All his letters.' Six letters, plus a seventh, which contains the word 'Uhlans.'"

M. Clemenceau.--"Did she say that they were genuine?"

Dr. Socquet.--"That is what she said. I did not question her. I allowed her to talk, seeing no objection to it."

Testimony of M. du Paty de Clam.

M. Socquet then stepped down, and M. du Paty de Clam took his place.

"*Monsieur le Président*," said he, "I am called here to testify concerning the Esterhazy case. I am ready to answer all questions, except those that involve professional secrecy. But it is with deep sadness that I call attention to the fact that matters of my private life have been raised here. It does not embarrass me personally, for I have always behaved as a gallant man should. I have the esteem of my superiors, and that is enough for me. But I can not admit that it is allowable to reflect upon the honor of a young girl who has always been respected. I ask the court, in the name of French honor, to eliminate such questions from the discussion, and I will answer all others."

The Judge.--"But here there has been no question" ...

M. Labori.--"I have referred here to but one woman, Mlle. Blanche de Comminges. It seems to be the opinion of the newspapers that I insinuated, or meant to say, that there had been between Mlle. de Comminges and Colonel du Paty de Clam private relations susceptible of an annoying interpretation. Nothing of the kind has been in my thoughts. Mlle. Blanche de Comminges is a young girl of fifty-five years; she is a friend of Colonel Picquart; her name has been used in telegrams which Colonel Picquart considers forgeries, and in regard to which he has complained. It is only of this that I have spoken. Now I come to different questions. In the first place, was M. du Paty de Clam ever acquainted with the father of Mlle. de Comminges?"

M. du Paty de Clam.--“Yes.”

M. Labori.--“Did he have a correspondence with one or more members of his family?”

M. du Paty de Clam.--“It is on this point, *Monsieur le Président*, that I ask permission to keep silent. I can reveal nothing. This concerns the honor of a family, the memory of a dead person, and I will not do it. It is private ground. It is my domain, and no one has a right to infringe upon it. It has no relation with the Esterhazy case, and I will say nothing about it.”

The Judge.--“You understand the answer?”

M. Labori.--“Yes, *Monsieur le Président*, I understand the answer, and I understand also that, though you consider it good, I do not.”

The Judge.--“Exactly.”

M. Labori.--“I do not, and I will tell you why, if you will permit me.”

The Judge.--“Go ahead.”

M. Labori.--“I never before saw an assize court like this. All means are sought here to prevent the light from being thrown on any point.”

The Judge.--“These are *your* witnesses.”

M. Labori.--“Pardon me, these are not *our* witnesses; they are witnesses. M. du Paty de Clam is called because we wanted a complete investigation, and, whenever we put a question, in the absence of a good reason why it should not be answered, we are offered two bad ones. When there has been a consideration of the matter behind closed doors, they say: ‘We will not answer, because this occurred behind closed doors.’ I say this to the jurors: Are you not as worthy to keep a secret as French military officers? If closed doors are necessary, let the doors be closed. We do not distrust you. Then they appeal to professional secrecy. When that will not do, they invoke secrets of State. And when they can invoke neither professional secrecy or secrets of State or closed doors, they invoke private secrets. Consequently I have no further questions to put to M. du Paty de Clam.”

Testimony of Colonel Henry.

The next witness was Colonel Henry.

M. Labori.--“Will Colonel Henry tell us how far the facts related in Major Ravary’s report are correct, and what documents Colonel Picquart took from the files? Will Colonel Henry tell us whether that report described correctly the scene that took place in his presence in Colonel

Picquart's private office between M. Leblois and Colonel Picquart, and what that scene really was?"

Colonel Henry.--"I was absent when the file was taken by Colonel Picquart. I was on leave of absence, in August or September, 1896. Colonel Picquart asked M. Gribelin for the file, and he gave it to him."

The Judge.--"M. Gribelin made the same answer."

Colonel Henry.--"M. Gribelin, the keeper of the archives, to whom I had given the key of my closet," ...

M. Labori.--"Thus it results from the testimony of the witness" ...

The Judge.--"M. Gribelin was under Colonel Picquart's orders."

M. Labori.--"But what was Colonel Henry's position?"

Colonel Henry.--"Major."

M. Labori.--“Under whose orders?”

Colonel Henry.--“Under the orders of Colonel Picquart.”

M. Labori.--“The chief of the service was M. Picquart. Consequently, if I rightly understand, Colonel Picquart, who was at the head of the service, asked M. Gribelin, who was under his orders, like Major Henry himself, to give him, by opening the closet with the key,--that is, under the most natural conditions,--a file that was a part of Colonel Picquart’s service. Is that it?”

Colonel Henry.--“Exactly. If I had been present, I would have pointed out to Colonel Picquart that my instructions, given me by Colonel Sandherr, were to give this file to nobody, except in the presence of the sub-chief of staff, the chief of staff, and myself.”

The Judge.--“It was Colonel Sandherr who gave those orders. He is dead, I believe.”

Colonel Henry.--“He was sick and unconscious.”

M. Labori.--“Under these circumstances Colonel Sandherr had been replaced by Colonel Picquart. Does Colonel Henry invoke against Colonel Picquart, then his chief, instructions given him by a previous chief? Will Colonel Henry tell us who succeeded Colonel Picquart in the war offices?”

Colonel Henry.--“Colonel Picquart’s successor is General Gonse, sub-chief of staff, for it was to General Gonse that Colonel Picquart handed over his service when in November, 1897, he started on a mission.”

M. Labori.--“Who is now in the service under General Gonse’s orders?”

Colonel Henry.--“I am.”

M. Labori.--“Thank you.”

M. Clemenceau.--“Did not Colonel Henry confer concerning a certain matter directly with M. Leblois? I ask no details.”

Colonel Henry.--“You refer to the Bouleau affair? One day there was,--that is to say, I talked to Colonel Picquart in presence of M. Leblois. Colonel Picquart said: ‘When we are embarrassed concerning any question of spying, you can refer to M. Leblois, who is a lawyer, and will be able’” ...

M. Clemenceau.--“When you wanted to send an envelope containing no matter what to another office, and did not want this envelope to be opened, had you not a method of assuring yourself that it would not be opened? Was it not your habit to place your signature on envelopes that you did not wish to be opened?”

Colonel Henry.--“No.”

M. Clemenceau.--“Was it not the habit of the witness to do that?”

Colonel Henry.--“No.”

The Judge.--“But one of the witnesses yesterday said that it was?”

M. Labori.--“Pardon me. Permit me to interrupt to ask that the question be put as we frame it. I protest; there has been already too much said. I ask that the question be thus put: Did Colonel Henry once do this?”

Colonel Henry then admitted that he placed his signature on the secret file. The witness was then confronted with M. Leblois, whom Colonel Henry said that he had never seen, except in Colonel Picquart’s presence.

M. Leblois.--“I had a long discussion with Colonel Henry concerning a matter that had been under examination in the office of the public prosecutor at Nancy.”

The Judge.--“In the absence of Colonel Picquart?”

Colonel Henry.--“We talked once in the presence of Colonel Picquart. The latter said to me: ‘When we shall have need of additional information concerning some matter of spying, here is M. Leblois, who will be able to lend us his aid.’ Well, I have never conferred with M. Leblois.”

M. Leblois.--“This conference lasted several hours in your own private office. You admitted it before the council of war.”

Testimony of M. de la Batut.

The next witness was M. de la Batut, who testified as follows:

“At the time of which I speak Lieutenant du Paty de Clam was giving a course of instruction to the conditional volunteers of a year. When the conditional volunteers came to the regiment, they were given, as a subject of historical composition, ‘The Wars of the First Empire.’ I wrote such a composition as I was able to from my recollections of the matter, and I finished by saying that it was to be hoped that henceforth intelligence, and not cannons, would govern the world. The next day the lieutenant-colonel sent for me, and said: ‘You are from the south; you shall have a fortnight in prison.’ I answered: ‘My colonel, I am not

exactly from the south, I am from Dordogne.' 'Yes, yes, you are from the south. You shall have a fortnight in prison for your composition.' And I was taken to prison. The colonel, who was absent, returned the next morning, and, probably finding my punishment excessive, hastened to relieve me of it."

M. Clemenceau.--“After he had thus relieved you, was the punishment replaced by another of a more general character?”

M. de la Batut.--“Yes; the colonel said to me: ‘I relieve you of your punishment, because it was a little too severe, and you have not yet the military spirit. But you and all your comrades will get no leave of absence for a month.’”

Then the following witnesses were successively called and dismissed, because their testimony was to relate to the Dreyfus case: Major Besson d’Ormescheville, M. Maurel, M. Vallecalle, M. Eichmann, M. Gallet, and M. Roche. Then came Major Ravary.

Testimony of Major Ravary.

M. Labori.--“I find the following in Major Ravary’s report: ‘One evening, when Lieutenant-Colonel Henry, on returning to Paris, suddenly entered M. Picquart’s office, he found M. Leblois, the lawyer, who paid the colonel long and frequent visits, sitting near the desk and searching with him the secret file. A photograph bearing the words, “That scoundrel D...” had been taken from the file and spread upon the desk.’”

M. Ravary.--“There is an error. It is *a* secret file, not *the* secret file.”

M. Labori.--“I ask first not what this file contained, since it is secret, but to what it related?”

M. Ravary.--“I do not exactly understand. A witness said that there was a document spread between M. Leblois and Colonel Picquart. I know nothing more.”

M. Labori.--“Unless it is understood that there is always to be some method of evasion, I insist on a reply from M. Ravary. Here we are squarely in the Esterhazy matter. We have Major Ravary’s report. He was the official reporter. It is not possible that he accepted testimony that has been contradicted here by the evidence of M. Gribelin and M. Henry. It is not possible that M. Ravary accepted evidence without pressing the witnesses. It is not possible that a matter so serious as a secret file should have been referred to in a report read to the council of war without resulting in an examination of its contents. I do not ask what its contents were, but to what it related. If the witness cannot answer, I shall infer that judicial examinations before a council of war are carried on as we have never seen them carried on in trials in which we take part.”

M. Ravary--“I protest that all our examinations are carried on with the greatest honesty and conscientiousness. As to the document of which M. Labori speaks, it did not interest me, and for this reason. I had an accused man before me, Major Esterhazy. I was to seek proof either of his innocence or of his guilt, and this document had nothing to do with Major Esterhazy.”

M. Labori.--“This document was a part of the Esterhazy file. I ask the court to ask M. Ravary, who conducted the examination, what this document was.”

M. Ravary.--“As to that, I am completely ignorant.”

M. Labori.--“That is enough; I am satisfied.”

M. Clemenceau.--“The witness said in his report that there was a file of documents open on Colonel Picquart’s desk. I should like to know if he maintains that declaration.”

M. Ravary--“It was so stated in the testimony of either Colonel Henry or M. Gribelin.”

M. Clemenceau.--“I remind the court that M. Gribelin said that there was a file of documents in an envelope. Colonel Henry said the same thing, and so I ask the court to recall M. Gribelin.”

M. Ravary.--“I said either M. Gribelin or Colonel Henry.”

M. Gribelin, being recalled testified as follows: “What I said was that the documents were contained in a yellow envelope; they were not scattered; I even specified, in my written deposition, that they were not searching the documents.”

M. Ravary.--“My report is a sincere expression of the file of documents. Let the file be called for.”

M. Clemenceau.--“M. Gribelin says that the file was in an envelope.”

M. Ravary.--“The envelope was cut lengthwise.”

M. Clemenceau.--“The documents were in an envelope, and the side of the envelope was cut; so it was impossible to know what was in the envelope.”

M. Ravary.--“But there was not one visit simply; there were several. M. Leblois has been seen several times at the office of Lieutenant-Colonel Picquart.”

The Judge.--“We know it.”

M. Clemenceau.--“Let us not depart from the question. M. Gribelin says that on the day that he entered there was a file of documents on the desk relating to carrier pigeons,--documents in an envelope.”

The Judge.--“Exactly.”

M. Clemenceau.--“The report says that there was an open file of documents from which had been taken a document containing these words, ‘That scoundrel D....’”

M. Ravary.--“But I wrote that in my report on the strength, not of M. Gribelin’s testimony, but of the testimony of another. Send for the Esterhazy file, and you will see.”

M. Labori.--“But we ask nothing better.”

M. Ravary.--“That does not concern me. My conduct was that of an honest man; that is all.”

Testimony of General de Pellieux.

The next witness to take the stand was General de Pellieux. “I feel,” he began, “that it is necessary that the whole truth should be known, and I shall tell it.”

M. Clemenceau.--“We shall remember this promise.”

General de Pellieux.--“On the 14th of last November, M. Mathieu Dreyfus lodged with the minister of war a complaint against Major Esterhazy. He formally accused him of being the author of the *bordereau* that had led to the condemnation of his brother, basing his accusation upon an absolute similarity of handwriting. On the 16th I received from the military governor of Paris an order to make a military investigation. I was instructed to give M. Mathieu Dreyfus an opportunity of proving his charge. I sent for him. He brought me no proof of any sort,--nothing but allegations. In reality, my investigation was virtually over, but, in view of the public feeling that the charge had created, I felt that I could not stop. I received from M. Scheurer-Kestner the names of M. Leblois and Colonel Picquart. M. Leblois came. He had a file of documents, composed of letters, *fac-similes* of Major Esterhazy’s writing, a telegram in characters similar to those used in print, which had been addressed to M. Scheurer-Kestner, and of which I do not recall the terms, and fourteen letters from General Gonse. He showed me these fourteen letters, and I read them. I read likewise the drafts of the letters addressed by Colonel Picquart to M. Leblois. The latter told me that he had been long in relationship with Colonel Picquart, and had often been to see him at the war department, and he gave me a history of his relations with Colonel Picquart. These relations, then, are admitted. M. Leblois has been at the office of the minister of war, and he has in his hands letters from Colonel Picquart. For some days there has been talk of the communication of a secret file. It is admitted that Lieutenant-Colonel Picquart placed General Gonse’s letters in the hands of M. Leblois. It is admitted that he said to M. Leblois, who repeated it to M. Scheurer-Kestner, that a file in a war office contained a document formally accusing Major Esterhazy of

treason. Here I will point out that, in my opinion, there is nothing more secret, nothing more sacred, in the world than an examination begun against an officer for the crime of treason. There is nothing in the world so sacred as a man's honor, as long as he remains unconvicted of the crime with which he is charged. Well, Colonel Picquart told M. Leblois that in the office of the minister of war there was a file containing a document that formally accused Major Esterhazy of treason. I defy anyone to contradict me. There you have communication of a secret file, proved and patent.

"Now I can explain General Gonse's letters. They do not relate to the Dreyfus case, but solely to the Esterhazy case. General Gonse recommends his subordinate to act with the greatest prudence. He tells him that he does not wish to stop him in his inquiries,--naturally, for they never stop an inquiry, once it is begun,--but at the same time he cautions him against taking irreparable steps, such a step as the immediate arrest of Colonel Esterhazy would have been. I reported to the military governor of Paris that there was no proof against Major Esterhazy, but that Colonel Picquart had made a serious blunder from a military standpoint. As a result of this first report, it appeared that there had been some confusion, and that it was the intention of the minister that my investigation should be a judicial one. The governor did not so understand it, nor did I.

"I immediately began a new investigation, with a clerk, and acting as a magistrate. I summoned the accused, and confronted him with the charges against him. But first I had a search made of Colonel Picquart's premises. Because of this search I have been bitterly attacked. Let me say that it was my absolute right, given me by the code of military justice as a judicial officer of police. Moreover, it was my duty. This search had been demanded of me, and I could not refuse without being suspected of an indisposition to get at the truth. So I instituted a regular search through M. Aymard, a police commissioner connected with the government of

Paris. The results of the search were brought to me under seal, and I broke the seal in presence of Colonel Picquart. Of the documents taken I kept but a single letter, to which I will refer directly. All of the other letters I returned to Colonel Picquart, after a cursory glance at them. There were numerous letters from his mother, which I have perfectly respected, and numerous letters from Mlle. Blanche de Comminges, one of which was the only document that I retained as being possibly of interest. Then I summoned the various witnesses whom I had seen in my first investigation, and examined them on two points. First, concerning the *bordereau*. M. Mathieu Dreyfus had accused Major Esterhazy of being the author of the *bordereau*. About this *bordereau* much has been said. Few people have seen it; I believe that it would be easy to count them. But many have seen *fac-similes*, and I, who have seen it, must say that these *fac-similes* singularly resemble forgeries, and that to pretend to base an expert opinion of handwriting on *fac-similes* that have appeared in the newspapers is, it seems to me, to go a long way. Nothing less resembles the newspaper *fac-simile* than the original *bordereau*; consequently all the expert testimony made so lightly is of no value.

"I listened to Major Esterhazy's defence concerning the *bordereau*. As it is well known, I will not repeat it. He tried to demonstrate that it would have been impossible for him to produce the documents of which the *bordereau* speaks. The council of war has judged that matter, and I will not insist. But in the course of Colonel Picquart's examination an incident occurred. He spoke to me of the document of which M. Leblois and M. Scheurer-Kestner had spoken to me, a card-telegram which, according to Colonel Picquart, was of the same origin as the *bordereau*. This document was torn,--had been torn and pasted together. It contained writing which seemed to prove, according to Colonel Picquart, that Major Esterhazy was in suspicious relations with an agent of a foreign power. The first thing to be done was to establish the genuineness of this document, Lieutenant-Colonel Picquart being the only one who had any

knowledge of it. It was very certain that this card-telegram had not been sent to the person for whom it was intended, and consequently had not reached him. That in itself was sufficient to invalidate the authenticity of the document; it had not been deposited in the post-office, and bore no post-office stamp. In examining other witnesses, I spoke of this document, and learned that attempts had been made to give it the appearance of authenticity that it lacked. It was desired to have it so photographed as to cause all traces of tear to disappear, that it might be said: 'It was torn afterwards; when it came, it was intact.' An effort was made also to have a post-office stamp placed upon it, in order that it could be said that it had been seized in the mails. To me this document had no appearance of genuineness. I am astonished that Colonel Picquart, chief of the bureau of information of a great power,--we have not yet fallen to the level of the republic of Andorra or of St. Marin,--an officer who ought to be intelligent, should be naive enough to believe that a military *attaché* of a great foreign power would have corresponded with one of its agents by a card-telegram. A card-telegram left with a janitor, and liable to be opened by a janitor, or any other servant,--is it thus that they would have corresponded with Esterhazy? I confess that I did not believe it. I said to Colonel Picquart: 'You have sought other proofs against Esterhazy; what means have you employed of finding them?' And I come now to a very serious matter. He confessed that for months, without the order or the authorization of his superiors, General Gonse and General de Boisdeffre, he had been seizing in the mails all of Esterhazy's correspondence. For eight months he opened that officer's letters, and was obliged to admit that he had found nothing. He admitted that without orders he had had that officer's premises searched, overturning his furniture, disarranging his wife's effects, and ransacking the apartments; and proof exists--at first he admitted it--that a piece of furniture was forced open, and, being unable to lock it again, they had a key made for that purpose, so that today, instead of two keys for this piece of furniture, there are three. It seemed to me that this was proof of

inadmissible manœuvres, and I confess that, when a council of war acquitted Esterhazy, I was not astonished. Of my participation in that acquittal I am proud. I succeeded in showing that there were not two traitors among the officers, but only one, and that he had been justly condemned. General de Boisdeffre and General Mercier were allowed to say a word of Dreyfus; I ask to be similarly authorized."

The judge refused to allow the request.

M. Clemenceau.--"Just now I heard the witness say that there is nothing more serious than to communicate documents accusing officers of treason, especially when these documents were secretly filed in the office of the minister of war. I ask him, then, for his opinion concerning the following facts: a secret document was taken from the office of the minister of war, carried about Paris by a veiled lady, and handed by this veiled lady to Major Esterhazy, who brought it back to the office of the minister of war, and, strange to say, the minister of war gave him a receipt for it. I would like to know the opinion of General de Pellieux on the withdrawal of this first document."

General de Pellieux.--"I have no opinion to express."

M. Clemenceau.--"Ah! very well."

General de Pellieux.--"What opinion do you expect me to express?"

The Judge.--"Were you familiar, in the Esterhazy case, with the communication of secret documents by Colonel Picquart to M. Leblois?"

M. Clemenceau.--"That is not what we are talking about. It is agreed that, when General de Pellieux learns that a document accusing Major Esterhazy is communicated to a third party, he is indignant. It is established, on the other hand, that, when a document accusing another officer is carried about Paris, he has no opinion. General de Pellieux has said that he caused a search to be made of M. Picquart's premises. May I

point out to him that M. Picquart was a witness, and ask him also why he did not cause a search to be made of the premises of M. Esterhazy, who was the party accused?"

General de Pellieux.--"It was absolutely useless to search the premises of Major Esterhazy, as that had been done during eight months by Colonel Picquart."

M. Clemenceau.--"Eighteen months had elapsed between what General de Pellieux calls the searches of Major Esterhazy's premises by M. Picquart and the Esterhazy investigation. I repeat: How did it happen to occur to General de Pellieux to search the premises of a witness, and not the premises of the accused?"

General de Pellieux.--"I did not cause a search to be made of Major Esterhazy's premises, because I was a judicia officer of police and did not deem it necessary."

General de Pellieux then stepped down, and the defence offered the testimony of MM. Dupuy, Guérin, and Poincaré concerning the secret document, which testimony the court declined to hear for the usual reasons, and the hearing of which M. Labori insisted on by the usual motions. Then the stand was taken by M. Thévenet, former minister of justice.

Testimony of M. Thévenet.

Being asked what he thought of the good faith of M. Zola in writing the article, "I Accuse," he said:

"I am absolutely convinced that M. Zola acted in good faith, and these are my reasons. In the Esterhazy case there was an astonishing gap, which I consider very important. The examination had shown that Major Esterhazy had received from a veiled lady on several occasions the copy of a secret document which existed in the office of the minister of war,

and which demonstrated, it was said, the guilt of Dreyfus. Well, I say very frankly to the jury that what struck me in this military examination was that this matter of extreme importance was not thoroughly looked into. If the veiled lady really existed, why did they not search for her with much activity and patience, and why was not this important matter gone into thoroughly? I am astonished--and in parliament I am not alone in this astonishment--that the military authorities dropped this matter without a fundamental examination. If a secret document of this character had been taken from the office of the minister of war, a secret document on which everybody's eyes were fixed, and which was securely locked in a closet, it was for the interest of the national defence that serious measures should be taken to avoid other leaks of this sort, for other secret documents might be similarly embezzled by this woman, or by some one in her confidence. Moreover, it would have been easy to make such an investigation. This woman had arranged meetings in somewhat strange spots; she had been taken there in cabs on two occasions, if my memory serves me; and Paris cabmen never exhibit a failure of memory when the courts call on them for testimony. Hence the cabman, and perhaps the woman, could easily have been found. At any rate, a serious investigation should have been made to find out how the document was taken.

"If the veiled lady is a legendary character,--which is possible, for I believe that in this case there are many legends,--the question was no less serious. For then the problem arises: how could a secret document, from the office of the minister of war, showing the guilt of Captain Dreyfus, have been communicated to Major Esterhazy, when it had not been communicated to Captain Dreyfus, whom this document accused? I can understand that M. Zola's conscience has been troubled. And it is not only his that has been troubled. I can understand how M. Zola could arrive at the belief that the second council of war, inexactly informed by an inadequate examination, had perhaps misjudged."

M. Thévenet was then asked by M. Labori what he thought of M. Zola's good faith in writing that sentence in his letter to President Faure in which he accused the second council of war of having covered the illegality of the first council of war, in obedience to orders, by committing in its turn the crime of knowingly acquitting a guilty person. The witness answered:

"It is said that neither Dreyfus or his council were made aware of a secret document, which nevertheless had been communicated to the members of the council of war that condemned Dreyfus. Well, gentlemen, I am astonished that this question, which has been under discussion so long, has not been settled already. It is, in my opinion, not simply the only question involved in this trial, but the capital question of this entire discussion. It should have been met at the beginning, and it seemed to me--I ask your pardon for this allusion--that it was possible to answer it very frankly by a yes or a no. I have read the reports of the trial, and I have been surprised that this question, which has been asked, if I am not mistaken, has been met by silence. It has been put to honorable generals who were able to answer, but who considered themselves bound by professional secrecy. I say, gentlemen, that here we touch a question which is not simply a point of law, but a much higher principle,--that of the liberty of defence, the imprescriptible right which every accused man has of knowing on what evidence he is accused. Is it true, yes or no, that the first council of war considered documents that were not made known to M. Demange or to Captain Dreyfus? That can be answered by a yes or a no. They make no answer. What does that mean? If they had answered yes, the court of appeals would have passed upon it. Would that have established the innocence of Dreyfus? Not at all. He would have come again before the council of war, before military authority itself, and military authority, after examining the documents and submitting them to Dreyfus and his counsel, would have decided whether Dreyfus was guilty. But in that case Dreyfus would have had a chance to defend

himself against documents that he had been permitted to read. Perhaps there would have been a second conviction. I do not know. But the trial would have been complete, the law would have been respected, and the liberty of defence--human dignity, I should say--would have been safeguarded. I declare, for my part, that, if the minister of war had come here to give his word of honor that no communication had been made to the council of war which judged Dreyfus, I should have bowed before his word. But let him give it. This it is that disturbs public opinion, and prolongs, and perhaps will perpetuate, this trial, which is an evil for everybody and an evil for the country."

M. Zola.--“Surely.”

M. Thévenet.--“I say that this no should be spoken with a loud voice. But they are silent. What are we to believe? What are we to think? In what country are we living? Where are we? Is there a magistrate among those who listen to me, is there any of my *confrères*, any person whatsoever, anyone among you, gentlemen of the jury, who can understand that we should be left in uncertainty on this important point whether Dreyfus, yes or no, was acquainted with the documents that proved his guilt, and, if not, why they were not shown to him, why they were not shown to his counsel, that *confrère* whom we all respect, bound to professional secrecy as well as the generals, and who is certainly as patriotic as anybody. That is what I have to say. And I finish with one word: I say that, for the reasons that I have indicated, perhaps at too great length, the good faith of M. Zola is on a level with his talent, and I consider that glorious.”

M. Thévenet was succeeded on the witness-stand by M. Salle, an aged member of the Paris bar, who was said to have received from a member of the council of war a confession that a secret document was communicated to it.

Testimony of M. Salle.

M. Labori.--“Does M. Salle know any fact of interest to the defence of M. Zola?”

The Judge.--“That is not a question. In relation to what?”

M. Labori.--“In relation to the affair of M. Zola.”

The Judge.--“That is not a question, either. I will not put such a question as that. Does it relate to the Dreyfus case or to the Esterhazy case?”

M. Labori.--“Permit me, *Monsieur le Président*, in spite of all my respect for you, to say that I do not understand this distinction. For this there are two reasons. The first is that, as I said yesterday, the only case in litigation here is the case of M. Zola. The second is--and it is upon this especially that I insist--that General Mercier, General de Pellieux, General Gonse, and others like them, come here, speaking of the decrees of justice with which they are familiar, sheltering themselves behind their privilege to avoid speaking, and nevertheless, one after another, with the same vagueness and the same uncertainty, throwing their word into the balance, convinced that, thanks to the love which this country has for itself, their word, as soldiers, will be sufficient, and need not be supported by any reason. We do not stop them. They have the right to say, one after another: ‘Dreyfus is guilty.’ They speak out thus, in spite of the decrees of the court, and no one blames them, for it is impossible to speak of the Esterhazy case without speaking of the Dreyfus case. For this reason, as for others, being given that there is a thing judged, as in the Esterhazy case, I see but one explanation of the gag that is placed in our mouths--namely, that they do not dare to speak of the Dreyfus case, which it is impossible to separate from the Esterhazy case. I ask that the liberty to speak be given to all the witnesses on all points that do not concern the national defence, and I ask especially that, when I put a question as discreet, as reserved, as moderate, as that which I put to M. Salle, face to face with a witness in possession of a secret which I know they do not want him to tell,--I ask that the question be put, or else I

protest against the obscurity that is being thickened a little more every day because of fear of the light."

The Judge.--"You can protest as much as you like. I have told you that I would put no question to the witness on this point. I repeat it, and so it will be to the end of the trial. [To the witness.] Have you anything to say in relation to the Esterhazy case?"

M. Salle.--"Concerning the Esterhazy case I have nothing to say."

The Judge.--"Of the Dreyfus case let us say nothing."

M. Labori.--“But, _Monsieur le Président_, I do not wish to speak of the Dreyfus case.”

The Judge.--“Pardon me, you wish to speak of it indirectly.”

M. Clemenceau.--“Will *Monsieur le Président* allow me to put the following question? Was the witness told by one of the members of the council of war of 1894 that a secret document was communicated to the judges in the council-chamber,--a document which had been communicated neither to the accused or to his counsel?”

The Judge.--“I have told you that that question would not be put.”

M. Clemenceau.--“Then I ask a legal declaration to that effect from the court.”

The Judge.--“The court grants you a legal declaration of anything you like.”

M. Clemenceau.--“Oh! *Monsieur le Président*, it seems to me that you are going a little fast. My question to the witness involves the principal point in this case. The court will not put it. Under these circumstances I must offer a motion asking acknowledgment that in the presence of the accusation against M. Zola” ...

The Judge.--“The accusation concerning the Esterhazy case.”

M. Labori.--“I did not say that. I asked the court to put to M. Salle the following question: Does M. Salle know of a serious fact concerning the accusation against M. Zola that may be useful to him from the standpoint of morality and good faith?”

The Judge [to the witness].--“Do you know of anything in the Esterhazy case which” ...

M. Labori.--“I ask that the question be put in the terms in which I framed it.”

The Judge.--“You have no right to ask indirect questions in order to reach an end which you should not reach.”

M. Labori.--“*Monsieur le Président*, I use no indirect methods.”

The Judge.--“I ask your pardon.”

M. Labori.--“I accept no observations which imply that I desire to reach an end by indirect means.”

The Judge.--“You know the summons; you know the court’s decree. Let us not go outside of that.”

M. Labori.--“I do not go outside of it. And let me tell you, *Monsieur le Président*, since you blame me personally here, that I am convinced that, if you came here desirous of the light, but not knowing the light, knowing nothing of this affair, you would not know what I expect of this man; and therefore, when you refuse to put the question that I have just asked you to put, I say that you foresee the reply that would be made; I say that you make this a tendency trial, and I do not accept it.”

The Judge.--“I repeat that I will put only such questions as concern the Esterhazy case, and none that concern the Dreyfus case.”

M. Labori.--“I make no reference to the Dreyfus case. Here we come to the culminating point of this trial. *Monsieur le Président*, I ask your permission to offer a motion, in order to secure a decision from the court regarding the putting of the question which I ask the court to put.”

M. Clemenceau.--“I think it important to give due weight to this fact,--that, a witness being on the stand, the defence rises and says: ‘We maintain that this witness knows from the lips of a member of the council of war that a secret document was communicated,’ and that, confronted with this affirmation, upon which we insist, the court declares that the question shall not be put. We make the jury judge. Let the witness

contradict us with a word. *Monsieur le Président* will not have time to stop him."

The Judge.--"Monsieur, do not answer."

M. Clemenceau then offered his motion in legal form, and the court at once rendered a decree sustaining the president, and refusing to put the question, whereupon the court adjourned for the day.

FIFTH DAY--FEBRUARY 11.

At the beginning of the session the judge recalled General de Pellieux to the stand.

The Judge.--"Did not Colonel Picquart admit in your presence the authenticity of a letter of November 27, 1896, written in Spanish and signed 'J'?"

General de Pellieux.--"I had only a copy of that letter. It began thus: 'At last the great work is finished, and Cagliostro has become Robert Houdin. Every day the demigod asks if he cannot see you.'"

The Judge.--"Did not this word 'demigod' occur in one of the dispatches sent to Colonel Picquart at Sousse in November, 1897?"

General de Pellieux.--"Yes, and the expression occurs again in a letter signed 'Bianca,' addressed to Colonel Picquart by Mlle. de Comminges."

The Judge.--"Did Colonel Picquart accuse Major Esterhazy directly of the two forgeries signed 'Blanche' and 'Speranza,' or did he accuse two other persons before accusing the major?"

General de Pellieux.--"In his first testimony Colonel Picquart accused Major Esterhazy. It was in later testimony that he altered his first charge, and said that the forgeries were committed by Major Esterhazy's friends or by others."

The Judge.--“Did he abandon his declaration later?”

General de Pellieux.--“He did not abandon his accusation of others, but he ceased to accuse Major Esterhazy, and, when I confronted him with the certainty that I had acquired, by an investigation at the office of the prefect of police, that the first telegram was from Souffrain, he said: ‘Souffrain is an agent of Esterhazy.’”

The Attorney-General.--“From whom was the letter signed ‘J,’ seized on the premises of Colonel Picquart?”

General de Pellieux.--“From M. Germain Ducasse, secretary of Mlle. Blanche de Comminges; and I think it would be a good idea to hear M. Germain Ducasse as a witness, but under certain conditions,--that is, to bring him here without allowing him to previously communicate with any other witness. He lives at 13, Avenue de la Motte-Piquet. Everything about this case seems to me strange. The minister of war has preferred a precise charge against M. Zola. M. Zola has accused the council of war of 1898 of acquitting a guilty person in obedience to orders. So far nothing has been said of this question.”

M. Clemenceau.--“It is the court that is conducting this trial.”

General de Pellieux.--“I ask permission to say a word of the way in which the case was presented before the council of war. The council of war, I may also say, did not have to judge an accused person. In military justice such a thing is possible. I mean that it did not have to judge a person formally accused. In Major Esterhazy’s case the reporter and the government commissioner had recommended an order that there was no ground for prosecution. Consequently he appeared before the council of war equipped with this recommendation. The governor of Paris, General Saussier, my regretted chief, who has been my main stay throughout this affair, and who is as familiar with it as I am (perhaps we are the only two persons thoroughly familiar with it), did not wish to issue the order recommended. In this he differed from many authorities superior to his own. He desired the case to be carried through to the end. It was his wish that Major Esterhazy should be judged by his peers, by military justice, and he gave the order that he be put on trial. He gave it in order that both sides might be heard. I regretted that this trial was not public. I asked that it might be, but the government demanded closed doors. The best proof that the council of war was independent is that it refused closed doors, judging that it was for the public interest that light should be thrown upon the matter, at least partially, even though it were not possible to discuss the entire case in the open day. Can it be said that a council of war which, against the advice of the government, did not declare the doors closed was criminal? This council was made up of seven brave officers who have shed their blood on the field of battle while others were I know not where.”

M. Zola.--“There are different ways of serving France.”

The Judge.--“Oh! no phrases. You can only ask questions. What questions do you wish to put to the general?”

M. Zola.--“I ask General de Pellieux if he does not think that there are different ways of serving France. One may serve it by the sword and by the pen. General de Pellieux has undoubtedly won great victories; I have won mine. By my works the French language has been spread through the world. I have my victories. I leave to posterity the name of General de Pellieux and that of Emile Zola. It will choose.”

General de Pellieux.--“*Monsieur le Président*, I will not answer.”

M. Labori.--“Did not M. Leblois hand to General de Pellieux, in the name of M. Scheurer-Kestner, two letters from Major Esterhazy, and a dispatch written in characters similar to those used in printing, which bore these words: ‘Picquart is a rascal?’”

General de Pellieux.--“Those documents are on file with the other documents pertaining to the investigation.”

M. Labori.--“It is unfortunate that we cannot obtain these documents. Did not this dispatch show an astonishing resemblance to the dispatch that Major Esterhazy pretends to have received from the veiled lady?”

General de Pellieux.--“These two telegrams resemble each other as all documents written in the characters of print resemble each other.”

M. Labori.--“Did you take no pains to see the dispatch sent to Major Esterhazy by the veiled lady?”

General de Pellieux.--“No.”

M. Labori.--“Did not M. Leblois ask you to have an expert examination of the two telegrams at the time?”

General de Pellieux.--“The matter was never mentioned.”

M. Labori.--“In the dispatch addressed to Colonel Picquart, was not that officer’s name written without a *c*?”

General de Pellieux.--“Yes, he called my attention to it.”

M. Labori.--“Was not this peculiarity found also in the telegram signed ‘Speranza’ and addressed to Colonel Picquart at Sousse?”

General de Pellieux.--“Yes.”

M. Labori.--“And in an insulting letter addressed by Major Esterhazy to Colonel Picquart was not the name again written without a _c_?”

General de Pellieux.--“I do not know that letter.”

M. Labori.--“In the last interview that M. Leblois had with General de Pellieux on November 29 did not General de Pellieux say to M. Leblois that he could not order an expert examination of the *bordereau*, because the *bordereau* had been attributed to Dreyfus by the verdict of 1894, and that to so order would be a reconsideration of the thing judged?”

General de Pellieux.--“Certainly.”

M. Labori.--“Did not M. Leblois attempt to refute this argument, which was abandoned by the minister of war himself when, after M. Scheurer-Kestner’s interpellation of December 17, he transferred the *bordereau* to the Ravary papers for expert examination?”

General de Pellieux.--“Yes. I will even add a detail. I did not think that I had the right, as a judicial officer of police, to subject the *bordereau* to a new expert examination. It was my personal opinion that to do that would be to reopen the Dreyfus case. I was not alone in this opinion, for, when I received the order, which I executed, to lay the *bordereau* before the minister of war and submit it to expert examination, I was confronted with a strike of experts. That is a rather rare thing. The experts for whom I sent refused to make the examination, basing themselves on the ground that I had taken, and saying that to make a new examination of the *bordereau* was to question the thing judged. There are five experts in the

same court. Three of them had been concerned in the Dreyfus case. I sent for the other two. They refused to come. I immediately reported the matter, because I desired to close my inquiry as soon as possible, because I felt that the public was getting impatient, and because I was to make only a preliminary investigation. So it was on the order of the minister of justice to the experts that the examination was made. Major Ravary ordered it."

M. Labori.--"Was not General de Pellieux present at the second session of the council of war held on Tuesday, January 11, 1898?"

General de Pellieux.--"I was present at all the sessions of the council of war as a delegate of the governor."

M. Labori.--"Did not the general wear civilian dress?"

General de Pellieux.--"Yes."

M. Labori.--"Did he not sit behind General de Luxer, president of the council?"

General de Pellieux.--"Yes."

M. Labori.--“Did he not intervene several times in the course of the testimony of M. Leblois?”

General de Pellieux.--“I asked the permission of the president, of the public minister, and of the defence, to put some questions to M. Leblois. This authorization was granted. I think that I had the right to do so as a magistrate.”

M. Labori.--“Did not General de Pellieux take the floor spontaneously to correct an error of fact that had just been committed by General de Luxer?”

General de Pellieux.--“I never took the floor without asking permission of the defence, of the public minister, and of the president.”

M. Labori.--“Did he not take the floor to correct an error of fact that had just been committed by General de Luxer?”

General de Pellieux.--“I do not know to what you refer.”

M. Labori.--“The general must know, and cannot fail to remember, whether at a certain moment, in the course of the testimony of M. Leblois, he intervened to correct an error of fact committed by the president.”

General de Pellieux.--“I confess that I cannot remember.”

M. Labori.--“Did not the witness take the floor spontaneously to ask of M. Tézenas if he had no opposition to make to the continuation of M. Leblois’s testimony, and in these words: ‘You suffer him to speak?’”

General de Pellieux.--“Never.”

M. Labori.--“Did not M. Leblois ask a question of such a character as to necessitate some supplementary information?”

General de Pellieux.--“I will not answer. This was behind closed doors. You know very well that anything that happens behind closed doors cannot be revealed.”

The Judge.--“The general says it was behind closed doors.”

M. Labori.--“I ask nothing in general of a secret or confidential character. Furthermore, closed doors are possible in an assize court as well as in a council of war, and twelve French citizens can keep a secret as well as twelve officers. Consequently you are quite at liberty to make the witness answer. What I am after is to show that General de Pellieux intervened in the trial before the council of war. I do not ask him concerning what he intervened; I ask him whether he intervened. I insist that the question be put.”

The Judge.--“Offer your motion.”

M. Clemenceau.--“It seems to me that the general has been answering my *confrère* concerning matters that happened behind closed doors. Never did the general, so far as I know, intervene before the council of war as long as the session was public. His intervention, about which he has been talking for the last fifteen minutes, took place behind closed doors. I ask the court, then, where the dividing line is to be drawn, and who shall say whether it is permissible to speak of things that happened behind closed doors to a certain limit, of which the witness shall be sole judge, and at which the witness may declare: ‘I will say no more.’”

The Judge.--“How do you expect the court to know, except by the witness, that the thing happened behind closed doors? [To the witness.] Does the question asked you relate to an incident that happened behind closed doors?”

General de Pellieux.--“I have been asked questions relating to personal intervention. That does not concern closed doors. Closed doors applies to things asked of the witnesses, but not to an individual’s attitude during closed doors.”

M. Labori.--“Permit me, *Monsieur le Président*, to repeat the question before asking you to put it again. Here are two questions belonging to the same order of ideas: first, did not M. Leblois offer an observation of such a nature as to bring out supplementary information?”

The Judge.--“You hear the first question?”

General de Pellieux.--“I will not answer, for it is a matter of closed doors.”

M. Labori.--“Second, was not General de Luxer then disposed to lay the question regularly before the council of war, and had he not already risen to propose to the judges that they retire to the council-chamber for deliberation?”

General de Pellieux.--“No.”

M. Labori.--“Did not General de Pellieux intervene spontaneously, saying that that was useless?”

General de Pellieux.--“No, I had nothing to say to the president.”

M. Labori.--“I have finished on that point.”

M. Clemenceau.--“We are far away from the question that I put. I come back to it. General de Pellieux has admitted that his intervention took place behind closed doors during the time for which the president of the council had declared closed doors.”

General de Pellieux.--“I do not deny it.”

M. Clemenceau.--“It is established by two successive answers made by General de Pellieux that he has answered questions of M. Labori relating to things that happened behind closed doors.”

The Judge.--“No, nothing concerning what happened behind closed doors.”

General de Pellieux.--“I said nothing at all relating to the case.”

M. Clemenceau.--“Did the intervention of General de Pellieux take place behind closed doors?”

General de Pellieux.--“Yes.”

M. Clemenceau.--“I conclude. Since the intervention of General de Pellieux took place behind closed doors, and since he has already testified concerning this intervention, and since M. Labori’s question refers to other facts concerning this same intervention, I am entitled to say that General de Pellieux, whenever it does not embarrass him, explains himself concerning the proceeding behind closed doors, but” ...

The Judge.--“The general has never answered on this point.”

M. Clemenceau.--“I no longer understand you.”

The Judge.--“It is I who do not understand you.”

M. Clemenceau.--“Then I will begin again. I say that General de Pellieux made answer to M. Labori, who asked him questions concerning matters that took place behind closed doors. Then, when M. Labori asked him another question about matters that also took place behind closed doors, General de Pellieux said: ‘I will not answer the question, because I have no right to speak of anything that took place behind closed doors.’ Therefore I establish a fact,--the fact at which I desired to arrive,--that General de Pellieux has constituted himself a judge of what he can, and what he cannot, say about matters that take place behind closed doors. He began by answering M. Labori concerning matters that took place behind closed doors, saying: ‘I consider that I can do so.’ Then at a certain moment he makes himself sole judge, and says: ‘From now on I cannot answer you.’ That is what I wanted to show. The witness has remembered things that took place behind closed doors, and then, when, for one reason or another, he thought that he ought not to go further, he stopped.”

The Judge.--“Is that all?”

M Clemenceau.--“Yes.”

Testimony of General Gonse.

After General de Pellieux, the court recalled General Gonse, and asked him: “Who are the lawyers of the minister of war?”

General Gonse.--“MM. Nivart and Danet.”

The Judge.--“Can a lawyer representing the minister enter the offices?”

General Gonse.--“No.”

The Judge.--“With whom must he correspond?”

General Gonse.--“With the controller.”

The Judge.--“Had Colonel Picquart been authorized to receive a lawyer in his office?”

General Gonse.--“Certainly not.”

The Judge.--“Are there questions of spying concerning which lawyers are consulted?”

General Gonse.--“None. Concerning these questions we apply directly to the military prosecuting officer, when it concerns a soldier, and to the government prosecuting officer, when it concerns a civilian.”

The Judge.--“What do you think of Adjutant Gribelin?”

General Gonse.--“All that is good. He is a servant beyond compare, of absolute discretion, knowing all the secrets of our offices, and in whom I have the greatest confidence. I add that he is as modest as he is intelligent.”

The court then called Adjutant Gribelin, the keeper of the archives.

The Judge.--“What I am going to ask you is of the highest importance. Did Colonel Picquart really ask you to have a postal stamp placed on the Esterhazy dispatch?”

Adjutant Gribelin.--“Yes, he asked me if I could not have a postal stamp put on that document. I swear that it is true.”

Adjutant Gribelin then stepped down, and the court called Major Lauth.

The Judge.--“Did Colonel Picquart ask you to cause every trace of tear to disappear from the photograph of the dispatch that he was to make?”

Major Lauth.--“Yes. He wanted to make the staff believe that he had intercepted the document in the mails. I remember that I said to him: ‘But, if you cause these tears to disappear, you will take away all value from the document, which should be kept in the condition in which it was brought to you.’ To which he answered: ‘You will be there to certify that this document is really in the handwriting of such a person.’ I answered him so loudly that my protest was heard through the partition: ‘Never in my life. I do not know this handwriting. It is a counterfeited handwriting.’”

Testimony of Colonel Picquart.

The witness-chair was then taken by Lieutenant-Colonel Picquart. Being asked his residence by the court, he answered: “Mont-Valérien.”

M. Labori.--“Will Colonel Picquart tell us what he knows of the Esterhazy case, of the investigation that he made, and of the circumstances that accompanied or followed his departure from the war department?”

Colonel Picquart.--“In the beginning of May, 1896, the fragments of a letter-telegram fell into my hands. These fragments were pasted together by an officer in my service, Major Lauth, who was then a captain. When he had done this, he brought me this card-telegram, which was addressed to Major Esterhazy. I do not remember the exact language of its contents, but everything seemed to indicate that between Major Esterhazy and the writer of the card there were relations which seemed to me suspicious. Before submitting this card to my superiors, it not being a proof against Major Esterhazy, but simply a presumption considering the place whence it came, I had to make inquiries regarding it. I applied to an officer who knew Major Esterhazy, and who had been in the same regiment with him. I need not dwell on the nature of the information that was furnished to me, but it was not favorable to Major Esterhazy, and it led me to continue my investigations as to his manner of life and general conduct. The result was not favorable to him. Major Esterhazy was always short of money, and was continually meeting with many little difficulties; and there was this strange thing about him,--that, while far from occupying himself exclusively with his profession, he nevertheless manifested a great

curiosity about documents relating to matters purely confidential and having a peculiarly military interest. My inquiry having reached that point, I considered myself authorized to say to my superiors that there was reason to seriously suspect an officer of the French army. My superiors told me to continue. There is one thing that we generally do in dealing with a person whose behavior seems suspicious. We take a specimen of his writing, and compare it with documents in our possession. As a result of this comparison, our suspicions may be confirmed or may be weakened.

"So I began to look into Major Esterhazy's handwriting, and, contrary to what has been often said, especially in a letter written to me by Major Esterhazy, I carried on my investigation by perfectly regular methods. With the consent of my superiors I went to the colonel of the regiment to which Major Esterhazy belonged, and asked him for specimens of Major Esterhazy's handwriting. He gave them to me in the form of letters relating to the military service. As soon as I had these letters in my hands, I was much astonished at the resemblance between the handwriting and that of the famous *bordereau*, of which so much has been said. But, not being an expert in handwriting, I had no right to trust to my individual impressions. That is why I had these documents photographed, concealing, as has been said, in a deposition which I have read in the newspapers, such words as 'My Colonel,' or else the signature, or any other indications that might identify the writer; and I showed the photographs thus obtained to two persons thoroughly qualified in the matter, one of whom was M. Bertillon and the other Major du Paty de Clam. M. Bertillon, as soon as I showed him the photograph, said: 'It is the handwriting of the *bordereau*.' I said to him: 'Do not be in a hurry. Take this specimen, and examine it at your leisure.' He replied: 'No, it is useless. That is the handwriting of the *bordereau*. Where did you get it?' 'I cannot tell you.' 'Well, is it of an earlier date?' 'No,' I answered, 'it is of a later date.' 'Then,' said M. Bertillon, in these exact words, 'the Jews

have had some one practising for a year to get the handwriting of the *bordereau*, and they have succeeded perfectly; that is plain.' The second person to whom I showed a sample of the handwriting was Colonel du Paty, then major. I let him have it but a few minutes,--five minutes, I think,--and then he said to me: 'It is the handwriting of M. Mathieu Dreyfus.' To explain this I must tell you that Colonel du Paty pretended that, in order to write the *bordereau*, Alfred Dreyfus had made a mixture of his own handwriting with that of his brother. The pointer was a valuable one for me.

"There was still another thing that drew my attention to Major Esterhazy. An agent had told an officer in my service,--I do not know whether it was a superior officer or the head of a battalion,--let us say, a superior officer, about fifty years of age,--that he had furnished such and such documents to a foreign power. Now, these were the very documents spoken of to me by the comrade to whom I applied upon my discovery of the card-telegram.

"Now, I come to a period when I was entrusted by General Gonse with the task of inquiring whether the documents referred to in the *bordereau* could have been copied for the benefit of Major Esterhazy. I knew that Major Esterhazy had not a few of the documents which he procured copied at home. I had been told to apply to the secretaries whom he had employed, in order to try to find out from them whether he had really copied these documents. It was a very serious matter. I confess that at that moment I considered my task almost finished. I said to myself: here is a card-telegram which has put me on the track of the major. It is not a document upon which he could be convicted, but it is a pointer. Then we have the testimony of an agent. This, too, is not so tremendous, but yet it reveals an astonishing coincidence. This agent says: 'Here is a man who furnishes such or such a thing;' and, on the other hand, here is a man who says to me: 'This officer asks for such a thing.' And, finally, there was a resemblance of handwritings, which to me was important. And there is

another thing to be added to the long list. I do not wish to speak more precisely, or to further unveil the secret. But Major Ravary, in his report, speaking of me, says: ‘The belief of this officer seemed completely established when he had reported that a document on file with the other secret papers applied to Esterhazy rather than to Dreyfus.’ Well, that is true. On examining the secret documents, as has been said by Major Henry, I saw that one of them applied, not to Dreyfus, as has been said, but clearly to Esterhazy. Following the orders of General Gonse, I tried to find out whether Major Esterhazy’s secretaries had copied documents referred to in the *bordereau* or included among those designated by the agent of whom I have just spoken. I did not continue long in this direction. I saw that it was impossible to divulge the thing without departing from the discretion within which I confined myself, whatever may be said, and I stopped. I questioned but one person, a certain Mulot, who appeared as a witness before the council of war, and who told me that he had been ordered to copy into books certain insignificant things, among which, in my opinion, the firing manual was not included.

“Then there happened a thing which caused me a little embarrassment in my operations,--the article in ‘L’Eclair.’ At that time I was absolutely convinced that Esterhazy was the author of the *bordereau*. Well, when the article appeared in ‘L’Eclair,’ I said to myself: here is a man who is going to admit what he has written; and I confess that that obscured matters not a little. I knew perfectly well that the article in ‘L’Eclair’ did not come from me. On the other hand, at the office of the minister of war, without saying anything very precise, the general manner seemed to give the idea that it came, not from me, but from my surroundings. I protested vigorously, and asked in writing that an investigation be made to find out who communicated this document to ‘L’Eclair.’ The investigation was not made.

“Later a second incident happened, which was to me even more disagreeable. The publication in ‘Le Matin’ of the *fac-simile* of the

bordereau. A thing that especially struck me in the publication of this *fac-simile*, which has also been attributed to me, was the omission of the few lines written by Dreyfus under the dictation of Colonel du Paty de Clam. These lines, to be sure, appeared in print, but the writing was not reproduced, and I believe that, if it had been, it would have made an unfavorable impression regarding those who were desirous of attributing the *bordereau* to Dreyfus.

"In short, these various incidents had produced a certain embarrassment, and I saw clearly that I would do well not to continue. Meantime came the announcement of the Castelin interpellation. I received an order to start on a mission the night before this interpellation,--that is, November 16, 1896. I should say that after the publication of the *bordereau* by 'Le Matin,' or about that time, Esterhazy came to Paris, where his attitude was extraordinary. I believe that some one saw him the day after the publication running through the streets like a madman, in a pouring rain. The witness is here, and will be heard. They would not hear him at the inquiries. Before the Castelin interpellation M. Weil, a friend of Esterhazy, received an anonymous letter, telling him that he and his friend were going to be denounced as accomplices of Dreyfus. It appears that Esterhazy received an anonymous letter to that effect, but I cannot certify to the fact so far as M. Weil is concerned. I will not amplify concerning the various and ever-changing phases of my mission. Leaving Paris November 16, I reached Tunis January 13 by way of the Alps and many other places. Until then, my relations with my superiors had been perfectly cordial. I received letters from General Gonse, in which he always shook my hand very affectionately. I must speak of one thing that happened while I was absent, and which I did not know of until General de Pellieux's investigation. I believe that I shall be clearer if I speak of it now. After I had left Paris, I received information from General de Pellieux that my mail was being opened in my former office. As I could not tell anyone where I was going, I had left word at home that all my

letters should be addressed to the war department. Consequently all my mail passed through the department, and General de Pellieux told me that all my letters were opened. I confess to my shame that I did not perceive that they had been opened.

“Now I pass to the time that I spent in Tunis. And I come at once to the month of June. Since the beginning of the year I had received a certain number of letters that said: ‘But, when I go to the war offices, they always tell me that you are on a mission, and that you will soon return.’ I concluded that they were not telling the truth to these worthy people, and I pinned to one of these letters a note,--rather sharp, I confess,--which I addressed to Major Henry in returning him the letter. This note read nearly as follows: ‘I wish that it might be said once for all to the persons who inquire for me that I have been relieved of this service. I have no reason to be ashamed of that, but I am ashamed of the lies with which my departure has been surrounded. Enough of mystery.’ That was written May 18. Early in June I received from the major, who previously had been my subordinate, a letter which I have here, in which he says that, after investigation, it is possible to explain the word ‘mystery’ by the following facts: (1) opening of a correspondence for reasons foreign to the service, and which nobody has ever understood,--this is an allusion to the seizure of Major Esterhazy’s correspondence; (2) attempt to suborn two officers of the service, to induce them to say that a document classified in the service was in the handwriting of a certain person,--I must say at once that these two officers have been transformed into one, and I do not know what has become of the second; (3) opening of a secret file of papers, followed by indiscretions prompted by motives foreign to the service.

“In the way in which these things were explained I saw at once insinuations, accusations, something extremely serious. I suspected that conspiracies were on foot. I even said to one of my superiors that this letter would not have been written, if there had not been something

behind it. I answered directly that I had received the letter of May 31, and that I formally protested against its insinuations, and against the way in which the facts were stated. And then, not being at ease, for I did not know where all this was going to take me,--it was to take me to Gabès and to the frontier of Tripoli,--I thought it my duty to take precautions for my safety. I started for Paris, took counsel first of some military personages, and then went to M. Leblois, who was my friend, and for the first time, showing him this letter, I told him that I had been mixed up in the Dreyfus and Esterhazy cases. I told him so much about the first two paragraphs of this letter as was necessary for my defence, but I said nothing to him of the third paragraph, which seemed to me to relate to secret matters. At the same time, both as a deposit and that they might serve later for my defence, I gave to M. Leblois a certain number of letters from General Gonse,--I believe that there were fourteen in all, two of which have been published lately in the newspapers against my will,--together with my replies and some letters relating to my mission. I had previously destroyed such of these letters as related to matters of the secret service, especially a letter in cipher concerning sundry small matters. I left it entirely with M. Leblois as to the time when he should intervene, and as to the use that he should make of the documents that I placed in his hand. He has acted as seemed best to him, and I approve of his course.

“Then I went back to Sousse, and heard nothing more of these matters, until it was made known in the press that M. Scheurer-Kestner was concerning himself with the Dreyfus question. At that time I was *en route* for the south. I had already started, when I was summoned to Tunis, where they asked me questions which at first seemed to me rather singular. They asked me in the first place if I had not allowed a secret document to be stolen by a woman. It was very easy for me to answer that I had never carried any documents away from my offices, and that there was no sort of possibility of a woman’s taking from me a document

of this sort. Then a very curious thing happened. I received almost the same day, first, a letter from Major Esterhazy, second, a telegram signed ‘Speranza,’ and, third, a telegram signed ‘Blanche.’ Major Esterhazy’s letter said in substance: ‘I have received lately a letter in which you are formally accused of having bribed sub-officers to procure for you my handwriting. I have verified the statement and found it to be true.’ I do not know how he verified it. Nothing was said about it at the investigations. He said also: ‘You have withdrawn documents from your service to constitute evidence against me. The fact of the collection of such evidence is established. I have a piece of it in my possession at the present moment.’ At the same time I received a telegram signed ‘Speranza,’ saying: ‘Stop, demigod, all is discovered; matter very serious.’ What seemed to me very serious was not the investigation, but the fact that Major Esterhazy wrote my name without a *c*, and that the letter was addressed to Tunis. I made a connection between these two things in my mind. Now, the telegram signed ‘Blanche’ was not at all of the same sort. In the first place, the spelling of my name was correct, then my garrison, Sousse, was clearly indicated, and, finally, the writer was certainly familiar with my inquiries concerning Esterhazy, for the telegram read: ‘We have proofs that the dispatch was manufactured by Georges.’ It immediately occurred to me that the dispatch referred to was the Esterhazy dispatch. The whole was signed ‘Blanche.’ With these three documents in my hands, I did not hesitate a moment. I telegraphed to Tunis for authorization to go and see the general. I carried him a copy of the three documents, with a letter from the minister of war, saying to him: ‘I have just received these three documents. They come from Major Esterhazy, or from some one connected with him. I ask an investigation.’ A fact that struck me later--for the light has come to me only gradually--was the reference of ‘La Libre Parole’ to this matter in very clear terms on November 15, 16, and 17, though these two telegrams and this letter did not reach me until November 10 or 11. Now to telegraph to the general, to go to Tunis, and to write to the minister of war took me

until Monday, so that the letters could not have reached Paris before Friday. They were able, then, to publish in Paris on Monday, Tuesday, and Wednesday what did not take place at Tunis until Friday. On reaching Paris, I had been obliged to give my word of honor that I would see nobody before seeing General de Pellieux. I had no right to see M. Leblois until after General de Pellieux's investigation. On coming before General de Pellieux, I was informed by him that he was going to hear me concerning the Esterhazy case. And he did hear me concerning it for an entire afternoon. I said to him what I have just said here. The session was a stormy one. There were two others, but at those there was scarcely any mention of Major Esterhazy. At the last two sessions I was obliged to defend myself almost all the time, although simply a witness. The first session was devoted to the examination of documents that had been seized upon my premises at the time of the search. This search astonished me somewhat at the time. Later I understood it. It had been made in consequence of another anonymous letter addressed to General de Pellieux, in which he was told that, by searching a servant's room at No. 3, Rue Yvon-Villarceau, he would find some interesting things relating to the matter in hand. I suppose that it was difficult for them to conceive that an officer could have charge, for seven years in succession, of very confidential things, and have secrets at his disposal, and yet not have on his premises a single note relating to his service. There was nothing there. I never took to my home a single note relating either to the service of information as I conducted it in the war department at the time when I took my departure, or to the service that I have performed since. They found nothing to seize, except some letters from relatives and friends. And they kept only a letter from Mlle. de Comminges, which was signed 'Blanche,' like the famous telegram. I believe that this letter is still in General de Pellieux's collection of documents. I do not know where General de Pellieux got his information concerning what they call the moral elements of my case, but I must say that this information surprised me. General de Pellieux told me to my great astonishment that I

concerned myself with hypnotism, with occultism, with turning-tables, and that I was nervously diseased. I do not know what all that means; I never saw a table turn in my life.

“I come now to Major Ravary’s investigation. To Major Ravary I repeated what I had said to General de Pellieux. With him, too, I had three sessions. But he seemed like a man who was trying to find out what I had done, and was very little concerned about what Major Esterhazy had done. I told him that there were moral proofs in abundance, and I gave him some pointers. At the time when I left Tunis, where, in spite of the reports that had already been spread, there were people thoroughly in sympathy with me, several persons came to see me, notably Colonel Dubuche, who was about to retire from the service, and who sent me this message: ‘I know Major Esterhazy; in 1892, at Sfax, there was an affair of malversation which was to take him before a council of inquiry, if not before a council of war.’ Major Sainte-Chapelle, who brought me this communication, added that another important witness was M. Giquel, a retired commander of squadrons, then resident at Sfax. Well, these gentlemen told me that, thanks to the great forbearance of the military authorities and his supplications, Major Esterhazy, or, rather, Captain Esterhazy, as he was then, had escaped the council of inquiry and the council of war. Again, General Laroche’s son, who is at Tunis, holding a government office, told me that Major Esterhazy had been under the surveillance of his father, when the latter was in command of the sub-division of Constantine. Finally, Major Esterhazy was well known in the province of Constantine, and not favorably. I told Major Ravary that these things were said to me of Major Esterhazy. The first time, he answered me. That was very well. When, later, I repeated it, he made the same answer; but this piece of moral evidence did not appear in this report. They always said to me: ‘Oh! Esterhazy! why, we know him better than you do,’ and still nothing was said in the report. As I had seen

in a previous investigation that much stress was laid upon moral proofs, I concluded that such proofs must have a certain importance.

“Major Ravary seemed to me very little inclined to summon witnesses whom I designated to him as persons who could give valuable information. I had designated M. Weil. M. Ravary took note of my suggestion the first time, and then a second; and finally I said to him: ‘I absolutely desire that this witness be summoned.’ He was summoned. I had also pointed out to Major Ravary the things on which it was necessary to lay stress. I told him that he should see the persons who had copied documents for Major Esterhazy, that he should ascertain from what officers Esterhazy had procured information, that he should find out what Esterhazy’s financial situation was in 1893 and 1894,--in short, that he should do all that there was to do and all that has not been done. On the other hand, Major Ravary strongly insisted on the various matters with which I was reproached,--the matter of causing the disappearance of tears from the photographs of the card-telegram, and of having endeavored to make one of my officers say that such a document was in such a handwriting, etc. They placed enormous weight upon these things, and also upon the episode of the lady who had lived in my house. I looked upon this as a sort of *hors d’œuvre* from the standpoint of the Esterhazy investigation.

“I was reproached with having kept the fragments of the Esterhazy dispatch in my closet for a long time. When Colonel Sandherr was at the head of the service, he had gradually let this branch of the work fall into the hands of Major Henry and Captain Lauth. It was the rule then that Major Henry, who received the documents, should sort them out and hand them to Captain Lauth, and it was only when this task was finished that they were given to the chief of the service. When I assumed charge of the service, desiring to know things for myself, I ordered that all documents be given to me first, and later I handed them to Captain Lauth. That seems a small matter, but unquestionably it changed the habits of

these gentlemen, and caused them some annoyance. When the accusations against me began, they recalled this matter, and found it singular that I did not do as my predecessor did, but, instead, put documents into my closet, that I might afterwards hand them myself to the officer designated to look into them. Another reproach against me was that of having carefully effaced all evidence of tear from the photographs that had been made of this card-telegram. There were two reasons for that, the first of which is the less important. A document of this sort, when it is cut into little bits, becomes much clearer when the tears no longer show. It can be read more easily. The second reason is this. If the document had circulated in the office of the minister of war with the tears as they originally were, it would have been said: ‘It is a torn paper.’ Well, there had been very serious indiscretions concerning the Dreyfus *bordereau*, and their origin was known a little too well. I was determined, having a very great responsibility in the matter, that those who had no need to know the origin of this document, and under whose eyes the photograph might pass, should have no indication of the manner in which this document reached me. The principal thing in the courts is the original, the card itself; the photograph goes with a collection of papers, first to the minister of war, then to the chief of staff, etc., but the document itself, especially a document as fragile as a telegram torn into I know not how many pieces, remains at a given spot. It is shown to two or three persons at most, and, if there is a trial, it is produced. Those are the reasons that led me to so carefully efface the tears from the card-telegram. They ask me why; they make it a cause of reproach; but for what reason I do not see, since the famous *bordereau* was subjected to the same operation. It has been said to me: ‘But after?’ After, it was too late. I had a little foresight, and that excited mistrust,--I don’t know why. Then they reproached me with having tried to make an officer say that this was the handwriting of a certain person. That occurrence was simply this: I was examining this document with Captain Lauth. The captain said to me: ‘But this document has no sign of authenticity. It

ought to have a date, a post-office stamp.' Thereupon I said to him: 'But you can testify whence it comes; you know the handwriting very well.' He answered: 'Oh! no, never; I do not know this handwriting.' Note that it happened exactly like that. There was not one word more or less. And I believe that Captain Lauth's testimony could not be different from mine from that point of view. He attached no suspicious character to my question, as is proved by the fact that we have remained on the best of terms. He has received me at his table, which is not a usual thing between an inferior and a superior. Now, if I had tried to suborn him, and to impose upon him an opinion that was not his own, the action would not have permitted us to remain in friendly relations. Later, when things were coming to a head, they gathered up all these little matters, and made use of them.

"There is another thing which shows very clearly how these little matters can be used. One need only read the report of M. D'Ormescheville to see how the massing of insignificant things may lead to grave accusations. Never in my life did I have any intention of getting a postal stamp placed upon this document.

"In the Ravary report there is another important thing. It is said that Major Henry, entering my office, found me *en tête-à-tête* with M. Leblois, having between us a collection of secret documents, from which we had taken a photograph document upon which was written: 'That scoundrel D----.' Already General de Pellieux had spoken to me of that, but he had said that it was Gribelin who had seen me. He said nothing to me of Major Henry. I said to him: 'Never did I have that collection of documents in my hands while Leblois was in my office.' Moreover, I thought that it was at the time of M. Leblois's vacation, but I did not know at what time he returned. I went to M. Leblois to get these two dates, and I reported them to General de Pellieux. If I am not mistaken, Gribelin placed this interview in the month of October. At the council of war, when this charge was brought against me, I asked to be confronted

with Colonel Henry, and he maintained that he had seen us together, with these secret documents between us. I asked him to fix the date. He said: ‘That must have been on my return from leave, in the beginning of October.’ Major Henry certainly did not know that M. Leblois left Paris August 5, and returned November 7. Nor did he know that I had asked M. Gribelin for this collection of documents the latter part of August, and handed it to General Gonse personally early in November. Unfortunately I do not know the exact date, but it was one of the first days of November. Gribelin, too, showed a rather short memory, for he has pretended under other circumstances that this collection of documents was found in my closet after my departure. Now, General Gonse has very frankly stated that I gave him this collection of documents several days before my departure. My departure took place on November 16. I left my service November 14, M. Leblois came back to Paris November 7, which was a Saturday, and the 8th was a Sunday; then this discovery must have been made between the 9th and the 14th, and yet during that time I had not the documents in my possession, having given them to General Gonse.

“Another thing has occurred to me. General de Pellieux showed me the photograph bearing the words: ‘That scoundrel D----.’ This photograph is anything but clear; one is obliged to look very closely into it to see anything at all. Now, I ask if a person entering a room can identify such a document at once, and see on it the words: ‘That scoundrel D----?’ Finally, if I had any interest in showing this document to M. Leblois, it seems to me extraordinary that, considering the limited dimensions of this file of papers, and considering the fact that I had it at my disposal for two months, I did not pass it to M. Leblois. But it seems that, having these documents before me, I left the door open while I was with M. Leblois, and chose that moment for the very serious act of communicating a document to a person not qualified to have knowledge of it. At any rate, I testify absolutely that never did I show a file of secret

papers to M. Leblois, absolutely never, and that I never spoke to him of any such file.

"Now there are other matters to which I must refer. I read the testimony given yesterday by General de Pellieux, and in it I found things that astonished me. In my second interview with the general he said to me: 'You have caused Esterhazy's premises to be searched.' I did wrong in accepting his statement. I did not cause Major Esterhazy's premises to be searched, and I wish now to explain very clearly what actually took place. After the publication of the article that appeared in 'L'Eclair,' which had given Esterhazy warning that the *bordereau* was known, one of my superiors suggested a search. I confess that I did not think it an opportune moment for a search, it seeming to me that the search should have been made previously. Esterhazy having been warned, he had undoubtedly removed all evidence from his premises. Yet, desirous of doing what was asked of me, I spoke of the matter to the officer who was watching Esterhazy. I said to him: 'This is what they ask me to do, but I believe that a search would prove fruitless.' He answered: 'He has gone to Rouen, but I do not know whether he has moved his effects.' I think the officer told me that there was a sign indicating that the apartment was to let. He went to see the apartment, and brought back as proof a visiting-card, on which a few words were written. He told me that much paper had been burned in the chimney, and that was all. I returned the card to him, and told him to put it back in the place from which he took it. When General de Pellieux questioned me concerning this matter, he told me that the house had been ransacked, and false keys had been made, and that this was proved by the discovery of a key in excess of the usual number. I did not know then where he had obtained this information, but at the hearing before the council of war I found out. The information was given by Esterhazy; so that the statements made yesterday by General de Pellieux are almost exactly the statements of Esterhazy. He says that the search was continued at intervals during eight

months. Before the council of war Esterhazy said that it lasted I know not how much longer. If it lasted, it was not my fault, because I was not in Paris. The event of which I have just spoken occurred toward the end of October. If anything happened afterward, I am not responsible for it. As to the correspondence, General Pellieux said that for eight months I intercepted Esterhazy's letters in the mails. The card-telegram was written in May. I did not begin my investigations until early in July. Esterhazy left Paris the latter part of August to attend the military manœuvres, and did not return until late in October or early in November. I do not find eight months between July and the middle of August."

At this point, Colonel Picquart having finished his deposition, the court interrupted the proceedings to render a decree granting M. Clemenceau's motion that a magistrate be sent to examine Mme. de Boulancy, and appointing for that duty M. Bertulus, who was General de Pellieux's consulting magistrate during his investigation. The examination of Colonel Picquart was then resumed.

M. Labori.--"Was not Colonel Picquart present as a delegate from the minister of war at the trial of a case of spying, or, to be precise, at the Dreyfus trial? For this is a question of fact that does not touch the thing judged."

Colonel Picquart.--"I prefer not to answer."

M. Labori.--“Is there in the war department a file of documents that makes Major Esterhazy’s guilt inadmissible?”

Colonel Picquart.--“I do not know, but I do not think so.”

M. Labori.--“When Colonel Picquart was thinking of inquiring whether M. Esterhazy was not the author of the *bordereau*, did any of his superiors at any time say to him: ‘Stop; there are certain proofs that Major Esterhazy cannot be the author of the *bordereau*?’”

Colonel Picquart.--“No, that was never said to me.”

M. Labori.--“To what does M. Picquart attribute the numerous and complex machinations of which he has been the victim?”

Colonel Picquart.--“I shall be able to answer that more definitely, when M. Bertulus’s examination has been finished. At present I believe that the purpose of these machinations was to prevent Esterhazy’s guilt from being shown.”

M. Labori.--“Does the witness think that Major Esterhazy took part in these machinations, directly or indirectly?”

Colonel Picquart.--“Yes.”

The Judge.--“You simply think so?”

Colonel Picquart.--“I think so.”

M. Labori.--“Does the witness think that these machinations were the work of Major Esterhazy alone, or does he think that Major Esterhazy had accomplices?”

Colonel Picquart.--“I believe that he had accomplices.”

M. Labori.--“Accomplices in the war offices?”

Colonel Picquart.--“There was certainly an accomplice who was familiar with what was going on in the war offices. First, there is the card-telegram signed ‘Blanche.’ Then there is the letter signed ‘Speranza,’ which could have been written only by a person familiar with the letter that had been opened and copied, the original of which had then been forwarded to me in November, 1896. I asked Major Ravary, on several occasions, to make an investigation, and to hear Souffrain, who, according to information given to me by General de Pellieux, was the author of the ‘Speranza’ telegrams. Major Ravary always refused, on the ground that there was no reason for such an investigation.”

M. Labori.--“Was the mission on which Colonel Picquart was sent an important one?”

Colonel Picquart.--“I will not permit myself to judge my superiors on that matter, but it does not seem to me that it was indispensable to send someone on it.”

M. Labori.--“Did Colonel Picquart always clearly understand the purpose of his mission?”

Colonel Picquart.--“I tried very hard to understand it.”

M. Labori.--“Will Colonel Picquart explain what he meant by saying that his mission was to end at Gabès?”

Colonel Picquart.--“I said this,--that at the beginning of the Dreyfus matter I received an order to go to the frontier of Tripoli. General Leclerc told me that he would not allow me to go farther than Gabès.”

M. Labori.--“Is the place to which Colonel Picquart was sent a dangerous place?”

Colonel Picquart.--“It is not one of the safest.”

M. Labori.--“Is not the police agent with whom Colonel Picquart was in relations concerning the Esterhazy dispatch the one through whom the *bordereau*, reached the minister of war?”

Colonel Picquart.--“Yes.”

M. Labori.--“Consequently, when occasion arose for discussion of the origin of the *bordereau*, did not this origin seem more than suspicious from the very fact that it came through this police agent?”

Colonel Picquart.--“Certainly.”

M. Labori.--“How happens it, then, that the serious character of this origin is now disputed?”

Colonel Picquart.--“The serious character of the origin is not disputed; the origin itself is denied.”

M. Labori.--“Does Colonel Picquart declare, on his soul and conscience, that the document really originated as he has said?”

Colonel Picquart.--“Absolutely.”

M. Labori.--“If, then, Colonel Picquart were not telling the truth, he would be guilty of falsehood, and even of perjury?”

Colonel Picquart.--“Exactly.”

M. Labori.--“It follows, *Monsieur le Président*, that, if Colonel Picquart is not prosecuted on this charge, it is because the question is not disputed. Has Colonel Picquart so far been the object of any prosecution on this charge?”

Colonel Picquart.--“Not that I know of.”

M. Labori.--“Colonel Picquart has told us that he gathered information unfavorable to Esterhazy. Will he go a little more into details?”

Colonel Picquart.--“The facts gathered were various in character. First, there were facts relating to his pecuniary situation. Major Esterhazy was concerned in money transactions that were rather shady. I cannot go into details; the examination must show all that. Then there was a matter of unpaid house-rent at Courbevoie, which was not very clear either.”

The Judge.--“That has no relation” ...

M. Labori.--“I insist on the smallest details.”

Colonel Picquart.--“He was one of the directors of an English financial company,--a thing utterly forbidden to French officers. I called Major Ravary’s attention to this, and he said to me: ‘Oh! in England that matter is not attended by the same inconveniences, because in France one may be thrown into bankruptcy, whereas in England one cannot be.’ I did not very clearly understand.”

M. Labori.--“I do not know whether the witness will be able to reply to

M. Labori.--“I do not know whether the witness will be able to reply to the question that I shall now put. Is Colonel Picquart aware that Major Esterhazy was the subject of favorable notes that were read to the council of war?”

Colonel Picquart.--“I saw certain of these notes in the newspapers. I read them even prior to the council of war, and I was greatly astonished, because all documents relating to the *personnel* are essentially confidential. There is another thing that astonished me. There has been reference here to citations. Well, I know that General Guerrier, Major Esterhazy’s superior at Rouen, struck from that officer’s record of services a citation that appeared there unwarrantably. General Guerrier is ready to testify to it.”

M. Labori.--“Among Colonel Picquart’s charges against Major Esterhazy was there one that a document belonging to the secret files applied to Esterhazy more than to anybody else, or, rather, than to a certain other person?”

Colonel Picquart.--“Certainly.”

M. Labori.--“What is this secret file?”

Colonel Picquart.--“Oh! those matters are entirely secret. I should very much like to answer, but I consider that I cannot do so without being released from the obligation of professional secrecy by the minister of war. If he will release me, I will speak; otherwise, not.”

M. Labori.--“Did Colonel Picquart ever see the original of the *bordereau*?”

Colonel Picquart.--“I think so. I certainly have seen the photographic reproductions which were in circulation.”

M. Labori.--“In circulation where? In the war offices?”

Colonel Picquart.--“Yes.”

M. Labori.--“Then there were official reproductions?”

Colonel Picquart.--“Certainly.”

M. Labori.--“Were these photographs placed in the hands of experts?”

Colonel Picquart.--“I think so, but cannot say so positively. I was not then connected with the service.”

M. Labori.--“Does Colonel Picquart consider that the *bordereau* published by ‘Le Matin’ November 10, 1896, differs essentially from the authentic original?”

Colonel Picquart.--“It differs so little from it that it was asked who could have committed the indiscretion.”

M. Labori.--“Into how many fragments was the Esterhazy dispatch torn?”

Colonel Picquart--“I cannot say, but there were many. There were little bits no larger than one’s finger-nail.”

M. Labori.--“Was Colonel Picquart able to rearrange the pieces?”

Colonel Picquart.--“Yes.”

M. Labori.--“And from what did Colonel Picquart desire to remove the traces of pasting?”

Colonel Picquart.--“Why, from the photograph.”

M. Labori.--“Would it have been possible to remove such traces from the original?”

Colonel Picquart.--“There was never any question of removing them from the original. The original has never been altered. Once pasted, it was not thereafter touched.”

M. Labori.--“In the charges made against Colonel Picquart are there any relating to events that occurred later than 1896?”

Colonel Picquart.--“No.”

M. Labori.--“Were not all the doings of Colonel Picquart known to all his superiors?”

Colonel Picquart.--“Absolutely.”

M. Labori.--“Why, then, had they not taken in 1896 the attitude that they have taken since?”

Colonel Picquart.--“I do not know.”

M. Labori.--“In a case as serious as that of Major Esterhazy, at a time when the chief of the bureau of information was investigating a serious charge of treason, was not the arrest of Major Esterhazy almost necessary, in order to get at the truth?”

Colonel Picquart.--“That was my opinion, but it did not prevail. My superiors thought otherwise.”

M. Labori.--“But, without arresting an officer, is it not possible to watch him so that he can have no chance of doing things still more reprehensible and concealing his tracks?”

Colonel Picquart.--“Certainly. There was enough against Esterhazy to send him to a fortress.”

M. Labori.--“In occupying yourself with the Esterhazy case, were you obeying your conscience?”

Colonel Picquart.--“Absolutely.”

M. Labori.--“Did you feel that you were endangering your military career and your interests?”

Colonel Picquart.--“Yes.”

M. Labori.--“And yet you continued?”

Colonel Picquart.--“Yes, but my superiors did not absolutely oppose me. I felt that I was not in entire harmony with them, but they did not tell me to stop. Otherwise I would have done my duty as an officer, and would have stopped; or, rather, I do not know exactly what I would have done at that time. But--yes, I would have stopped.”

M. Labori.--“Did Colonel Picquart never receive a formal order to stop?”

Colonel Picquart.--“Never.”

M. Labori.--“In Colonel Picquart’s eyes which was the more damaging evidence against Major Esterhazy, the *bordereau* or the dispatch?”

Colonel Picquart.--“The *bordereau*.”

M. Labori.--“Did Colonel Picquart make it known to General Gonse?”

Colonel Picquart.--“Yes.”

M. Labori.--“How, then, could General Gonse say that it was necessary to distinguish the Dreyfus case from the Esterhazy case?”

Colonel Picquart.--“That he said that is true. He said that confusion of the two cases should be avoided so far as possible; that the Esterhazy case should be continued, but that the Dreyfus case should not be mixed up with it.”

M. Labori.--“But, if Major Esterhazy had been recognized as the author of the *bordereau*, would not the charge against Dreyfus have fallen necessarily?”

Colonel Picquart.--“Yes; that is why I never understood the attempt to separate them.”

The Judge.--“Do you remember having sent for M. Leblois to call on you at your office?”

Colonel Picquart.--“Yes.”

The Judge.--“Do you remember the date?”

Colonel Picquart.--“He came in the spring of 1896 concerning two matters,--the Boulot case and a carrier-pigeon case, about which I should like to say a word.”

The Judge.--“I was going to ask you. What is this carrier-pigeon file of documents? Is it not a secret file?”

Colonel Picquart.--“There are two. One file is in a pasteboard box, which contains nothing but newspaper articles about pigeons. These matters are not secret, and it was about these that I consulted M. Leblois. There is another file which is absolutely secret, containing information with which M. Leblois had no concern, and about which M. Leblois could not have enlightened me. There has been confusion lately concerning this matter. Recently I asked for the carrier-pigeon file, and by chance the secret file was brought.”

The Judge.--“You had by the side of this carrier-pigeon file another file on which was the letter ‘H’ written with blue pencil?”

Colonel Picquart.--“Your description designates the envelope containing the secret file. That was never on my table when M. Leblois was there, and there is a very simple reason why. The file was in my possession only from the latter part of August to the beginning of November, and M. Leblois left Paris August 5, and did not return until November 7.”

The court here recalled M. Gribelin to confront him with Colonel Picquart. M. Gribelin repeated his testimony as follows:

“One evening in October, 1896, I went into Colonel Picquart’s office to get leave of absence. He was sitting at his table with the carrier-pigeon file at his right, and at his left the file that I had handed to him between August 28 and September 5. The letter was contained in an envelope bearing the mark of Major Henry, and it was by this that I recognized it.”

The Judge.--“You saw no documents?”

M. Gribelin.--“No, the envelope was closed.”

Colonel Picquart.--“M. Gribelin is mistaken. I do not believe that he intends to make a false statement, but either his memory fails him or he has confused the files. I know that M. Gribelin is a perfectly honest man.”

The Judge.--“I asked General Gonse concerning him just now, and he spoke of him in the highest terms.”

Colonel Picquart.--“I do not believe him capable of an infamy, but I believe him capable of an error.”

M. Gribelin.--“You can believe what I say; I saw it.”

Colonel Picquart.--“But I say that you did not see it.”

The Judge.--“M. Picquart, did you ask M. Gribelin at a certain time if he could not get the post-office to stamp a letter, which letter you did not otherwise indicate?”

Colonel Picquart.--“To stamp a letter?”

The Judge.--“To stamp a letter; not with the date of its arrival, but with an earlier date.”

M. Gribelin.--“My colonel, let me refresh your memory. You re-entered your office at two o’clock. You sent for me and, as you were taking off your overcoat, you said: ‘Gribelin, could you get the post-office to stamp a letter?’ You did not add a word. You never spoke of the matter afterward. But, on my honor as a soldier, that is the truth, and you know that I never lie.”

Colonel Picquart.--“That I know, but I answer as follows. It has very often happened that Gribelin and I have talked of the way in which letters could be sent to spies. Well, it is possible that one of these recollections is in his mind. But I say that I have no recollection of it at all.”

The Judge.--“But did you not ask this information of Major Lauth almost in the same terms?”

Colonel Picquart.--“I? Oh, never, never, never!”

The court recalled M. Lauth, who repeated his accusation as follows:

“On the very day when Colonel Picquart spoke to me on the subject of removing the traces of tear, he said to me: ‘Do you think that they would stamp this document at the post-office?’ I answered him that they would not be very obliging in such a matter, and that I did not think they would do it.”

The Judge.--“You see, it is almost the same thing.”

Colonel Picquart.--“Does Major Lauth remember that, in his written deposition regarding the proposition which he declares that I made to him that he should say that the handwriting of the dispatch was that of such or such a person, he said: ‘This document has no authentic character; it must have the stamp of the post-office.’”

M. Lauth.--“‘In order that it may have an authentic character, it must have a stamp’; and I added: ‘It is a handwriting that I do not know.’ Colonel Picquart never asked me to certify to my recognition of the dispatch. He said: ‘You will be there to verify that it is the handwriting of such or such a person.’ That is what he said to me, and I answered: ‘I never saw this handwriting, and cannot certify that it is the handwriting of such or such a person.’”

General de Pellieux was recalled.

The Judge.--“Can General de Pellieux tell us anything of the search of which he spoke yesterday?”

General de Pellieux.--“Colonel Picquart admitted to me that an agent sent by him had entered the premises. Well, I ask why he went into the apartment. I suppose that he will say that he went there to rent it.”

Colonel Picquart.--“It seems to me that I have explained that matter. The agent brought me only a card containing a few words. I had him carry it back. I never got anything else.”

The Judge.--“General, did you enter the apartment?”

General de Pellieux.--“No.”

The Judge.--“Then you do not know what state it was in?”

General de Pellieux.--“No.”

The Judge.--“But yesterday you gave us details.”

General de Pellieux.--“Major Esterhazy says that a piece of furniture was forced, and that traces of this still remain.”

M. Clemenceau.--“Then what General de Pellieux told us he got from Major Esterhazy.”

Colonel Picquart admitted that one of his agents had entered Esterhazy’s premises, which were to let.

The Judge.--“This agent had no legal warrant.”

Colonel Picquart.--“No, but he entered the apartment by lawful means.”

M. Clemenceau.--“He did not enter as a robber.”

M. Labori.--“No equivocations. I ask General de Pellieux whether he thinks it possible to ask the chief of the bureau of information belonging to the French war department to keep a watch on spies in the interest of the national defence without giving him the right, if he is an honorable officer above suspicion, to make an investigation?”

General de Pellieux.--“I think he has the right.”

M. Labori.--“The reply is satisfactory.”

General de Pellieux.--“But I add that I do not admit his right to do so without a legal warrant.”

M. Clemenceau.--“I ask General de Pellieux, who knows the law, and who can explain whether a search is legal, if the search of Colonel Picquart’s premises was illegal.”

General de Pellieux.--“Show me that it is illegal.”

The Judge.--“Were you not a judicial officer of police?”

General de Pellieux.--“Yes, and had the right to make a search. The military code will show it.”

M. Clemenceau.--“The military code declares that the search, to be valid, must be made in the presence of the interested party. If you had found a document of any value, Colonel Picquart could have claimed that it had been brought to his apartment in his absence.”

M. Labori.--“Besides, M. Picquart was not accused. There was only one accused,--Major Esterhazy. He was accused by the chief of the bureau of

information to whom this service had been entrusted because he was the most worthy of it, and it was his premises that they searched."

General de Pellieux.--"I am evidently ignorant regarding procedure. At every step I took the advice of a magistrate, M. Bertulus."

M. Labori.--“Was it M. Bertulus who suggested to General de Pellieux to search the house for smuggled matches?”

General de Pellieux.--“I gave a police commissioner a search-warrant. If the police commissioner offered this pretext in order to carry out his orders, he is responsible.”

M. Labori.--“Did General de Pellieux, when entrusted with the duty of investigation, order Major Esterhazy to observe absolute discretion, and stay at home instead of exercising his liberty,--a liberty which he used in going daily to the offices of ‘Le Jour,’ ‘La Libre Parole,’ and other newspapers?”

General de Pellieux.--“I did, and in writing.”

M. Labori.--“How well, in the opinion of General de Pellieux, were his orders obeyed by Major Esterhazy?”

General de Pellieux.--“I do not say that Major Esterhazy fully obeyed my orders, but from the moment that he received them the communications to the press became, I observed, less numerous.”

Colonel Picquart.--“Can these gentlemen say that they have seen a single letter on which I have caused a post-office stamp to be placed?”

The Judge.--“It is not claimed that you have done that. The claim simply is that you asked if it were possible to have such a thing done.”

The court then recalled Major Ravary.

M. Labori.--“Why did M. Ravary, in his report, in which he accumulated all arguments tending to depreciate Colonel Picquart’s merit, omit the incident relating to the question attributed to Colonel Picquart concerning the placing of stamps on a letter or a dispatch?”

M. Ravary.--“There were an abundance of matters that I could have cited in proof of irregularities on Colonel Picquart’s part. I did not need to put all of them in my report.”

M. Labori.--“Tell us what these irregularities were.”

M. Ravary.--“If I had desired to invoke Article 378, I need not have said anything. I could have pleaded professional secrecy.”

M. Clemenceau.--“But, since you did not invoke it, you are at liberty to speak.”

M. Labori.--“I say that Major Ravary must either observe professional secrecy, or not observe it. In saying that there are many other charges, he does not observe professional secrecy. I am not in favor of closed doors or professional secrecy, but, since Major Ravary has already violated professional secrecy, he may well tell us of the other charges against Colonel Picquart.”

M. Ravary.--“Military justice does not proceed as yours does.”

M. Clemenceau.--“There are not two justices. There is only one--the true justice.”

M. Ravary.--“Our code is not the same.”

The Judge.--“Answer the question, if you see fit,”

M. Ravary.--“I refuse to answer.”

M. Labori.--“Under these circumstances there is nothing left of all that M. Ravary has said.”

Colonel Picquart.--“I cannot allow this charge to rest upon me. I ask M. Ravary to declare frankly what other irregularities are laid at my door.”

M. Ravary.--“There are the two already referred to,--that of which M. Gribelin has spoken, and which I did not put in my report, and that which M. Lauth has described.”

Colonel Picquart.--“And, covering all that with an insinuation, you were allowing it to be supposed that there were many other things.”

M. Labori.--“M. Ravary covered that with professional secrecy, and, when he no longer dared to appeal to professional secrecy, he had nothing left to say.”

Colonel Picquart.--“And for three months that has been going on.”

The court then adjourned for the day.

SIXTH DAY--FEBRUARY 12.

At the beginning of the sixth day’s proceedings Colonel Picquart resumed the witness-stand, and asked permission to make a declaration that would make clearer the spirit of his testimony of the day before. This being granted, he said:

“I believe that the expression used by M. Zola when he declared that the military judges had condemned in obedience to orders went a little farther than he thought. What happened, at least, as I believe, was this. General de Pellieux, out of respect for the thing judged, thought it his duty to keep the matter of the *bordereau* out of his investigation. Major Ravary, whose investigation followed that of General de Pellieux, was certainly influenced--perhaps unconsciously--by the view of his superior. He even gave me proof of this,--I can say it here, where many things have been said already,--when, after I had said to him: ‘The witnesses will not be unearthed, until you have caused Major Esterhazy to be arrested,’ he answered: ‘I cannot have him arrested. My superiors have not thought it proper to do so, and I do not see that anything has come into my hands which should change their decision.’ The judges belonging to the council of war found themselves confronted with an examination which was, in my opinion, incomplete. In view of the proofs laid before them, they decided the matter according to their conscience, and to show you the liberty of mind that presided over their deliberations

I declare here that one of them, toward the end of the session, said this (and I admire his courage): ‘I see that the person really accused here is Colonel Picquart. Therefore I ask that he be called, in order that he may say to us whatever he may deem necessary in addition to his deposition.’”

M. Lauth was recalled, to be again confronted with Colonel Picquart.

M. Labori.--“Supposing that a post-office stamp had been placed upon the card-telegram, what, in Major Lauth’s view, would have been the use of it?”

Major Lauth.--“It would have shown that the paper reached its destination, whereas without such a stamp it must necessarily have remained at its starting-point.”

M. Labori.--“Has not Colonel Picquart said, and has not Major Lauth confirmed the statement, that it had been shown that the origin of this dispatch was the origin of the *bordereau*?”

Major Lauth.--“When I received it, I could not say that the origin was not the same, for I received it at second-hand.”

M. Labori.--“Has it ever been pretended that this dispatch was seized on Major Esterhazy’s premises?”

Major Lauth.--“No.”

M. Labori.--“That is sufficient for me. Then I would like to know how the dispatch, having the same origin as the *bordereau*, or as the fragments of paper mingled with the dispatch, could have been considered as coming from Major Esterhazy’s premises.”

Major Lauth.--“I do not understand you.”

M. Labori.--“I will explain. I asked Major Lauth what would have been the use, in any point of view, of placing a stamp on the dispatch. Major Lauth answered that the stamp would have shown that the dispatch reached its destination. Now, it is necessary that the jury should know that it has never been said that the dispatch was written in Major Esterhazy’s hand, and to know also that the writing to the origin of which Major Lauth was asked to certify was not the handwriting of Major Esterhazy. The dispatch was addressed to Major Esterhazy. Now I am inquiring as to the origin. Major Lauth says that the utility of the stamp was to show that the dispatch reached Major Esterhazy’s residence. Thereupon I ask: Was the *bordereau*, or the papers contained in the package that contained the dispatch, or the papers proceeding from the same source,--were any of these considered as coming from Major Esterhazy’s premises?”

Major Lauth.--“No.”

M. Labori.--“Then how does Major Lauth reconcile the affirmation that the dispatch originated as Colonel Picquart had said, with the declaration that it had been placed in the cornucopia in which torn documents of this sort were placed?”

Major Lauth.--“It is not for me to explain what Colonel Picquart may have believed.”

M. Labori.--“All right. I take note of this declaration. What, now, was the use of strips placed upon the photograph to conceal traces of tear?”

Major Lauth.--“I did not say that I had placed strips in such a way as to remove traces of writing. Whenever I have had to make a photograph, Colonel Picquart has asked me to cover up certain lines, or certain words with a line in the middle. On each occasion I have made plates concealing a part. He did not explain to me his purpose.”

M. Labori.--“I am much pleased with the answer, for it brings out a point that had escaped me,--that M. Lauth did not intend to say that there was anything singular in this photographic treatment of the dispatch.”

Major Lauth.--“Pardon me, I say that I did not conceal the text. I had to remove traces of tear, in order to give the dispatch the appearance of a document absolutely new and intact.”

M. Labori.--“Was Major Lauth ever asked to remove the appearance of tear from the original?”

Major Lauth.--“Oh! that would not have been possible.”

M. Labori.--“The reply satisfies me. Was not the *bordereau* also in bits?”

Major Lauth.--“Yes.”

M. Clemenceau.--“Into how many pieces was the dispatch torn?”

Major Lauth.--“Perhaps sixty.”

M. Clemenceau.--“How large was the largest piece?”

Major Lauth.--“Perhaps one-twentieth of a square inch.”

M. Clemenceau.--“How were these pieces reassembled?”

Major Lauth.--“I have no explanations to furnish concerning that matter.”

M. Clemenceau.--“Probably you misunderstand me. It is a material fact that cannot concern the national defence. I asked by what method the pieces of a document are reassembled when they are found, as these were, in a cornucopia.”

Major Lauth.--“The dispatch was pasted after I had had the pieces arranged in their proper places. When Colonel Picquart gave it to me, it was in the form of fragments of paper mingled with many others.”

M. Clemenceau.--“When Colonel Picquart asked M. Lauth, according to the latter’s testimony, if he could not cause a post-office stamp to be put upon the dispatch, in what condition was the dispatch?”

Major Lauth.--“The pieces had been reassembled.”

M. Clemenceau.--“By what process?”

Major Lauth.--“By the use of a transparent paper, cut in very narrow strips that followed almost exactly the traces of the tearing.”

M. Clemenceau.--“On which side of the dispatch were these strips pasted?”

Major Lauth.--“On the addressed side.”

M. Clemenceau.--“Then will Major Lauth explain to us, accepting the improbable supposition that he had complied with Colonel Picquart’s desire, where he would have had the post-office stamp placed?”

Major Lauth.--“In the first place, he did not ask me to have the paper stamped. He said to me: ‘Do you think that they would stamp it?’ It is not for me to inquire what his purpose was.”

M. Clemenceau.--“I wanted to know how M. Lauth could explain the alleged fact that Colonel Picquart asked to have a post-office stamp placed upon this document by any third party whomsoever, to give it authenticity, when, according to M. Lauth’s testimony, there was no place on it where a stamp could be put without putting it in part on the strips of gummed paper?”

Major Lauth.--“I have no explanation to give.”

M. Clemenceau.--“If the dispatch comes from the cornucopia, it is torn and not stamped. If it comes from the post-office, it is stamped and not torn. When the chief of staff shall call for the original, if it is shown to him torn and stamped, because coming from the post, he will ask: ‘Why is it torn?’ Another hypothesis: Assuming the dispatch to be torn and stamped, it can have but one origin. It must come from Major Esterhazy’s premises, because, stamped, it had been in the mails, and, torn, Major Esterhazy must have torn it. Now, Major Lauth has just said

that it has never been pretended that the dispatch came from Major Esterhazy's premises."

M. Labori.--"When you compared Major Esterhazy's handwriting with the *bordereau*, was the original of the *bordereau* before you, or the photographs only?"

Colonel Picquart.--"Photographs only. The original of the *bordereau* was in the Dreyfus file, sealed. That file has been unsealed only twice, when General Gonse had occasion to withdraw some papers from it."

The Judge.--"Did the photographs conform absolutely to the original?"

Colonel Picquart.--"They were used for the experts."

Colonel Henry was then recalled, and re-examined as to the interview which he claims to have surprised between M. Leblois and Colonel Picquart in the latter's office. Being asked whether he saw the secret file and the document beginning with the words: "That scoundrel D----," he answered:

"It was in October, I think. I have never been able to fix the date precisely. All that I know is that there was an open file in the room. The colonel was sitting on his left leg, and at his left sat M. Leblois, and before them on the desk were several files, among others the secret file which I had so labelled, and on the back of which I had placed my signature, or rather my initial, with blue pencil. I saw the words: 'secret file.' The envelope was open, and the document in question was outside of it. A few days later I met General Gonse, who said to me: 'How are things going? What progress is Colonel Picquart making?' I answered: 'Things are going rather slowly. Colonel Picquart is still absorbed in his Esterhazy matter.' 'Ah! that is bad, because the business of the office is suffering a little.' 'And do the indiscretions continue?' 'Oh! the indiscretions do not concern me.' Whereupon I said: 'In view of the indiscretions, perhaps you would do well to take possession of the secret

file,--there was then only one in the department,--for I saw it a few days ago on his desk, in the presence of a third person.' I did not name the person. I believe that two or three days later the general took possession of it. Whether he took it himself, or asked Colonel Picquart to send it to him, I do not know."

The court then recalled General Gonse, and asked him whether the file was in disorder when it was returned to him.

General Gonse.--"Yes."

The Judge.--"Colonel Picquart, what have you to say?"

Colonel Picquart.--"I repeat that I never had the file on my table in the presence of M. Leblois, either open or closed. Moreover, it seems a material impossibility that the thing should have occurred as Colonel Henry says, if M. Leblois proves that he returned to Paris November 7. Colonel Henry has just told you that, a few days after witnessing this scene, he spoke of it to General Gonse and advised him to call for the file, and that General Gonse did so call a few days later. Now, General Gonse has testified on previous occasions that he asked me for the file a few days before my departure."

The Judge.--"You hear, Colonel Henry. Had you the secret file?"

Colonel Henry.--"M. Leblois admitted it before the council of war. He said: 'In view of the precise declarations of Colonel Henry, I certainly cannot contradict him.' You can appeal to the members of the council of war."

M. Leblois, being recalled, said:

“No, I did not admit it. This is what happened before the council of war. Colonel Henry said simply that there was a file on Colonel Picquart’s table. He said nothing of a photograph, and specified no date, and I said to him: ‘Colonel, I believe that you are mistaken, but, as it is not my habit to make a minute inventory of the documents that are lying on the desks of people when I go to see them, I consider that it is not for me, but rather for Colonel Picquart, to say whether at any time whatsoever there was on his desk an envelope bearing the words “secret file.”’ I said very firmly to Colonel Henry: ‘I do not wish to contradict you, not simply out of politeness, but because I consider that it is for Colonel Picquart to contradict this statement, if it is incorrect.’ But, if he had made a more precise statement, and had said what he has just said,--that the file included a photograph,--I would have contradicted him absolutely.”

Colonel Henry.--“I contradict M. Leblois absolutely. This is what I said before the council of war: ‘Before these gentlemen lay a secret file and a photographed document, the document half out of the envelope and beginning with these words, “That scoundrel D----”’”

The Judge.--“Did you see the document?”

Colonel Henry.--“Yes.”

M. Leblois.--“But the colonel has just admitted that he said that the photograph was not out of the envelope. Could Colonel Henry explain to us how he reconciles his present evidence, M. Leblois and Colonel Picquart turning their backs to the desk, with his evidence given at the investigation and thus stated in Major Ravary’s report: ‘When Colonel Henry, on his return to Paris, entered Colonel Picquart’s office, he saw M. Leblois, from whom the colonel received long and frequent visits, sitting near the desk and searching with him a secret file.’”

Colonel Henry.--“Searching ... searching?”

M. Labori.--“Either Colonel Henry does not tell the truth, or else the truth is not told in Major Ravary’s report.”

Colonel Henry [walking toward Labori].--“I will not permit you to call my words in question. I will not permit it.”

M. Labori.--“I say that there is a formal contradiction between Major Ravary’s report and your evidence.”

Colonel Henry.--“That is not my affair.”

M. Labori.--“Possibly not, but it is mine.”

Colonel Henry.--“Ask an explanation of Major Ravary.”

M. Labori.--“At present I can seek an explanation only from you, who are here.”

Colonel Henry.--“The expression ‘searching,’ if it is not real, is at least figurative.”

M. Labori.--“What was the date of this visit?”

Colonel Henry.--“I said that it was in October. At any rate, on my return from leave. I have always said October, I think, and I cannot say anything else.”

M. Leblois.--“Variations as to facts, variations as to dates. It is very difficult for a witness, with the best will in the world, to follow his adversaries over ground so shifting.”

Colonel Picquart.--“Did Colonel Henry enter my office by the door opposite the desk, or by the little side door?”

Colonel Henry.--“By the main door.”

Colonel Picquart.--“About how far into the office did he come?”

Colonel Henry.--“I could not say whether it was four inches or a step.”

Colonel Picquart.--“But Colonel Henry was on the other side of my desk; that is, on the side opposite to that where I was sitting.”

Colonel Henry.--“Opposite you, and I perfectly saw the document, for it was the place in which I stood that enabled me to see the document and the file.”

Colonel Picquart.--“I shall ask to be shown the document. General de Pellieux showed it to me in his office, and at a distance. It is a very obscure photograph. I had to put my nose into it in order to recognize this document, which does not read *Cette canaille de D...*, but *Ce canaille de D....*”

Colonel Henry.--“I would know it at a distance of ten steps. This is not to be disputed, especially when one is in the habit of seeing a document, and I have seen this more than once. I formally maintain my assertion, and I say again: Colonel Picquart has lied.”

The Judge.--“You are in disaccord.”

M. Labori.--“Permit me. What, *Monsieur le Président*, do I rightly understand? You say ‘in disaccord’! For the second time an offence has been committed in this court. A witness has been insulted by another witness, and the only thing that you have to say is: ‘These witnesses are not in accord.’ I take note of it.”

The Judge.--“You will take note of what you like.”

M. Labori.--“Since Colonel Picquart, being addressed as he has just been addressed by Colonel Henry, hears no comment but this: ‘You are in disaccord,’ I ask that he explain himself unreservedly.”

Colonel Picquart.--“Gentlemen of the jury, you have seen here men like Colonel Henry, Major Lauth, and the keeper of the archives, Gribelin, make odious accusations against me. You have heard the colonel tell me that I have lied. You have heard Major Lauth make without proofs an allegation as serious as that which he made yesterday, saying that it was I, though he had not the proof, but that it must have been I who placed the dispatch in the cornucopia. Well, gentlemen of the jury, do you know why all this is done? You will understand it when you learn that the artisans of the previous affair, which is so intimately connected with the Esterhazy affair,--those who acted conscientiously, I think, believing that they had the truth on their side,--when you learn that Colonel Henry and M. Gribelin, aided by Colonel du Paty de Clam, under the direction of General Gonse, received from the regretted Colonel Sandherr (who was already afflicted with the serious disease of which he afterward died), as a sort of testament, at the time when he left the service, the duty of defending against all attacks this affair which involved the honor of the bureau, and which the bureau had pursued conscientiously, believing that it was acting in accordance with the truth. But I thought otherwise when I was at the head of this service, and considered that there was a better way of defending a cause than that of acting in blind faith. Consequently, for

months, insults have been heaped upon me by newspapers paid for the spreading of slander and error.”

M. Zola.--“Exactly.”

Colonel Picquart.--“For months I have been in the most horrible situation that an officer can occupy,--assailed in my honor, and unable to defend myself. Tomorrow perhaps I shall be driven from this army that I love, and to which I have given twenty-five years of my life. That has not deterred me, remembering, as I did, that it was my duty to seek truth and justice. I have done it, thinking thereby to render a greater service to the army. I considered that I must do my duty as an honest man. That was what I had to say.”

M. Clemenceau.--“Did I understand Colonel Henry to say that, a few days after he saw the file on Colonel Picquart’s desk, he spoke of the matter to General Gonse?”

Colonel Henry.--“Perhaps two or three days after; I do not remember exactly.”

M. Clemenceau.--“How long after this conversation with General Gonse did Colonel Picquart leave the bureau?”

Colonel Henry.--“A week, I think.”

M. Clemenceau.--“Summing up the matter, we shall have the truth. The presence of M. Leblois at the war department” ...

The Judge.--“You are not asking questions now.”

M. Clemenceau.--“I wish to bring out the truth.”

The Judge.--“You can bring it out in your argument.”

M. Clemenceau.--“I wish to bring it out now. If you do not wish it, deprive me of the floor. I declare that I can bring out the truth by the testimony of witnesses.”

The Judge.--“Ask questions.”

M. Clemenceau.--“No.”

The Judge.--“You will do what you like in your argument.”

M. Clemenceau.--“Then take the floor away from me, and I will be silent.”

The Judge.--“I take the floor away from you so far as summing up is concerned. You can ask questions, if you like.”

M. Clemenceau.--“I wish, by the testimony of two witnesses who are in disaccord, to bring out the proof of the truth.”

The Judge.--“Not now.”

M. Clemenceau.--“But” ...

The Judge.--“When you sum up.”

M. Clemenceau.--“My claim is that, in two words, I can show which of these two officers has committed an involuntary error.”

The Judge.--“Ask questions. You have not the floor for arguing the matter.”

M. Clemenceau.--“Have I the floor for proving the truth?”

The Judge.--“I deprive you of the floor for argument.”

M. Clemenceau.--“I ask you this question, *Monsieur le Président*. A point is in doubt between two officers of the French army” ...

The Judge.--“You have not the floor for argument. You can offer a motion; that is all.”

M. Clemenceau.--“Two officers have contradicted each other. If you will accord me the floor, I will, in two words” ...

The Judge.--“No. Offer a motion. I do not accord you the floor.”

M. Clemenceau.--“And Article 319?”

The Judge.--“I know it.”

M. Clemenceau.--“Gentlemen of the jury, permit me to read to you Article 319.”

The Judge.--“I know it.”

M. Clemenceau.--“It is to the jurors that I wish to read it.”

The Judge.--“Read if you like, but you will read it to the jurors, who have nothing to do with it.”

M. Clemenceau.--“The jurors have everything to do with it. I take note of these words. I will not allow it to be said in presence of the jury that it has nothing to do with this matter. If *Monsieur le Président* adheres to those words, I ask him to repeat them.”

The Judge.--“The jurors have nothing to do with the direction of the trial.”

M. Clemenceau.--“I read Article 319, second part. ‘The witness must not be interrupted. The accused or his counsel may question him through the president after his disposition, and say, as well against him as against his testimony, anything that may be useful to the defence of the accused.’ *Monsieur le Président*, in conformity with the terms of this article, I ask the floor to point out which of these two officers is right.”

The Judge.--“But you will point it out in your argument.”

M. Clemenceau.--“_Monsieur le Président_, I need to point it out in the presence of these two officers, because, if I am mistaken, one of the two will correct me.”

The Judge.--“Explain, then, the question that you are going to put. I will put it.”

M. Clemenceau.--“Colonel Henry says: ‘I spoke to General Gonse of what I saw in Colonel Picquart’s office, three days after having seen M. Leblois in Colonel Picquart’s office.’ Colonel Henry says also: ‘Colonel Picquart left the service about a week after I spoke to General Gonse.’ I point out to the witness--and this is the purpose of my question--that in good arithmetic eight and three make eleven, and that the visit of M. Leblois, as is established undeniably, must have occurred between November 9, the date of M. Leblois’s return to Paris, and November 14, the date of Colonel Picquart’s departure from the service,--a period of five days. Between five and eleven days there is a difference of six days. I call Colonel Henry’s attention to the error of six days, and I ask him what he has to say about it.”

Colonel Henry.--“You understand that I do not specify dates to a day. I have not spoken of dates.”

This finishing the confrontation of Colonel Picquart with those who had contradicted him, the witness-stand was taken by M. Demange, the counsel of Captain Dreyfus before the council of war.

Testimony of M. Demange.

M. Labori.--“Will M. Demange tell us what he knows of the Esterhazy case, and of any matters connected with it that may be useful as throwing light upon M. Zola’s good faith?”

The Judge.--“Speak only of the Esterhazy case; nothing else.”

M. Demange.--“Exactly, *Monsieur le Président*. In the latter part of October I learned through the newspapers that M. Scheurer-Kestner had become convinced of the innocence of Dreyfus, and was at work to secure his rehabilitation. I wrote to M. Scheurer-Kestner, asking him to make known publicly at the tribune or elsewhere his reasons for affirming the innocence of Dreyfus. He did not answer, the reason of his silence being, as I found out later, that my letter came during the fortnight in which he had promised General Billot to say nothing. Therefore I was much agitated in mind until November 13 or 14, the day before M. Mathieu Dreyfus denounced Captain Esterhazy as the author of the *bordereau* before the minister of war. On that day M. Mathieu Dreyfus came to my house in a state of great agitation, bringing with him a sample of handwriting astonishingly like that of the *bordereau*, and said to me: ‘M. Scheurer-Kestner says that it is my duty to denounce as the author of the *bordereau* M. Esterhazy, whose writing this is.’ Obeying a feeling of prudence, I said to M. Mathieu Dreyfus; ‘Do what M. Scheurer-Kestner has told you to do; but, first, I advise you to ask him to declare publicly that he has designated to the minister of war as the author of the *bordereau* the person whom you are about to denounce; thus no one will be able to question your good faith. And, since you have only the handwriting, confine yourself to denouncing M. Esterhazy as the author of the *bordereau*, and go no farther.’ I was much excited, for I saw a chance for a revision of the Dreyfus case. I had already resolved, moreover, to address myself to the minister of justice, since I had learned from M. Salle that there had been a violation of the law. But I had not yet done so, for a reason that I may point out. Before employing the legal course, and especially that belonging to me by virtue of Article 441 of the

code of criminal examination,--that is, the nullification of the sentence on the ground of violation of law,--I desired the assistance of those who, wearing the robe as I do, are anxious concerning the rights of defence. I awaited very impatiently the Esterhazy trial. I was present at that portion of it which was held in public, and even asked permission to intervene that there might be a contradictor. The permission was refused. But what especially interested me was the testimony of the experts. It was here that I expected to find the new fact necessary to the obtaining of a revision in case of Esterhazy's acquittal. Dreyfus having been convicted only on the *bordereau* and on handwriting, the expert testimony in the case of M. Esterhazy might bring out elements that would permit me to say to the minister of justice: 'Here is the new fact.' I knew from M. Ravary's report that the experts had concluded that the writing was not M Esterhazy's, but I did not know their reasons. I got no satisfaction, because of the closing of the doors, and thus this method of revision was cut off. There remained then the method of nullification. But I could not apply to the minister of justice, unless I was certain that the door would open, should I knock. Now, the conditions under which the Esterhazy trial took place had convinced me that the government did not desire to throw light on the Dreyfus case.

"What could I do? I could say to the minister of justice: 'I am morally certain that there has been a violation of the law,' but I could not give him legal proof. I had to do, then, what is done in cases of this sort,--call on the minister of justice for an investigation, in order to have my assertion verified. I did not wish to take the step alone, and at that moment I had not found the desired assistance, either among lawyers or among those in political life. They said to me: 'Have a care: do not stir up this Dreyfus matter now. It is too soon; we must wait.' And I was waiting at the time when M. Scheurer-Kestner brought his facts to the knowledge of the public. It was necessary to my purpose to have a government desirous of throwing full light upon the matter, because, if there was to

be a revision, it should not take place behind closed doors. When seven officers who are honesty itself have condemned a man erroneously, public opinion cannot be convinced, unless their error can be precisely pointed out. Well, I was convinced that the government did not want the light, and so I asked myself what I should do. Then were unchained the passions which today are making such riot, preventing men from giving further thought to the fate of my unfortunate client. It is no longer a question of the Dreyfus case; it is a question of the honor of the army; it is the struggle between the Semites and the anti-Semites. But I, alas! am concerned only with the interests of my client. Consequently, I said to myself, we must await more peaceful times, and I said the same to M. Mathieu Dreyfus and to Mme. Dreyfus. The attorney-general has told you that recourse had been had to revolutionary methods; but this reproach cannot be addressed to M. Zola, because he had not the power to use the legal methods. Only the Dreyfus family could use those, and consequently it is the Dreyfus family that is to be reproached, and, indirectly, myself. And I might even tell you that, for a long time, and especially since the speech of the attorney-general, I have been receiving every morning letters signed and unsigned, the former polite, the latter anything but polite, in which I am reproached with having failed in my duty. I consider that I have not failed. My duty has always been before my eyes, and you may be certain that my conscience will never allow me to shrink from it. But I believe that I acted very prudently in advising M. Dreyfus to wait. And so it is that the Esterhazy case, which had given me hope that I could resort to the legal methods of securing a revision, has made it impossible for me to use these methods, because it has convinced me that the government does not want the light."

M. Labori.--"Will M. Demange tell us what he thinks of this passage from Major Ravary's report? 'To sum up what is left, a painful impression which will have an echo in all hearts truly French. Of the actors in the cast some have acted in the presence of the public, others

have remained behind the scenes; but all the methods employed had the same end in view,--the revision of a judgment legally and justly rendered.'"

M. Demange.--"Since I desired to apply to the minister of justice for a nullification of the judgment, I could not have considered it legally rendered."

M. Labori.--"Why not?"

The Judge.--"The question will not be put."

M. Labori.--"But it concerns the Esterhazy case."

M. Demange.--"I told you a moment ago. I had learned from M. Salle that there had been a violation of the law. That is why I wanted to apply to the minister."

M. Labori.--“What violation?”

The Judge.--“No, no, M. Demange; do not answer that.”

M. Clemenceau.--“Permit me to ask a question. *Monsieur le Président*, I point out to you, in the first place, that an incident which lasted a very long time, and in which Colonel Henry figured, bore exclusively on the Dreyfus case; taking advantage of this observation, I ask you to put to M. Demange the following question. M. Demange has just told us, and is forbidden further explanation by the court, that he was certain that the verdict had not been legally rendered. I ask him if he cannot tell us on what he bases this certainty, and especially if he does not base it on the fact that a member of the council of war so declared to M. Salle, who has so declared to him.”

M. Demange.--“Why, yes, of course.”

The Judge.--“M. Demange, do not answer.”

M. Clemenceau.--“I ask you, _Monsieur le Président_, to put the question.”

The Judge.--“No, no, I will not put the question.”

M. Labori.--“I have another question to ask M. Demange. There appeared in ‘Le Matin’ a few days ago a three-column interview, containing most interesting things, most of which, to my personal knowledge, are perfectly true. Without asking M. Demange if the interview took place at his house, I ask him to say if the statements of the interview are true.”

M. Demange.--“In the first place, there was no interview. I had received a letter from a professor of the university, and a letter from two young licentiates who spoke in the name of the students more than a month ago. These two letters, which were signed, were very polite, and they accused me of failing in my duty, saying: ‘You know, M. Demange, that an illegality has been committed; why do you not apply to the minister of justice?’ These letters said that I was the cause of the appearance of M. Zola’s article. They said that, if I had applied to the minister of justice, none of this hubbub would have occurred. It is not a question, then, of an interview. I answered the professor and the young people, inviting them to come to see me. They came, and I had a confidential talk with them. The professor has respected my confidence, but the young people have not followed his example.”

M. Labori.--“Does M. Demange know the reasons why M. Leblois never entered into relations with the Dreyfus family or with M. Demange?”

M. Demange.--“He never told me the reasons. I have even reproached him for it. I told him that then we should have been able to apply to the minister of justice.”

M. Labori.--“Did M. Demange see the *bordereau* that was produced in the Esterhazy case?”

M. Demange.--“I believe I did.”

M. Labori.--“Did he see it in the original?”

M. Demange.--“Certainly.”

M. Labori.--“Has he seen the photographs of it?”

M. Demange.--“I have seen the original on file, and I had in my possession, in the court-room, a photograph, which I restored at the end of the trial.”

M. Labori.--“Is M. Demange familiar with the *fac-simile* that was published in ‘Le Matin’?”

M. Demange.--“I should say so. As soon as I saw it, forgetting that I had no longer the photograph in my hands, I said to myself: ‘Very likely it will be charged that I gave this to “Le Matin”.’”

M. Labori.--“Then there was a resemblance between this _fac-simile_ and the _bordereau_?”

M. Demange.--“A striking resemblance. You have not the original, then?”

M. Labori.--“No, but we should very much like to have it. Is M. Demange aware that General de Pellieux has declared that between the *fac-simile* and the original there is no resemblance? What does M. Demange think of that?”

M. Demange.--“I think that two honest men can differ in opinion.”

Testimony of M. Ranc.

The next witness called was M. Ranc, member of the senate. He testified as follows:

“M. Zola’s good faith is complete and absolute. I know, *Monsieur le Président*, that you would not allow me to speak of the violation of the law and of the right of defence committed in the trial of 1894 by the non-communication to the defence of a secret document. I will simply say, then, *Monsieur le Président*, that M. Zola was legitimately surprised by the way in which the second trial was conducted, by its mere pretence of an examination, or what seemed such to many people, and which certainly was the merest phantom of a contradictory discussion, since the complainant was not represented, since there was no confrontation of experts with experts, and since, after a reading of the indictment, which was really a plea in favor of the accused, they ordered closed doors so far as the testimony of Colonel Picquart and the handwriting-experts was concerned. That alone, in my judgment, is enough to explain and to justify the feeling of generous indignation which prompted M. Zola. He

is after truth and justice, and what he has done is, in my eyes, the act of a man of heart and great courage."

Testimony of M. Pierre Quillard.

M. Pierre Quillard, man of letters, who was present as a disinterested spectator at the Esterhazy trial, succeeded M. Ranc upon the witness-stand.

“As M. Zola is accused,” said he, “of having slandered the members of the council of war, reproaching them with having acquitted in obedience to orders, I believe that the impressions of a disinterested spectator may be useful in enlightening the religion of the jurors. We first listened to the indictment drawn up by M. Ravary. I suppose that the jurors are familiar with this document. It is indeed a remarkable document, very remarkable for its touching admiration of the eloquence of General Billot, and especially for the quite unusual kindliness exhibited toward the accused. And this kindliness seemed especially remarkable to those of us who were already familiar with the indictment of M. d’Ormescheville, seeing as we did that the same matters which were made a ground of complaint against that officer were cited in glorification of Major Esterhazy,--for instance, the fact of being a polyglot, and the fact of interesting himself in questions outside of his service. This indictment was, in reality, an argument against one of the witnesses, Lieutenant-Colonel Picquart. I felt at once that the disposition of the military court was favorable to M. Esterhazy. This impression was confirmed by the way in which the examination was conducted, and by the attitude of the court toward the witnesses. I do not wish to flatter the civil magistracy, but I believe that, as a rule, the civil magistrates study for themselves and in detail the documents relating to the matters submitted to them. Not so at all with the council of war, at least apparently. Every time that a specific

document was referred to, the president of the council and the clerk had to appeal to M. Tézenas, M. Esterhazy's lawyer. We are willing to believe that some of the documents cited were not of great importance, but here is an incident which seems to me notable and characteristic. M. Mathieu Dreyfus had declared in his testimony that in June, 1894, M. Esterhazy had written a letter in which he declared himself to be in a situation so frightful that, to extricate himself and his relatives, he perhaps would be obliged to commit a crime. It seems to me that this was a document of high importance in the case, but the president of the council had forgotten it, and M. Tézenas had to be called on to furnish the quotation. The document was handed to General de Luxer, who, after looking at it for some time, said: 'There are four pages, it is very long;' and then M. Mathieu Dreyfus went up to the bench and pointed out the specified phrase to the president. I was also very much struck at the kindly way in which M. Esterhazy's examination was conducted. Whenever he suffered from lapse of memory, he had only to say: 'That is not important,' in order to cause his questioner to desist from pressing him. When M. Scheurer-Kestner said in his testimony: 'Being a man, I may be mistaken,' this expression of honesty was welcomed with sneers by the persons opposite him. Then closed doors were ordered, and, while one can understand the necessity of secrecy so far as certain testimony is concerned, no one has yet been able to see how the formation of s and x concerns the national defence. They came there in search of light, and I affirm that no attentive person went away without a conviction that men in power, if they had not given orders, had manifested a desire for a thickening of the darkness, rather than for light."

M. Labori.--“What does M. Quillard think of M. Zola’s letter?”

M. Quillard.--“M. Zola belongs to a literary generation absolutely different from my own, and generally men of letters enjoying the public favor find in their immediate successors the worst of adversaries and the most clear-seeing of critics. We have not failed in this duty toward M. Zola, and even I, while rendering a high homage to his admirable work, which is an honor to French letters, have expressed the keenest reserves in regard to him. Therefore it is not at all as a faithful disciple that I come here, yet I am only the freer to say how beautiful, generous, and heroic the attitude of M. Zola seems to me. He might have kept silent; he might have listened to the counsels of what Victor Hugo in 1871 called the complaisance of public anger. He knew that, in writing the letter that he wrote, he was subjecting himself in advance to all insults and all infamies. He knew that he endangered not only his rest, but, as we now know, his life; that he endangered his honor, since we have arrived, it seems, at such a degree of social rottenness that no man can express his opinion without being accused of venality. Well, knowing the circumstances in which we live, and knowing the ignominy of anti-Semitism, I find this act of having spoken under these circumstances what he believed to be the truth, and his opinion that above the thing judged there was perhaps the thing true, to be worthy of an honest man, and of more honor to M. Zola than many of his works. So that I am happy to bring here the homage of my profound and respectful admiration.”

Testimony of M. Jean Jaurès.

Following M. Quillard came M. Jean Jaurès, a Socialist member of the chamber of deputies, whose deposition follows:

“I was present at the public portion of the Esterhazy trial, and it is because of that that I come to this bar to declare, not only the complete good faith of M. Zola, but the high moral and social value of his act. I consider that the conduct of the Esterhazy trial justifies M. Zola’s most vehement indignation. It justifies also the anxieties of those who, profoundly respectful of the national honor, do not wish the military power to rise superior to all control and all law. I add that the weaknesses shown by parliament and the government from the beginning of this affair have obliged citizens to intervene, and, by their defence of liberty and right, make up for the delinquencies of the responsible powers. In the Esterhazy case three decisive facts have especially struck me.

“In the first place, why were closed doors ordered for the hearing of the handwriting-experts? Here was involved the essential feature of the accusation. M. Esterhazy was accused of having written the *bordereau*. Why, then, was it necessary to discuss in the mystery and secrecy of closed doors the experts’ testimony, which was to settle this question? Closed doors which withdraw the discussion from publicity, from the control of opinion so useful, not only to the accused, but to his judges,--closed doors can be justified only by superior reasons of national interest, and it is impossible to pretend that there was any national interest whatever in concealing from the country the expert testimony relative to the authorship of the *bordereau*. The simple reason for the closing of the doors was the existence of an interest, which was not that of justice, in concealing the contradictions between the conclusions of the experts who testified at the trial of 1894 and the expert conclusions presented in the Esterhazy trial. But there were not only these contradictions to veil; there were other facts pointing to M. Esterhazy’s authorship of the *bordereau* which it was of importance to examine publicly. For my part, I know, and can bring to this bar positive testimony, that Major Esterhazy had made singularly disturbing declarations regarding the *bordereau*. I know it, and I can appeal here to

the testimony of one of our honest *confrères* who will not contradict me; and I am determined, neglecting all the secondary proprieties which are not to be considered in this case, to go straight to the truth, because I consider that it is the first duty of every citizen, in this case in which obscurities have been heaped up without limit, to bring every particle of truth in his possession, that from all these particles the definitive truth may later be established. Well, this is what I heard M. Papillaud, an editor of 'La Libre Parole,' say twice. He made this declaration to me once as we were leaving the senate together after the interpellation made by M. Scheurer-Kestner. He made it again publicly in presence of a group that was forming in the Salle des Pas-Perdus of the chamber, which is open to all comers, and where all remarks are public. Well, M. Papillaud said to me, and to many other persons, this:

"'I believe profoundly in the guilt of Dreyfus. I believe it, because it seems to me impossible that French officers, having to judge another French officer, should have condemned him in the absence of overwhelming evidence. I believe it, because the power of the Jews, very great four years ago, as it is today, would have torn Dreyfus from the hands of justice, if there had been in his favor the slightest possibility of salvation. The *bordereau*, moreover, is but an accessory element in the case; but, so far as the *bordereau* is concerned, it is my absolute conviction that it is the work of Esterhazy, and this is why I think so. In the two days that followed M. Mathieu Dreyfus's letters of denunciation, M. Esterhazy, who did not seem to have recovered his self-possession completely, went often to the editorial rooms. He came to the editorial rooms of "La Libre Parole," and there, in the presence of my comrades and myself, he said: "Yes, there is between the handwriting of the *bordereau* and my own a frightful resemblance, and when 'Le Matin' published the *fac-simile*, I felt that I was lost."'

"I point out to the jurors that the *fac-simile* was published fifteen months, I believe, before the letter of accusation, at a time when the name of

Esterhazy had not been mentioned in connection with this matter, and I leave them to judge of the moral gravity of such a remark. The result, if not the object, of hearing the expert testimony behind closed doors was the concealment of all these indications.

“The second point that struck me was the attitude toward Lieutenant-Colonel Picquart. The most violent charges were made against him. He was accused of forgeries and of all sorts of base and guilty manœuvres, and the accusations were public. The report that embodied charges against him was read publicly, and, when the time came for Lieutenant-Colonel Picquart to defend himself, those who reproach M. Zola with assailing the honor of the army deprived this officer, thus publicly accused, of the opportunity of a public defence. I say that this is a serious matter. Here, before the jury, before this audience, all the charges against Colonel Picquart have been produced, and I shall be careful--for I have not the right, and it is not my affair--not to say a word concerning the substance of these charges. But, though he was accused in the presence of the country, in the presence of the jurors, who are the legal conscience of the country, he was allowed also to defend himself in the presence of the country and in the presence of the jurors. I ask the jurors who heard the charges of General de Pellieux against Colonel Picquart what they would have thought, if, after having given General de Pellieux the floor to crush Colonel Picquart, they had refused Colonel Picquart the right to defend himself publicly? Well, gentlemen, it was that that happened in the Esterhazy trial. Let them not plead again the necessity of the national defence, of national secrecy, since here, without ever compromising the national defence, and without the escape of a single terrible secret, Colonel Picquart has been allowed to defend himself publicly, as he was publicly attacked. It is precisely this outrageous contrast between the publicity of an attack upon a man and the closed doors ordered during his defence that has caused consciences to revolt,--I speak not only of my own, but of those of many

independent men who are not in public life, professors, my school-comrades, men who have been absorbed throughout their lives in disinterested investigations,--and that has determined them in great numbers to throw off their reserve and their neutrality, and go down into the streets in defence of the right. Well, M. Zola felt as others felt, and no more than others have felt, the natural and legitimate indignation which such methods excite.

“But, gentlemen, there was a third very disturbing fact in the Esterhazy case,--namely, the absence of any serious investigation regarding the history of the veiled lady and the method by which the secret document was conveyed to M. Esterhazy. Really, we must be strangely *blasé* regarding certain things, or else arrogant affirmations must have the power of entirely destroying our critical and thoughtful disposition, if this fact does not agitate and trouble us. There is a secret document. This document concerns the national defence. It has, it seems, an international value. It might plunge our country into diplomatic difficulties. It is locked in the securest manner in the most secret and the most carefully guarded closet of the most remote sanctuary of the staff. And yet a photograph of this secret document is conveyed by melodramatic processes, through a mysterious woman, who transmits it to an officer previously notified, and the military authority, guardian of the national secrecy, guardian of the security of the country,--the military authority does not even outline the beginning of an investigation into the movements of this document. Really, it is singular. And why has it not done so? Why? Because the investigation would surely have shown that this photograph of the secret document could not have been transmitted to M. Esterhazy except by design of the staff, and for two decisive reasons. The first is that, if the staff had not known that this document was communicated to Major Esterhazy by the staff itself; if there had not been an evident connivance on the part of the general staff and of Major Esterhazy,--then, when Major Esterhazy, responsible officer of military

discipline, presented himself at the war department to return a secret document without explaining how it came into his possession, the first care and the first duty of the general staff would have been to arrest Major Esterhazy. The second reason is that this document, I beg the jurors to remember, could have had no interest for Esterhazy, unless he knew that it came from the staff. In fact, of what was he accused? He was accused of having written the *bordereau*. Now, how could the possession of a document containing these words: 'That scoundrel D----,' help Esterhazy to show that he did not write the *bordereau*? This secret document, thus passed to Esterhazy, could not have been useful to him because of its contents. It could have been useful to him only because of the source whence it came to him. It could have been useful to him only as informing him that the staff was watching over him, that the staff was determined not to call the matter in question, that the staff was arranging a new plan of campaign, that it would not allow itself to be beaten, and that he, Esterhazy, protected by his chiefs, should rest easy, should not lose foot or head, should not be disturbed, should not make any confession. Such was the only possible interest of the document communicated to Esterhazy. It was not a cartridge that the staff sent him, but a cordial on the eve of battle,--on the eve, that is, of the trial.

"Thus it appears throughout the Esterhazy trial, in the closed doors for the hearing of the expert testimony, in the strangulation behind closed doors practised upon Colonel Picquart, in the absence of all investigation as to the conveyance of the secret document,--it appears everywhere that the trial was conducted, not with a view to truth and justice, but for the systematic justification of the military chiefs. And then, gentlemen of the jury, the country has the more right to be agitated and indignant, because they make use of the noblest words to mislead it. There are no words more beautiful, more grand, more sacred, than those of country, national defence, national honor. But it is precisely because these words are the holiest and the grandest known to the tongues of men that they have no

right to profane them and to prostitute them in covering up tricks of procedure. No, no! This profanation of the country was enough to stir up all French souls and all upright consciences.

“And now why have citizens like Zola, and many others with him, thrown themselves into the battle, uttering this cry of their emotion and their conscience? Because the responsible powers, consecrated to intrigue and to impotence, did not act, did not come to the front. Was it not the first duty of the legislators and the governors, from the hour that the report was spread that a secret document had been communicated to the judges in a criminal trial without being communicated to the accused and to his counsel,--was it not the first duty of the legislators and the governors to find out whether this violation of republican law and of human rights had been committed? And why did they not do it? On this point we have endeavored to obtain from the responsible government the declarations that it owed to the country. This violation of law and of right has been alluded to from the tribune of the senate. I have ventured to put the question from the tribune of the chamber, squarely asking the prime minister: ‘Yes or no, has a document of interest to an accused person, capable of establishing or confirming his guilt,--yes or no, has such a document been communicated to the judges without being communicated to the accused and to his counsel?’ and I have been able to obtain no precise reply.

“They always take refuge in that equivocation, the legal truth. Oh! yes, it is legal truth that a man is guilty when he has been legally condemned, and it is also legal truth, it seems, that this man is guilty and has been legally judged when his appeal for revision has been rejected. But that does not tell us whether the communication of a secret document, outside of all legal guarantees,--a communication unknown at the time of the appeal for revision,--has been made or not. And to this question, put by the responsible representatives of the country to the responsible government, why have they steadily refused to make a clear reply? I am

mistaken. M. Méline, the prime minister, has answered me: ‘I cannot reply without serving your designs.’ It seems that in the country of the Declaration of the Rights of Man it is a design to affirm that a person may not be judged on the strength of secret documents. But he said to me (and his words are in ‘L’Officiel’): ‘You shall be answered elsewhere.’ Elsewhere! I thought that it would be in the assize court; and it is true that here, by surprise as it were, the truth has finally come to light. But I do not know that any of the responsible representatives of power have come here any more than to parliament to answer the question that the country has a right to put, and it is really prodigious that a country which believes itself free cannot know whether the law has been respected, either in the palace where the law is made, or in the palace where it is enforced.

“Everybody foresaw this violation. There were not four deputies in the chamber who doubted it; why do they not speak of it, and why do they not act? The other day, when I put this decisive question very simply, I was sustained by a little group of friends,--fifteen or twenty,--but in the chamber as a whole there was a passive silence. Yet, when I descended from the tribune into the lobbies, where the parliamentary soul recovers its elasticity and its liberty, deputies without number, of all groups and of all parties, said to me: ‘You are right, but what a pity that this matter was brought up a few months before the election!’ Well, I believe that they are mistaken. I believe that, in spite of all the passing fogs, in spite of all the insults and all the threats,--I believe that this country is yet to have the light and truth. But, if the truth is to be vanquished, it is better to be vanquished with it, than to become an accomplice in all these equivocations and humiliations.

“But, gentlemen, there has been not simply a violation of the law. This violation has taken place in particularly aggravating circumstances. Not only has a minister of war communicated a secret document under illegal conditions, but he has not even taken what I will call human precautions against error. He has not even consulted the cabinet.

“I have heard M. Charles Dupuy, I have heard M. Delcassé,--and here I violate the professional secret of others,--I have heard these gentlemen, who were then a part of the cabinet to which General Mercier belonged, declare that there was no mention in the cabinet of any secret document except the *bordereau*; that there was no allusion to the other secret documents of which there has been talk since. Well, gentlemen of the jury, this shows not only that the communication was illegal, but that a single man, without official consultation with his friends, took it upon himself to throw into the scales of the trial a document whose value he alone had dared to measure. I say that this man, in spite of the brilliancy of his service and of his stripes, in spite of the arrogance of power, is a man,--that is, a miserable and fragile being, made of darkness and of pride, of weakness and of error; and I do not understand how it is that in this country of law a single man has ventured to assume, upon his single conscience, upon his single reason, upon his single head, to decide upon the life, liberty, and honor of another man. And I say that, if such customs and such habits were to be tolerated in our country, there would be an end to liberty and justice.

“And that is why citizens like M. Zola have done right in rising to protest. While the government, imprisoned in its own devices, intrigued or equivocated; while parliamentary parties, imprisoned in their own fears, kept silence or abdicated; while military justice set up the arbitrary *régime* of closed doors,--citizens rose in their pride, in their liberty, in their independence, to protest against the violation of right, and thereby have done the greatest service to our country that they possibly could do.

“Oh! I know very well that M. Zola must suffer for this noble service, and I know also why certain men hate and pursue him. They pursue in him the man who has maintained the rational and scientific interpretation of the miracle; they pursue in him the man who has predicted in ‘Germinal’ the flowering of a new humanity, the springing-up of the wretched *prolétariat* from the depths of suffering to the sunlight; they

pursue in him the man who has just torn the staff from that baneful and arrogant irresponsibility in which unconsciously the way is paved for all the disasters of the country. They may pursue him and hunt him down, but I believe that I express the feeling of all free citizens in saying that before him we respectfully bow."

At the conclusion of the testimony of M. Jaurès the defence offered two motions: first, that the court record its acknowledgment of the fact that, Colonel Picquart having been called a liar by Lieutenant-Colonel Henry, neither the presiding judge or the attorney-general intervened to suppress the insult; second, that, General de Pellieux having declared that there was little or no resemblance between the *bordereau* and *fac-simile*, the court order the production of the original of the *bordereau*. The first motion was granted, but the court refused to order the production of the *bordereau*.

The testimony of the experts being now in order, M. Bertillon took the witness-stand.

Testimony of M. Bertillon.

"I am absolutely sure," he testified, "that Dreyfus wrote the *bordereau*. I am absolutely sure that it is impossible that any other person could have written it. There may be a revision followed by an acquittal, but I swear most absolutely that it can not be proved that any other person than the individual originally condemned unites within himself the calligraphic characteristics that this *bordereau* exhibits. It could have been written only at the house of the condemned man."

M. Labori.--“This is very interesting. We pretend to prove that the _bordereau_ is the work of Major Esterhazy.”

M. Zola.--“Absolutely.”

M. Labori.--“M. Bertillon tells us that there is only one man who can have written it. Well, if he succeeds in proving that, it will have to be admitted that the defence finds itself in a very embarrassing situation. So I ask M. Bertillon to tell us why the *bordereau* can not be the work of Major Esterhazy, but is necessarily the work of another.”

The Judge.--“Have you Major Esterhazy’s handwriting?”

M. Bertillon.--“No, I have proofs that are not exactly calligraphic proofs. I have no confidence in expert opinion in the matter of handwriting. I believe that it is good for something as an eliminating process, but that beyond that it is necessary to make a *tabula rasa*. But I have convincing proofs; they are not simply proofs that put one on the scent; they constitute a demonstration that the *bordereau* was written by the man originally condemned.”

The Judge.--“And that it could not have been written by anybody else?”

M. Bertillon.--“No. The *bordereau*, whatever they may say, is not in a running hand. It follows a geometric rhythm, the equation of which was found in the blotting-pad of the man originally condemned, and with this blotting-pad it is possible to re-establish his handwriting. I will do it, if it is desired.”

M. Labori.--“That is precisely what we ask. It is very important. It is absolutely necessary that the witness who now addresses us should make the requisite demonstration, and that is the point at which I was coming. We have a blackboard here. If M. Bertillon wishes to make use of it, it is at his disposition.”

M. Bertillon.--“Produce the documents that were seized at the house of the condemned man, and I will make my demonstration. But let me add, that you may not take me for a trifler, that this demonstration is long and difficult. Nevertheless the practice is easy. Some day I will explain myself on this subject. I can reconstitute the *bordereau* for you out of independent elements. But you must give me these elements; I cannot speak in the dark.”

M. Labori.--“Well, M. Bertillon, we will do all that we possibly can for you. I promise you that, if we do not get these elements, it will not be my fault. Will *Monsieur le Président* ask M. Bertillon if he recognizes this little paper, which I pass first to the court?”

The Judge [stupefied].--“What is this?”

M. Labori--“That is a plan drawn by M. Bertillon in his expert testimony. I should like to know if he recognizes it. Notice of its production was made to the attorney-general, and the plan has been published in ‘L’Aurore’.”

[Illustration: M. BERTILLON’S PLAN OF EXPERT PROOF.]

M. Bertillon.--“That is not at all the plan of my deposition; it is a scheme for a special point in my deposition. I do not deny it at all; I accept it; only I am astonished that you have not reproduced it entire, because there was a very important point that is not indicated in it, and that should have been indicated,--namely, the matter of the blotting-pad.”

M. Labori.--“M. Bertillon will make the necessary correction.”

M. Bertillon.--“Yes, if you will give me the documents to which I have referred.”

M. Labori.--“Did you mention these documents in your written expert testimony?”

M. Bertillon.--“I furnished no written expert testimony.”

The Judge.--“First of all, M. Bertillon, will you tell us what this plan is?”

M. Bertillon.--“The significance of this plan in this case is sufficiently great, in that it is a material proof that the experts in the first trial were of the same opinion as those of the second. But I am absolutely determined to say nothing, unless the documents are produced,--as well those that were taken from the blotting-pad as those that were seized in the war department. I am perfectly willing to make my demonstration public, but I ask that the court put me in a position to do so by furnishing the documents. Then I will make the demonstration. But I warn you that it will be rather long. Perhaps it would take two sessions.”

M. Labori.--“What are these documents?”

M. Bertillon.--“Oh! I do not know their titles. There was a note of this, a note of that, etc.”

The Judge.--“Can you not sum up what you said in your report?”

M. Bertillon.--“I made no written report. The documents seized at the war department are various notes concerning the service, writings on various questions. The documents taken from the blotting-pad are letters from M. Mathieu Dreyfus, one concerning hunting rifles, and the other concerning an issue of bonds. But their substance is immaterial. Yet these documents must be seen in order to be discussed and analyzed. I cannot go farther.”

M. Labori.--“Did you not once receive a visit from M. Picquart?”

M. Bertillon.--“Yes, on May 16, 1896. He brought me a little photograph of a few lines of handwriting, an extremely poor photograph, with words traced in every direction, and asked me my opinion of the writing; Before even looking at the paper, I suspected that it concerned the Dreyfus matter, for, if it had been a matter of expert testimony in some new case, Colonel Picquart would have had to act through my superior, the prefect of police. Laying the paper on the table, I said to him: ‘Is this the Dreyfus case again?’ He answered: ‘I should like to know your opinion.’ I looked at the writing, and, after a single glance, said to him: ‘That singularly resembles the writing of the *bordereau* or the writing of Mathieu Dreyfus. It relates to that case.’ Then he said: ‘No, it does not relate to that case. Study it, and talk with me about it afterwards. Be good enough to come to the war office tomorrow to bring me the original.’ I did what Colonel Picquart asked. I had the document photographed, and then I paid no further attention to it. I had a handwriting that resembled that of the *bordereau*. Now, I have absolute proof that the *bordereau* must have been written by the condemned man. Of what consequence is it to me that there are other hand writings like it. Though there were a hundred officers in the war department who had this handwriting, it would be all one to me, for to me it is a settled matter.”

M. Labori.--“M. Bertillon will do a service to everybody, and especially to the defence, by explaining as far as possible his methods of investigation.”

M. Bertillon.--“I am absolutely determined to say nothing until the documents are produced.”

M. Clemenceau.--“Perhaps there is a way of arranging this. The witness said just now, speaking of two or three documents, that they were letters from Mathieu Dreyfus. Is it necessary to have the same letters? Could not M. Bertillon explain his theory with other letters from Mathieu Dreyfus?”

M. Bertillon.--“Oh! not at all.”

M. Labori.--“M. Bertillon has just told us that he has no confidence in expert testimony in the matter of handwriting. Surely the witness must be able to explain to us how the document of which he speaks can have such importance in his mind. I will ask him, then, to point out in his little plan the spot where this document is to be found. I will ask M. Bertillon where we must look for the document from the blotting-pad. Where is it? In the arsenal, in the citadel, at the butts, or in the trench?”

M. Bertillon.--“It seems to me that this matter is too serious for joking.”

M. Clemenceau.--“What! you think that the reading of your paper constitutes a joke?”

M. Labori.--“I simply ask where this document is to be placed in this plan.”

M. Bertillon.--“Produce the document, and I will tell you.”

M. Clemenceau.--“Will M. Bertillon give the court a list of the documents that he needs? We will try to get them, and then we shall see if M. Bertillon can make his demonstration. Do you remember what the documents are?”

M. Bertillon.--“They were numbered from 1 to 30, including three or four letters from Mathieu Dreyfus and various notes regarding the service.”

M. Labori.--“Is it for their writing that M. Bertillon needs these documents?”

M. Bertillon.--“To answer that would be to enter into the substance of my demonstration. I have told you that I will give it entire or not at all. If some day I make this demonstration, you will see that I needed the documents to make it intelligible.”

The Judge.--“This is a matter of judicial identity. Do you contend that your demonstration is absolutely certain?”

M. Bertillon.--“I consider it superior in certainty to identification by anthropometric measurements. But I cannot go into such a matter off-hand and under such circumstances.”

M. Labori.--“Well, if the witness needs time for preparation, we will adjourn until Monday.”

The proposition was accepted, and the court adjourned.

SEVENTH DAY--FEBRUARY 14.

The proceedings of the seventh day began with the reading by the court of a letter from M. Le Provost de Launay, a member of the senate, and of a dispatch from M. Papillaud. The letter read as follows:

I have read the testimony of M. Jaurès. He must be mistaken, for M. Papillaud, whom I saw the day before he met Major Esterhazy, and whom I saw again the day after, said to me a very different thing. I am ready to testify to it.

Following is M. Papillaud’s dispatch:

BEAULIEU (ALPES-MARITIMES).

In convalescence here, I read deposition of Jaurès. Have already contradicted in “Libre Parole.” Beg you, *Monsieur le Président*, to excuse my absence, and read to the jury the following declaration: Never did I make the remarks reported by Jaurès. Never did I hear Esterhazy use such language. Once Esterhazy said in my presence: “They thought me ruined because of the resemblance in handwritings. If there is a resemblance, I shall prove that Dreyfus has imitated my writing.” I saw Esterhazy seven times. Never did I hear him say anything other than that. Therefore I protest against the Jaurès account, which is a veritable falsehood, the more blameworthy because I, being sick here, cannot appear before the court. Therefore I count on you, *Monsieur le Président*, to establish the truth, and beg you to accept the assurance of my distinguished sentiments.

M. Labori.--“*Monsieur le Président*, we do not complain at all at the introduction of these documents into the trial. Only I permit myself to point out that no notice of them has been given, and we shall ask the same right for documents emanating from us.”

The Judge.--“These are not documents of the trial.”

M. Labori.--“If, in the course of the trial, we receive documents of a similar character, we shall ask the court to read them.”

The Judge.--“I have read these by virtue of my discretionary power.”

M. Labori.--“*Monsieur le Président*, it is to your discretionary power that we shall appeal.”

M. Jaurès.--"*Monsieur le Président*, I regret more than anyone that the health of M. Papillaud does not permit him to be here, for I am sure that, before the clearness of my declaration and the precision of my recollections, he would not be able to maintain his denial for a moment. I declare once more, under oath, that M. Papillaud twice said to me that he had heard M. Esterhazy say to him, when 'Le Matin' published the *fac-simile* of the *bordereau*: 'I felt that I was ruined.' I give the circumstances in detail. Once he said it as we were leaving the senate, after M. Scheurer-Kestner had made his interpellation. We had met at the foot of the grand staircase, and we were talking of the result of the session. We agreed that, in spite of appearances, M. Scheurer-Kestner had obtained an important result in securing the admission of the *bordereau* as evidence in the investigation. That was the starting-point of a conversation concerning the *bordereau*, in the course of which M. Papillaud said to me: 'If it were only a matter of the *bordereau*, the thing would be soon settled, for I am convinced that the *bordereau* is the work of Esterhazy. I know that by the agitation that he showed when, at a time when his name had never been uttered in connection with the affair, he said, on seeing the *fac-simile* in 'Le Matin,' that he felt that he was ruined.' Another time, in the Salle des Pas-Perdus of the chamber, I approached M. Papillaud, who was standing in a group of journalists, and said to him: 'How can you still march behind this man after the publication of the letters in "Le Figaro?"' He answered: 'We can the less march behind him because, when he came to the office of "La Libre Parole," he showed a singular agitation in consequence of seeing the *bordereau* in "Le Matin." He felt that he was lost. From that moment I, who was, and am still, convinced of the guilt of Dreyfus, said to my friends in the office of "La Libre Parole:" "At any rate we will not march behind Esterhazy."' These, gentlemen, are precise affirmations, and, since I was not present just now when M. Papillaud's telegram was read, I may be permitted to point out to the jurors the singular conditions under which this contradiction was obtained. To facilitate M. Papillaud in his

contradiction, an inexact version of my testimony was telegraphed to him. ‘La Libre Parole’ reproduces this morning the telegram that was sent to M. Papillaud, which says that I declared that M. Esterhazy said to M. Papillaud: ‘I feel myself ruined.’ That is not what I said. I repeated exactly a much more serious remark,--namely, that fifteen months before, on seeing the *fac-simile* of the *bordereau*, Esterhazy felt himself ruined. I am astonished that this disavowal could have been obtained from M. Papillaud, unless they distorted the meaning and text of my words, and my astonishment is the greater since all the newspapers, with the exception of ‘La Libre Parole,’ have printed my deposition exactly. And it is surprising that that paper, which is directly interested in the incident, is the only one that has not reproduced it exactly. But I understand the interest that they have in denying the remark. It is twofold. In the first place, it is extremely serious in itself, as a moral indication of M. Esterhazy’s state of mind fifteen months ago, and, secondly, it demonstrates, contrary to the allegation of General de Pellieux, that between the *fac-simile* of the *bordereau* and the *bordereau* itself there is not the difference that he has proclaimed, and the proof is that M. Esterhazy, before the council of war, where I was present, recognized a striking resemblance between his own handwriting and that of the *bordereau*, having previously recognized the same resemblance between his own handwriting and that of *fac-simile*. Therefore there is no difference between the *fac-simile* and the *bordereau*.”

The judge then reread the telegram from M. Papillaud, and M. Jaurès added:

“I reassert most absolutely the declarations made in my deposition. I add that in controversies between friends--for the most intimate friends have been divided for many weeks past--many have not agreed with me as to the case of M. Esterhazy and the conduct of the trial. And to these I have often made use, especially in discussion with my friends of ‘La Dépêche,’ of the statements made by M. Papillaud.”

M. Labori.--“Gentlemen of the jury, ‘La Libre Parole’ of this morning publishes under the heading, ‘The Defender of Zola,’ the following note, the meaning of which it is impossible for me to misunderstand.

One of our readers asks us if we know a member of the Paris bar, of German origin, naturalized as a Frenchman, who married an English Jewess, and whose father, still a German, is now a railroad inspector on the other side of the Rhine. Is this question aimed at M. Labori, the theatrical defender of Zola? At any rate it is certain that, like all who are engaged immediately or remotely in the anti-French conspiracy, M. Labori has foreign attachments. He married a young woman named Ockey, a Protestant by origin, after her divorce from M. Pachmann, a German, if I am not mistaken, by whom she has children, whom their father visits in their new family. I give this information to show that M. Labori has been under influence not precisely nationalistic, though I take good care not to follow his example in bringing into the matter women who have nothing to do with it.

“Gentlemen of the jury, upon this note I shall make no comment. I answer with facts, and, as I am determined to let nothing stop me in the task that I have undertaken, and as I expect other attacks to be made, I declare that I answer once for all. This is my reply: I am not naturalized. I was born at Reims, of a French father. My wife is not an Israelite. M. Pachmann so seldom makes visits at my house that I have not the honor of his personal acquaintance. He is not a German; he is a Russian. He

was born at Odessa; his father was a professor in the Odessa University; his brother is now a Russian senator at St. Petersburg. My father was an Alsatian. For forty-five years he has been in the service of the Eastern Railway Company. In that capacity he was in the campaign of 1870, during which he was entrusted, at the camp of Châlons, with the embarkation of the French troops. In 1871 he was delighted to receive, at the Reims railway station, from the hands of the Prussians, the service of the French railways. It was in that period of his life, perhaps, that he was called upon for the greatest proof of his patriotism. Since 1871 he has been entrusted, in unison with the military commissions, with the organization of the national defence over the line of railway with which he is connected. Seven years ago, in January, 1891, if I am not mistaken, my father was decorated with the order of the legion of honor, at the request and by the mediation of the fourth bureau of the staff of the minister of war, and it was General de Boisdeffre who announced his decoration to him, with the congratulations that he thought it his duty to add. Such, gentlemen of the jury, is my reply. I simply ask you to judge from this incident of the value of certain attacks and certain assertions."

After these incidents the witness-stand was again taken by M. Bertillon, who declared, in answer to a question, that he had not succeeded in obtaining from the war department the documents of which he had spoken on Saturday.

M. Clemenceau.--"Under what conditions did M. Bertillon ask for them, and under what conditions were they refused?"

M. Bertillon.--“I remain on the ground of my previous deposition.”

The Judge.--“M. Clemenceau asks you how you asked for these documents, and how they were refused.”

M. Bertillon.--“The war department paid eight hundred francs for these documents. I turned that sum into the municipal treasury, considering that these documents had been made with the products of my laboratory. They remain the property of the war department; I have them temporarily in my possession. Really, I ought to have deposited them with the clerk of the war department. I am only a witness; it is not my duty to execute commissions.”

M. Clemenceau.--“M. Bertillon told us day before yesterday that he could not produce the documents without the authorization of his superiors,--the prefect of police and the minister of war. It was an important point, for the minister of war is the complainant in this case. Then the court said to him: ‘Will you ask your superiors for authority to bring these pieces, and answer here on Monday?’ Today M. Bertillon tells us that he has not obtained them. I ask him to tell us under what conditions he asked for them, and under what conditions they were refused.”

M. Bertillon.--“I have answered that question.”

M. Clemenceau.--“M. Bertillon must have gone to the war department and said something to somebody, who must have made him some answer.”

M. Bertillon.--“I believe that I have explained sufficiently that in my relations with the war department I have acted in my individual capacity.”

M. Clemenceau.--“You do not answer my question.”

The Judge.--“You are asked what steps you have taken to obtain the documents.”

M. Bertillon.--“I have reflected upon the situation, and have realized that these plates are the property of the minister of war.”

M. Clemenceau.--“Then, contrary to what the witness just said, he has not been forbidden to produce these documents.”

M. Bertillon.--“I have been forbidden nothing at all.”

M. Clemenceau.--“Then the witness has seen nobody?”

M. Bertillon.--“I have seen nobody. I have consulted the situation.”

M. Clemenceau.--“Then the witness, instead of consulting the prefect of police and the minister of war, has consulted the situation?”

M. Bertillon.--“I said that I would refer the matter to my superiors. But a moment’s reflection showed me that I was in error. I have not to refer to my superiors facts that concern me personally, especially when I am acting as a witness.”

M. Labori [passing a copy of M. Bertillon’s scheme to the witness, and another copy to the court]--“Will you ask M. Bertillon if this is an exact representation of the bastions, intrenchments, and lines of battle which he presented to the council of war after his expert testimony?”

The Judge.--“M. Labori, will you explain to us what this document is?”

M. Labori.--“I handed this little work to M. Bertillon at the last session.”

The Judge.--“But will you explain to us, M. Labori, of what it consists?”

M. Labori.--“That is the explanation which I am trying to get at.”

M. Bertillon.--“What is the question?”

M. Labori.--“I ask if this little work really emanates from M. Bertillon.”

M. Bertillon.--“It refers to my deposition of 1894 in the Dreyfus case.”

M. Clemenceau.--“What conclusion does the witness draw from it?”

M. Bertillon.--“I recognize that I was wrong Saturday in allowing myself to be dragged upon this ground. But I will add one word to settle the question,--namely, that the point to which I called attention is still missing. But I am fully determined, from this on, to take shelter behind the court’s decree forbidding any mention of the Dreyfus case.”

M. Labori.--“And I am determined, as counsel, to demand that the decree of the court shall be observed completely, or not at all. I affirm that this is an exact copy of the document of which M. Bertillon made use in 1894. In vain will he affirm the contrary.”

M. Clemenceau.--“Was it from his consultation of the situation yesterday that he got the idea of sheltering himself behind the court’s decree? M. Bertillon has seen neither the minister of war or the prefect of police. He tells us that he has consulted the situation. We ask how this situation led him to refuse to speak today of the things of which he spoke day before yesterday.”

M. Bertillon.--“The counsel will understand that, in my personal situation, after having been concerned in the serious matter of 1894, I feel from time to time internal ebullitions,--that my situation is painful and tormenting.”

M. Clemenceau.--“The witness tells us that his situation is tormenting. He means that he is an official, and that, as such, there are things that embarrass him.”

M. Bertillon.--“That is not it at all.”

M. Clemenceau.--“Then I ask an explanation of the word ‘tormenting.’ This word is now in the trial, and I hold to it. It must be explained, for it is a very pregnant matter.”

The Judge.--“Let us say that the witness will not speak.”

M. Bertillon.--“I burn with only one thing--to make known my deposition. But there are a thousand obstacles in the way. I am tormented every day by a thousand plots. Then from time to time the dike bursts, *sapristi!*”

The Judge.--“You see that the witness will not speak. Come, M. Bertillon, have you photographs of the letters which served you for comparison?”

M. Bertillon.--“In which case?”

The Judge.--“In the first, since you have declared that you had nothing to do with the second.”

M. Bertillon.--“In the case of ex-Captain Dreyfus? I thought that this case was not to be treated here.”

The Judge.--“It is not a question of treating it. You are asked if you have documents.”

M. Bertillon.--“That is to speak of that case.”

M. Labori.--“How does it happen that the witness perceives the obligation to be silent concerning the Dreyfus case only in the court-room, and that we find in the newspapers detailed interviews with him regarding the matter?”

M. Bertillon.--“As regards interviews relating to the Dreyfus case, you will not find many from me. I have received many reporters, and have dismissed as many.”

M. Labori then read an interview from “L’Echo de Paris.”

M. Bertillon.--“For every word, an inaccuracy; but to rectify them it would be necessary to go into the case of 1894. That I will not do.”

M. Labori.--“Very well; then will M. Bertillon prove to us, by the interesting methods that are peculiar to him, not that the *bordereau* is the work of Dreyfus, because the court will stop him, but that it is not the work of Esterhazy?”

The Judge.--“You hear the question. Under these conditions I can put it to you. On your soul and conscience, is it possible that this *bordereau* came from the hand of Major Esterhazy?”

M. Bertillon.--“It is impossible.”

M. Labori.--“The experts are not yet oracles, and we ask them for explanations.”

The Judge.--“Wait, I have not asked why.”

M. Labori.--“I have been waiting a long time.”

The Judge.--“Witness, what makes you think that the *bordereau* is not the work of Major Esterhazy?”

M. Bertillon.--“Because it is the work of another.”

M. Clemenceau.--“And what makes him think that it is the work of another?”

M. Bertillon.--“Now we are falling back upon my depositions of Saturday. This will never end.”

M. Clemenceau.--“Since the affair of 1894, has not the witness made a demonstration to strangers or to friends, I do not say of the guilt of Dreyfus, but of his system?”

The Judge.--“Have you made a demonstration of your system? What is the system which you have employed to arrive at the result of which you have just told us?”

M. Bertillon.--“You are asking me for a theoretical course in the expert examination of handwriting. I published two articles on that subject a few weeks ago in ‘La Revue Scientifique.’”

M. Labori.--“We have read them, but I do not find there what I ask. On the contrary, I find there a demolition of expert examinations of handwriting, leaving nothing of them.”

M. Bertillon.--“At the end of the article I say that only material proofs can lead to the truth in matters of this kind. These material proofs are in the file of 1894.”

M. Labori.--“No equivocation. I have the honor to be acquainted with the file of 1894, since I am the counsel of Mme. Alfred Dreyfus, the guardian of Dreyfus. I know this file, as well as the expert testimony of M. Bertillon. It is there. I say nothing more. But there must be no equivocation here, and M. Bertillon must not try to make us believe that he has judged as a judge concerning material proofs touching the substance of the trial. I ask him if the documents that were delivered to him were secret documents concerning the treason, or mere handwritings from which he has drawn conclusions.”

The Judge.--“Will you answer?”

M. Bertillon.--“Of which case is he speaking?”

M. Labori.--“Of the Dreyfus case.”

M. Bertillon.--“I thought that there was a decree of the court forbidding us to speak of that case.”

M. Clemenceau.--“It is not for the witness to tell the court the meaning of its decrees.”

M. Labori.--“I will not insist, because it would take us a month.

M. Labori.--“I will not insist, because it would take us a month. But could M. Bertillon tell us the difference between dextrogyrate writing and sinistrogyrate writing, and the consequences that he draws therefrom as an expert?”

M. Bertillon.--“I know the theory of that matter, but I did not use it in my expert examination.”

M. Labori.--“Without concerning ourselves with the Dreyfus case, I take the words *A. Dreyfus* and the word *adresse*, and I ask him what scientific consequence he can draw from the possible superposition of the words, both of which begin with *adr*, but the first of which has a period between the A and the D. Will the witness explain to us by what method these two writings can be compared?”

M. Bertillon.--“This question relates to my deposition of 1894, and, moreover, is of no importance.”

M. Labori.--“Will the witness tell us if the _bordereau_ is written in a running hand?”

M. Bertillon.--“It is absolutely impossible for me to answer that question without entering into my deposition of 1894.”

M. Labori.--“Permit me, *Monsieur le Président*, I have not to occupy myself with M. Bertillon’s demonstration of 1894. That did not place an eternal gag in his mouth. I know but one thing. We have a witness here,--I may say an official witness; he is bound to testify, and I ask him a question of the first importance. It does not concern the Dreyfus case, which for the moment I forget. I speak of the Esterhazy *bordereau*. I know why the witness cannot answer, and I will give the reason in my summing-up. But my question is: Is the writing of the *bordereau* in a running hand, or is it made up of traced words?”

M. Bertillon.--“It is impossible to answer that question without entering into my deposition of 1894. It is neither one or the other. It is in a running hand, and it is not. I will throw light upon all that. I must go to the heart of the question, or say nothing at all.”

M. Labori.--“The jurors desire proofs. I shall furnish them by opposing the three official experts of 1894 to the three official experts of 1898 who passed on the same *bordereau*, for it is impossible to reconcile their testimony. That is why the witness will not answer. I repeat: Is the *bordereau*--and here I pay no attention to Dreyfus; call him Tartempion, if you will, but answer me--is the *bordereau* written in a running hand, or is it made up of traced words?”

M. Bertillon.--“It is impossible to answer that in a single word.”

M. Labori.--“We do not ask that you shall answer it in a single word.”

M. Bertillon.--“That is to enter into my deposition of 1894. I cannot do it.”

M. Clemenceau.--“Has the witness seen the Esterhazy *bordereau*?”

M. Bertillon.--“You torment me with questions.”

M. Labori.--“Has the honorable witness seen the thin paper original of the *bordereau* attributed to Major Esterhazy before the council of war of 1898, which is the same that led to the condemnation of Captain Dreyfus in 1894?”

M. Bertillon.--“I am willing to answer yes.”

M. Clemenceau.--“You are very accommodating.”

M. Labori.--“This is something, at any rate.”

M. Bertillon.--“Perhaps I did wrong to say so.”

M. Labori.--“No, you did not. Did the witness base his expert testimony on the original, or on photographs, or on tracings, or on all three?”

M. Bertillon.--“Now we are going straight into the Dreyfus case. It is evident that I am burning to speak of these questions, concerning which so many errors have been attributed to me.”

M. Labori.--“I beg the court to ask M. Bertillon if the writing of the *bordereau* is natural or disguised.”

The Judge.--“Can you answer that?”

M. Bertillon.--“Absolutely no, not without entering into my deposition of 1894.”

M. Labori.--“*Monsieur le Président*, in the Dreyfus case three experts say that it is in a running hand; three say that it is disguised; three that it was written by Dreyfus, and three that it was written by Esterhazy. If I show this, I do not say that we shall have made progress toward the manifestation of the truth, but we shall have thrown some light on the value of expert testimony, and that is what I am trying to get at. Consequently I ask the witness, in a general way: Is the Esterhazy *bordereau* in a natural handwriting or in a disguised handwriting?”

The witness made no answer.

M. Clemenceau.--“Has not the witness demonstrated his system to friends?”

M. Bertillon.--“I have been the object of a thousand attempts, of a thousand plots, but” ...

M. Clemenceau.--“By a lawyer?”

M. Bertillon.--“I repeat, attempts have been made” ...

M. Clemenceau.--“Yes or no, has he demonstrated the principle of his system to a lawyer of the appellate court of Paris?”

M. Bertillon.--“Certainly not. I have often defended myself against the imputations of Bernard Lazare and company. But the most absurd statements have been attributed to me.”

M. Clemenceau.--“M. Bernard Lazare is not a lawyer of the appellate

M. Clemenceau.--“M. Bernard Lazare is not a lawyer of the appellate court of Paris. Has the witness had a twenty minutes’ talk concerning the principle of his system with a certain lawyer of the appellate court of Paris?”

M. Bertillon.--“When you shall make your questions more precise, I will try to remember more precisely. I repeat that it is impossible to speak intelligibly of the Dreyfus case without the documents before us. If you only knew how for the last three years I have been pestered in all ways! They ask me insidious questions. They accuse me of this and of that. How many friends have become cool toward me because of the *rôle* attributed to me in this matter! I assure you that it is not funny. My conscience is at ease, but I have suffered much during the last three years. Now they make me one of the accused. That has nothing to do with the Zola case.”

M. Clemenceau.--“Has the witness had a twenty minutes’ talk with our _confrère_ Decori, a lawyer of the appellate court of Paris, concerning the principle of his system?”

M. Bertillon.--“Oh! it is possible that I have spoken to M. Decori, as to many others, of the Dreyfus case, and of the insults that have been heaped upon me in connection therewith.”

M. Clemenceau.--“Now we will go on to something else. If tomorrow a new traitor were to be discovered in France, and if M. Bertillon were to be asked to demonstrate the guilt of this new traitor by an expert examination similar to that of which we have been speaking, is it probable that M. Bertillon’s system would be applicable to this new traitor and his handwriting?”

M. Bertillon.--“All these questions relate to the Dreyfus case.”

The Judge.--“No, no, this is a general question. It has nothing to do with the Dreyfus case.”

M. Bertillon.--“That is, you transform into an accusation” ...

The Judge.--“You are asked, if a similar case were to come up, whether you would use the same system. That has nothing to do with the Dreyfus case; it is a general question.”

M. Bertillon.--“You always come back to the affair of 1894.”

M. Labori.--“Well, I can say to the jurors only one thing, the accusation of 1894, and there you are! And now I have done with this witness.”

M. Clemenceau.--“I have nothing more to say, *Monsieur le Président*.”

M. Labori.--“There has been but one charge, the *bordereau*; and there you see the expert, the principal expert.”

The Judge.--“Then you pretend that, without speaking absolutely of the case of which you have no right to speak, you cannot explain yourself?”

M. Bertillon.--“Absolutely.”

M. Bertillon was succeeded on the witness-stand by M. G. A. Hubbard, representing Seine-et-Oise in the chamber of deputies.

Testimony of M. G. A. Hubbard.

He testified as follows:

“On November 15 my cousin, M. Alphonse Bertillon, came to see me, after having previously made an appointment with me, desiring to inform me concerning certain details of his expert examination of handwriting, and especially concerning the *bordereau* that had appeared in ‘Le Matin’ a few days before. I was very willing to listen to what he had to say, especially as he made no secret of the matter, and was trying to plant in me the germ of an opinion on matters under public discussion. He gave me a long explanation, which you already know in part from his testimony, but which I did not quite comprehend in all its details, of his plan, his scheme, his comparisons of handwriting, which led him very clearly to the opinion that the original of the *bordereau* was a tracing from a writing of Dreyfus. He told me that he had had other documents in his hands which had enabled him, by the fitting of margins and other mathematical deductions, to see that this was the only possible conclusion, and he told me that I need not be disturbed by anything that I might hear during the trial. I was left under this impression, and, after that, wherever I found myself, and whenever the matter came up, I made haste to give the opinion that he had given to me and the reasons therefor.

When the newspaper published the first *fac-simile* of the *bordereau*, then attributed to M. Esterhazy, I remembered the conversation with my cousin, and applied for myself to the handwriting of Major Esterhazy the observations made to me by my cousin upon the *bordereau* of which he had brought me the photograph. Immediately it appeared to me that the differences which Bertillon had pointed out to me between the *bordereau* and the writing of Dreyfus disappeared upon comparison with the writing of Esterhazy.

"I was much agitated; so I went to my cousin, and said to him: 'You came to me in 1896, at the time of the Castelin interpellation, to tell me that you were sure that the *bordereau* was a tracing from a writing of Dreyfus. Yet here is a writing which seems to me to be that of Esterhazy. I beg you, on your soul and conscience, to make once more the application of your system. After having brought me so decided an opinion previously, you cannot now leave me in doubt, in view of the new charge against a certain Esterhazy.' Straightway my cousin said to me: 'I don't want to see the handwriting; I don't want to see it. I know it. It is Esterhazy's. I know that Esterhazy is the Jews' man of straw, and he will finally confess it. The *bordereau* is not dated or signed. It would not be a forgery or a swindle, and thus it is hoped to get out of the affair. But I don't want to see the writing. Besides, there can be, there must be, no revision. A revision would mean civil revolution. The people would go down into the streets. There would be riot. There must be no revision.'

"I answered: 'That is politics. One may hold that opinion, but it is not scientific criticism; it is not a scientific expert examination based upon a verification of documents. I remember what you told me a year ago. I marked the gravity of your words. You told me, when you came back from the war department with your demonstration, that they would not allow you to testify in a certain way, saying to you: "Your demonstration would tend to the acquittal of Dreyfus." And now you say that you will not look into the question of handwriting.' But he still refused to make

the comparison, and even added,--I remember that his wife was present at the interview,--'There are moments when the prefects of police tell you to speak, and there are others when they tell you to be silent.' I understood that 'the moments when the prefects of police tell you to speak' referred to the evening of November, 1896, when he came to me to make his demonstration. I have always been on most friendly terms with my cousin. I have always had the highest esteem for his character, and anything which he could say to me was calculated to carry conviction. But I must say that, as much as I was attached at first to the idea that there was certain proof that the writing of the *bordereau* was a tracing from the writing of Dreyfus, I later saw that there was reason to doubt, and that the writing of Esterhazy bore a resemblance to it that could not be attributed simply to chance. The incidents that have occurred since in the chamber and in the senate troubled me much. Then came the partial closed doors of the Esterhazy trial, and the failure to reveal to the public the testimony of the experts, which I especially awaited in order to compare it with what my cousin had said, and my trouble became only the greater. And when, in the chamber, M. Jaurès asked the prime minister if a secret document had been communicated, I considered that the silence of the government gave consent. General Iung, my friend and colleague in the chamber, entertained the same distrust, and very squarely declared that the conduct of the war offices had been abominable."

Testimony of M. Yves Guyot.

The witness-stand was then taken by M. Yves Guyot, who testified concerning a lesson in expert examination of handwriting which he had received from M. Bertillon.

"M. Bertillon told me that there were two kinds of handwriting,--sinistrogyrate and dextrogyrate. It seems that in sinistrogyrate writing the loops turn to the left, while in dextrogyrate

writing the curves and loops turn to the right. I confess that today it would be as impossible for me to tell one from the other as it was before I received the lesson. Then I said to M. Bertillon: ‘Well, when you compared the incriminated document with the writing of the accused, you doubtless found that the two documents were in the sinistrogyrate writing?’ ‘Not at all,’ said he; ‘the writing of the accused is dextrogyrate, while that of the incriminated document is sinistrogyrate; but I saw by certain contractions of the pen that the accused had disguised his handwriting, changing his dextrogyrate writing into sinistrogyrate writing.’ ‘Then,’ said I, ‘it is not because of identity of writing that you attribute the document to the accused, but because of a difference in writing.’ ‘Yes,’ he said. I answered that I was surprised that he should make such a declaration on such a basis. ‘Pardon me,’ said he, ‘I did not conduct the examination. I proposed that other means should be employed. I said, for instance, that a chemical composition could be put in the inkstand of the accused, and if, after that, a document was found, a test with the chemical reagent would show whether the document was written with ink from that inkstand. I also indicated four or five other ways of determining whether the accused was guilty, but they did not follow my advice. I simply gave my opinion, declaring that a document written in a sinistrogyrate writing must be the work of a man whose writing is dextrogyrate.’”

M. Guyot was then asked his opinion of M. Zola’s good faith. He answered:

“Gentlemen, I have a very clear opinion of my own, and this opinion I share with the intellectual *élite* of France. Moreover, as I was a member of the cabinet for three years, I am more or less intimate with *personnel* of the departments. Well, there I find many men who do not hesitate to say in private conversation that the Esterhazy trial was a parody on justice. And not only do these persons believe in M. Zola’s good faith, but so do many foreigners--specialists and men of science--with whom I am in relations. The truth is known beyond our frontiers, and will be appreciated there, though we stifle it here. In foreign countries the military officers and the diplomatists understand the Esterhazy case exactly.”

Testimony of M. Teyssonnière.

The next witness was M. Teyssonnière, who, as one of the experts in handwriting connected with the Seine court, served in the Dreyfus case of 1894, but, a few days before the trial, was stricken from the list of experts, in consequence of a charge that in another case he had called on one of the parties thereto for a payment of 2,000 francs before beginning his report. He told at length of his troubles at that time, and said that before the first council of war he had demonstrated mathematically that the *bordereau* was written by Dreyfus, he having found that certain words in it were identical with the handwriting of Dreyfus. Later he called upon M. Trarieux, who was then minister of justice, by whose intercession he was enrolled as one of the experts of the appellate court.

"It was on this occasion," said M. Teyssonnière, "that I spoke of the Dreyfus case to M. Trarieux, and afterwards to M. Scheurer-Kestner, to whom he sent me. M. Scheurer-Kestner told me in June, 1897, that he had conceived doubts concerning the guilt of Dreyfus, and that he would like me to give him light. I brought to him the photograph of the *bordereau*, and demonstrated by a comparison of handwritings that the guilt of Dreyfus was certain. He seemed convinced. On July 9 he sent for me again, and showed me originals of the handwriting of Dreyfus and Esterhazy, and we compared them with the *bordereau*. I called his attention to entire syllables in the *bordereau* which were exact tracings of the handwriting of Dreyfus. M. Scheurer-Kestner then told me that he had had occasion to call upon the staff since my first visit, and that they had said to him: 'Don't talk to us of Teyssonnière; he is a thief. It was the testimony of Bertillon that convicted Dreyfus.' Nevertheless, I have made twenty-five decisive comparisons with the handwriting of Dreyfus, and these comparisons reveal five complete superpositions. There is no doubt; it is a case of identity."

The witness then told of his relations with another expert, M. Crépieux-Jamin, who had been asked by M. Bernard Lazare to examine the *bordereau*.

"I received a visit," said the witness, "from M. Crépieux-Jamin. I remember it only too well, for he came on a day when I had just cut myself to the bone with a table-knife. As he is a doctor, I was not sorry to see him. He attended me professionally for several days, and during that time we naturally talked of the Dreyfus case. I told him that the *fac-similes* of the *bordereau* published in the newspapers were very rough pieces of work, and calculated to deceive the public. He tried to inspire me with doubts as to my own conclusions. Not until the last day did I perceive the purpose of his questions. One evening, suddenly, he asked me how much I had received for my report. 'Two hundred francs, I believe,' said I. 'Well,' said he, 'you could have had a hundred

thousand.' 'But, my dear friend,' said I, 'you know that I was formerly connected with the department of roads and bridges, and that I have a pension of 4-1/2 francs a day. My little house is mine; I have lived in it honorably, and I wish to die in it honorably.' This convinced me that M. Crépieux-Jamin had come to sound me."

M. Zola.--"At the time of your report in 1894 had you been offered money?"

M. Teyssonnière.--"No."

M. Clemenceau.--"Nor afterward, either?"

M. Teyssonnière.--"I can say only one thing,--that M. Crépieux-Jamin told me that I could have had for my report a hundred thousand; the word 'thousand' was cut in two by my reply."

M. Labori.--"Did he tell you that he was sent by anyone?"

M. Teyssonnière.--“No, but I felt that he was endeavoring to get me to express a doubt as to the conclusions of my report. He buried that in my brain as with a gimlet.”

On the demand of M. Labori, M. Trarieux was recalled for confrontation with M. Teyssonnière.

M. Trarieux.--“When M. Teyssonnière, who had been sent to me by his deputy, M. Descubes, came to tell me of his disgrace, he said that he had been denounced by a Jewish magistrate. I asked the judge of the civil court who had revoked him to restore him to his position. This magistrate explained that M. Teyssonnière had asked of a client an advance payment of 2,000 francs, that certain experts were in the habit of making these demands, and that an example must be made of some one. I fully approved, but I asked him if M. Teyssonnière was unworthy of my interest. Receiving a negative reply, I went to the president of the appellate court, and asked him to inscribe M. Teyssonnière on his list of experts, which he did.”

M. Teyssonnière.--“And I shall always be grateful to you. Investigation showed, however, that, far from having asked 2,000 francs too much, I was a loser by 600 francs.”

M. Trarieux.--“I remained on excellent terms with M. Teyssonnière. He came to see me several times. We talked of the Dreyfus case, and I saw that he had been much more struck by the dissimilarities between the writing of Dreyfus and the *bordereau* than by the similarities. In the course of one of our discussions M. Bertillon was mentioned. ‘Bertillon!’ exclaimed M. Teyssonnière; ‘he nearly spoiled everything. He made an incomprehensible report. Fortunately I was there.’ I sent M. Teyssonnière to M. Scheurer-Kestner, who, though at first convinced by his demonstration, soon afterwards was impressed, as I was, by certain dissimilarities, especially by certain double *ss*, which were written *fs* in the Dreyfus writing and *sf* in the *bordereau*. M. Teyssonnière maintained that these dissimilarities were intentional.

“Last June M. Teyssonnière came to me to tell me of a strange occurrence. The night before, as he was leaving his house, he found on the table in his vestibule a package that had been left there by an unknown hand. He opened it, and was astonished to find the photographs of Dreyfus’s handwriting that had been given to him to report upon in 1894. ‘How is it,’ he asked, ‘that these documents, which I surely returned, have been left at my house? It is the work of the Jews. They are trying to compromise me.’ I advised him to return the documents to the

minister of war, or put them in a safe place. I do not know whether it was the same day or later that he told me that he had had occasion to go to the war offices for a certain piece of information, and had been received very unfavorably, the officer to whom he applied saying to him that he was astonished that M. Teyssonnière dared to show himself there. M. Teyssonnière was at a loss to understand such an attitude toward an expert whose testimony in the Dreyfus case had won him the congratulations of the staff.

"Last November I was told that M. Teyssonnière was suspected by the government of having communicated to 'Le Matin' the *bordereau* of which 'Le Matin' gave a *fac-simile* in November. Till then my confidence in M. Teyssonnière had been complete. But, beginning now to entertain doubt, I wrote about the matter to his deputy, M. Descubes, who sent my letter to M. Teyssonnière. Nevertheless I heard nothing more from him."

Testimony of M. Charavay.

The second expert was succeeded on the witness-stand by the third, M. Charavay.

M. Labori.--"Can M. Charavay tell us whether the *bordereau* was traced, or written in a running hand?"

M. Charavay.--"I refuse to answer. It is a custom among experts never to give an opinion while a trial is pending."

M. Clemenceau.--"Then when do they give an opinion?"

M. Labori [handing specimen of the *bordereau* to the witness].--"Do you know these?"

M. Charavay.--"They are writings connected with the Dreyfus case. That is very far away."

M. Labori.--“Certainly you cannot be very curious, if you have not heard it spoken of in the last few months.”

M. Charavay.--“At any rate I am determined not to answer. I was one of the experts in the first trial. I know nothing of the second.”

M. Labori.--“Would you ever condemn a person solely on the strength of an expert examination of handwriting?”

M. Charavay.--“I answer with your authorization, *Monsieur le Président*. I answer purely and simply that, as I do not believe in my own infallibility, or in the infallibility of anybody under such circumstances, never in my life would I condemn anyone on an expert examination of handwriting in the absence of material or moral proofs.”

The Judge.--“That is a very natural opinion. But it does not affect the situation at all.”

M. Labori.--“You add your impression, _Monsieur le Président_, to that of the expert, and I shall have something to say about that in my argument.”

Then the witness-stand was taken successfully by the two remaining experts in the Dreyfus case,--M. Pelletier and M. Gobert, the latter the expert of the Bank of France. Both of them testified that, while there were commonplace analogies between the handwriting of the *bordereau* and that of Dreyfus, the dissimilarities were too numerous to warrant the attribution to Dreyfus of the authorship of the *bordereau*. The day’s proceedings ended with brief examinations of the three experts in the Esterhazy case,--MM. Couard, Belhomme, and Varinard. M. Couard refused to testify on the ground that he and his colleagues had brought suit against M. Zola for 100,000 francs damages, but nevertheless declared that he and his two colleagues, working independently, had reached unanimously the conclusion that the *bordereau* was not the work of Major Esterhazy. M. Belhomme’s testimony was virtually the same, and M. Varinard categorically refused to answer, on the ground that his report had been read behind closed doors.

EIGHTH DAY--FEBRUARY 15.

After the opening of the court, permission was given to General Gonse to make an explanation concerning the testimony of M. Jaurès. He protested that the staff, far from having delivered a secret document to Major Esterhazy as a cordial, as M. Jaurès had said, and far from being desirous of avoiding the light, wished the light most ardently; that in the preliminary investigation of the Esterhazy case an inquiry was begun to find out how the document reached Major Esterhazy, but then, in consequence of the rapidity with which the investigation was conducted, the inquiry could not be carried to the end, and so the light was not obtained; that it would be a great relief to the staff to know who conveyed the document, especially as the only persons in whose hands it had been were Colonel Henry, M. Gribelin, Colonel Picquart, and himself, General Gonse; that he could answer for Colonel Henry and M. Gribelin, but that it was not for him to speak of himself; that the newspapers had misreported that part of his testimony in which he declared that Colonel Picquart, prior to this affair, had been a very good officer, by making him say that Colonel Picquart *is* capable of continuing to be a very good officer, whereas he had spoken, not in the present, but in the past tense, to give expression to the fact that such was his belief at the time when Colonel Picquart was sent on a mission; and that his present feeling regarding Colonel Picquart he had stated very clearly before the council of investigation, but could not now repeat, because the proceedings of that council were secret.

M. Labori.--“General Gonse declares that the staff is desirous of the light, and that he and his superiors are ready to contribute thereto as far as possible. Therefore I invite him to ask the minister of war to authorize General Mercier to explain the communication of the secret document, which is now proved; to release Colonel Picquart from the obligation of

professional secrecy, except on matters vital to the national defence; to consent to the production in court of the original *bordereau*, and of the papers used by M. Bertillon in his expert examination; and to instruct M. Bertillon and the experts in the Esterhazy case to testify."

General Gonse.--"I am not authorized to speak of these questions, or to transmit them."

M. Labori.--"Then don't come here again to talk to us of the light, and to tell us that you love the light."

Testimony of M. Crépieux-Jamin.

M. Crépieux-Jamin then took the witness-stand to answer the charges made by M. Teyssonnière the day before.

“The testimony of M. Teyssonnière,” said the witness, “is a pure romance from one end to the other. In the first place, there is only one man capable of valuing M. Teyssonnière at 100,000 francs, and that is M. Teyssonnière himself. When I went to his house, I was absolutely ignorant of his report. He asked me to dinner, and we did not talk of this matter at all. After dinner he took me aside, and said: ‘Come, let us talk of the case.’ ‘Of what case?’ ‘The case of Dreyfus.’ Today, of course, everybody would understand that it was the case of Dreyfus, but at that time it was still possible for people to meet without talking of the Dreyfus case. My wife was engaged in some trifling work. M. Teyssonnière said to her in a theatrical tone: ‘Madame, drop what you are doing; I am going to show you things of much greater interest.’ And to my astonishment M. Teyssonnière spread before me the entire file of the first council of war. We talked at length about this file. I had all the documents--which were secret documents--in my hands, and M. Teyssonnière said to me: ‘Promise me that you will say nothing.’ I have kept my promise until today, and now it is only to defend myself that I declare that M. Teyssonnière showed me the file, which he got I know not where, I know not from whom, and which he certainly had no right to show me. I listened while M. Teyssonnière told me of his report. Every moment or two he stopped to ask me: ‘Well, are you convinced?’ ‘Oh, dear, no, and I assure you that your proofs are only quarter-proofs. There is absolutely nothing in your report that is convincing.’ We talked at length about the *bordereau* and the *fac-simile* in ‘Le Matin.’ There is

only one little difference between them; the ‘Matin’ plate was slightly damaged at the bottom. M. Teyssonnière said: ‘What annoys me is that they accuse me, or will accuse me, of having given the *bordereau* to “Le Matin.”’ I asked him why. ‘Oh!’ he said, ‘because each photograph of the *bordereau* has its peculiar margin, and it seems that the photograph which ‘Le Matin’ obtained has the same margin as the photograph which I had upon which to make my report.’ ‘Well,’ I answered, ‘you have reason to be troubled, since in that case the document can have been communicated only by you or by the officers of the council of war.’ ‘Well,’ said he, finally, ‘I have not convinced you?’ ‘No,’ I replied, ‘and I believe that of all your reports this is the worst. You pretend to infallibility, and your report is indisputably false.’

“Now, gentlemen, if I had been sent by the Dreyfus family to bore a gimlet into M. Teyssonnière’s head, as he claims, evidently he would not have waited four days, but would have speedily turned me out of his house. But nothing of the kind. I was not lodging at M. Teyssonnière’s. I was at a neighboring hotel. As my departure drew near, M. Teyssonnière said to me: ‘Excuse me, I have something to do. Wait five minutes.’ He went out. When I arrived at my hotel, I called for my bill. M. Teyssonnière said: ‘Dear friend, I am too happy to have had you for my guest. I have paid everything.’ That was not the conduct of a man who had just received impudent proposals. A fortnight later M. Teyssonnière wrote me an extremely affectionate letter, which I have in my pocket. My visit was on August 23; it was on September 3 that M. Teyssonnière gave me this evidence of affection. If my purpose in going to his house was to buy him, it is curious that a fortnight later he should have written me in such terms.”

M. Labori.--“Has not the witness refused to testify as an expert in the present trial?”

M. Crépieux-Jamin.--“That is a proof of my honesty and my independence. If I had been a paid agent of the Dreyfus family, I would not have refused. When I was approached about this matter, I answered: ‘Thank you; I am a physician and a dentist, not an expert in handwriting.’”

M. Labori.--“If I am well informed, the witness declined to testify for motives of prudence?”

M. Crépieux-Jamin.--“Yes; I am not particularly fond of having my windows broken. In the first place, I am not a professional expert in handwriting; I am only an amateur. When I was asked for a first report, I gave it, because it suited me to give it. When I was asked for a second, I refused, because it did not suit me to give it, and because I saw danger in doing so. I did not want people to come to me and say: ‘You have done such and such things; hereafter you shall not fill our teeth.’”

The witness being asked if the photographs shown him by M. Teyssonnière resembled the *fac-simile* in “Le Matin,” he answered:

“It is inconceivable that any one should deny it. A fact is a hard thing to kill. Sooner or later the time will come when the original photograph of the *bordereau* will be in the hands of everybody, and then the persons who have declared these *fac-similes* to be false will see that they have been guilty of an impudence which lays them under suspicion.”

M. Labori.--“What is the difference between the official photographs and the _fac-simile_?”

M. Crépieux-Jamin.--“The difference is slight. It is more or less marked, according to the copy of ‘Le Matin’ that you happen to get. In my opinion, that newspaper had several plates. One of these plates must have received a blow in the lower right-hand corner that crushed a few of the words. The rest is so typical that there is not the smallest difference. Besides, if there is any forger here, it must be the sun, because these things are obtained by purely mechanical processes. One must be ignorant of the methods of reproduction to say that a plate has been altered. You can no more alter a plate of this kind than you can alter a photographic plate. What retouching process could it have been submitted to? It would have been necessary to efface entire words, and replace them with other words. But, I repeat, facts have a long life; they have time to live, and the truth that I am telling you will be very plain one of these days.”

Testimony of M. Paul Meyer.

The next witness called was M. Paul Meyer, director of the Ecole des Chartes, member of the Institute, and a professor in the College of France.

M. Labori.--“Is the witness an Israelite?”

M. Meyer.--“I was going to say a word on that point. In 1882, the year that I entered the Institute, when I took the biennial Grand Prize, the most important that the Institute awards, M. Drumont, in three odious pages of the first edition of ‘La France Juive,’ declared that I was the son of a German Jew, and that that was the reason why I had been awarded the principal of the Academy prizes. I wrote to M. Drumont to deny that. I was born in Paris of French parents. My grandfather on my father’s side was a native of Strasbourg, which explains my Alsatian name. I was baptized at Notre Dame. I made my first communion, and was confirmed, at Saint-Sulpice, where I studied the catechism until I was sixteen. It is provoking that without proofs a statement should be printed that I am of another religion, or have changed my religion, which I declare that I have not done, and have no intention of doing. I am glad to make this declaration, in order to save myself the trouble of writing letters of correction to newspapers in which I should not like to see myself in print.”

M. Labori.--“Will you give us your opinion of the _bordereau_?”

The Judge.--“Did you ever see the original?”

M. Meyer.--“I have seen only *fac-similes*, the original not being visible to the naked eye of the profane. One witness has testified here that the *fac-similes* resembled forgeries, and that nothing is less like the original than these *fac-similes*. It is clear that, if they resemble forgeries, they do not resemble the original. But I believe that this witness, who is not accustomed to the precise formulation of thought, went farther than he intended. I shall try to dissect his declaration, and see what there is in it. These *fac-similes* are produced by what is known as the Gillot process. It is a zinc relief, the zinc being eaten in certain parts. When a plate of this sort is put on a rotary press, the zinc crushes a little, and the letters fill up. But this effect can be discounted in advance, and any comparison of writings should eliminate all difference between clear and filled letters. The process is not a particularly good one, but it has the advantage of being cheap; and, besides, it does not lend itself easily to retouching, which is a guarantee of sincerity. It alters in no way the form of the letters. If a person is in the habit of crossing his *t*’s on the bias, on the bias the crosses will remain. If he crosses them horizontally, they will remain horizontal. There is no possibility of error of this sort. The witness referred to says that the *fac-simile* resembles a forgery. No. There is the sort of alteration that I have pointed out, and there is another equally unimportant. The original is written on two pages, while the *fac-simile* is on a single page for convenience of publication. But this difference is purely external, and has no bearing on the form of the letters; so I do not see what they mean when they say that the *fac-simile* does not resemble the original. Let me say, in passing, that I have had a

conversation with M. Bertillon about all sorts of things. He said to me,--I quote him because it is a point of fact and not a point of reasoning,--'These *fac-similes* are not so bad.' M. Bertillon knows photography and knows this process of reproduction. Consequently it seems to me audacious to say that the *fac-simile* resembles a forgery.

"But the day after the deposition of the witness in question certain newspapers said: 'It is a forgery.' Such is the way in which a legend springs up. An inexact report in the first place, then a falsehood mingles with it, and then you have the legend. Well, the legend must be destroyed absolutely. I should like the witness who said this *fac-simile* resembled a forgery to explain to me how it is, seeing that this *fac-simile* was published at the beginning of 1896, that anyone could have had the idea of making a *fac-simile* of Major Esterhazy's handwriting, when at that time he had not been heard of in connection with the case. Well, these *fac-similes* show the writing of Major Esterhazy; as to that I have no sort of doubt. Is it Major Esterhazy's hand? Ah! here is a distinction, and a subtle one. At least it seems to me subtle. It appears to result from the report of the experts in the second trial. I do not know that report, but I have read in a newspaper that it is the theory of these experts that the *fac-simile* is the writing of Major Esterhazy, but not his hand. That may be; I do not know. I have tried two or three hypotheses to explain this dualism,--on the one hand the writing, on the other the hand. I will spare you these hypotheses. I think it would be hardly charitable on my part to attribute them to the experts, because I, their author, consider them absurd. I hope that these gentlemen have found a hypothesis that has escaped me, and that will explain this difficulty.

"There is a certain way of refuting me, if I am wrong. I do not ask that the original be brought here,--to ask that would be enormous;--I ask simply for a more delicate photograph, simply two pages on albumen paper, something very clear. Or, better yet, I would like glass negatives. When a photograph is printed, there is always a negative. It would be as

well to bring the negative. Now, by looking at the gelatine side of the negative, you can see whether it has been retouched or not. For me this glass plate is as good as the original, except in one point,--the quality of the paper, which cannot be seen on a glass plate. From it one could tell whether there is a difference between the original represented by the photograph and the original more or less imperfectly represented by the published *fac-similes*. If they will show me these plates, I will ask nothing better than to confess. If it proves to be true that the *fac-similes* made by the Gillot process and published in 'Le Matin' are bad, I will say so frankly. But, if this request be refused, then I say that I am right. I felt very sad when I read the demonstration of a certain expert, for I had talked formerly with this expert, who in some respects is a very remarkable man, and has invented a really magnificent thing--anthropometry. Well, this conversation at first interested me--one always learns; then it amused me, and finally it distressed me, gentlemen. I was distressed to think that it was possible to entrust an expert examination in so serious a matter to a man whose methods of investigation it is impossible to dispute, because they are entirely foreign to common sense."

M. Labori asked the court to recall the three Esterhazy experts that they might be confronted with M. Meyer.

The Judge.--"They are bound by professional secrecy."

M. Labori.--“But, _Monsieur le Président_, I pray you.”

The Judge.--“No, no, they were right.”

M. Labori.--“I insist. M. Paul Meyer has told us that all the hypotheses which he could frame in order to understand that this document, while being Esterhazy’s writing, was not in his hand, had seemed to him impossible. Did I rightly understand?”

M. Meyer.--“Perfectly. But perhaps these gentlemen have found something that I have not found.”

M. Labori.--“Then it would be interesting to hear MM. Couard, Varinard, and Belhomme.”

The Judge.--“No, no, I have said” ...

M. Labori.--“But I have a question to put.”

The Judge.--“You shall not put it.”

M. Labori.--“I insist, *Monsieur le Président*.”

The Judge.--“I say that you shall not put it.”

M. Labori.--“Oh! *Monsieur le Président*, it is interesting” ...

The Judge.--“It is useless to shout so loud.”

M. Labori.--“I shout, because I need to make myself heard.”

The Judge.--“The question will not be put.”

M. Labori.--“You say that; but I say I wish to put it.”

The Judge.--“Well, I say that it is an understood thing. The court must keep out of the debate anything that would uselessly prolong it. I say that this is useless, and it is my right to say so.”

M. Labori.--“You do not even know the question.”

The Judge.--“I know very well what you wish to ask.”

M. Labori.--“Well, I offer a motion in order to get a decree from the court on this point.”

The Judge.--“Offer all the motions that you like.”

M. Labori.--“If you think that this shortens the debate, you are mistaken.”

The Judge.--“Well, we will pass on the motion during the recess. Next witness.”

M. Auguste Molinier is ushered in.

The Judge.--“What is the question, M. Labori?”

M. Labori.--“I am drawing up a motion, and I consider it absolutely

M. Labori.--“I am drawing up a motion, and I consider it absolutely indispensable that the deposition of M. Meyer and the incidents to which it has given rise should be finished before the next witness testifies.”

The Judge.--“But ask your question now. It is useless to waste our time.”

M. Labori.--“Pardon me, *Monsieur le Président*, we must hear first MM. Couard, Belhomme, and Varinard. It is indispensable to the truth, and I insist that my motion shall be formally denied before the next witness testifies. I consider it indispensable from the standpoint of the defence.”

M. Labori then offered a motion that the court formally acknowledge its refusal to put to the Esterhazy experts a question that had not been framed, and order that these experts be heard regarding the interviews with them.

The court retired, and, returning five minutes later, rendered a decree refusing to order that the witnesses be heard, on the ground that they could plead professional secrecy, and that their testimony would only prolong the trial without useful results.

“Now,” said the judge, “the principle is laid down. Every time that you insist, the same decree will be rendered. Let that be understood.”

M. Labori.--“Then it is a standing decree?”

The Judge.--“It is a standing decree.”

M. Labori.--“There was nothing like that in the old _régime_. It is inaugurated in this assize court. I can only bow, while I protest.”

The Judge.--“It is the law, according to Article 270 of the code of criminal examination.”

M. Labori.--“It is the first time that a court of justice has declared that a decree rendered constitutes a standing decree, and that all incidents to come will be decided by the same decree. It is the first time, and, while I bow before your words, I can only protest.”

The Judge.--“Protest as much as you like. But every time, under the same circumstances, the same decree will be rendered.”

Testimony of M. Auguste Molinier.

The next witness was M. Auguste Molinier, a professor in the Ecole des Chartes.

“I have lived among manuscripts,” said the witness, “for 25 years, and I have observed them in such detail that now, by signs almost imperceptible to others, I can recognize the identity of handwritings, and tell about how long a certain manuscript has been written. I have had in my hands a *fac-simile* of the *bordereau*, and, after examining the formation of the letters therein, and comparing it with letters written by Major Esterhazy, I affirm, on my soul and conscience, that I find in Major Esterhazy’s letters all the principal formations that occur in the *bordereau*.”

The Judge.--“At whose request did you make this examination?”

M. Molinier.--“I made it of my own accord, for, in common with all Frenchmen, I am interested in this case.”

Testimony of Mme. de Boulancy.

At this point M. Clemenceau read the report of the magistrate, M. Bertulus, who had been appointed to put certain questions to Mme. de Boulancy. The answers of Mme. de Boulancy, as stated in this report, were in substance to the following effect: that she was in possession of letters and telegrams from Major Esterhazy, some of which, notably two telegrams, were of recent date; that she had deposited these documents in a safe place, intending to preserve them as a means of self-defence; that the telegrams contained no threat, but urged her in polite, but most pressing, terms to restore to Major Esterhazy the letters which he had written to her between 1881 and 1884; that these letters are perhaps as compromising as the letter in reference to the Uhlans, and that they say certain rather serious things in regard to the army and to France; that she would not consent that these letters should be handed to the judge by those in possession of them, as she wished to be well armed, in case she should be charged with forgery; that Major Esterhazy had come to her door four or five times, but that she had refused to let him in; that, seeing that he was unwilling to leave the stair-landing, or was too persistent in his attitude toward the servant, she came to the half-open door, which was secured by a chain, and asked him to go away, pointing out to him that he was compromising her; that the object of each of these visits was to ask for a return of the letters and the telegrams; that she had always answered that she would not publish them, but must keep them for her

defence; that she told him that the letters that had been published were published against her will, and in consequence of her too great confidence in the word of a person whom she had supposed to be a devoted friend; that Major Esterhazy had never said, in answer to her refusal, that he would kill himself; that on Saturday, February 5, 1898, when she had already taken up her residence at Neuilly, Major Esterhazy was seen on the stairs of her previous residence, 22, Boulevard des Batignolles, by the tenant occupying the floor above; and that she did not know what attitude Major Esterhazy assumed when he heard this tenant coming.

M. Clemenceau then offered a motion that a magistrate be appointed to ask Mme. de Boulancy whether Major Esterhazy did not say in these letters; first, that "General Saussier is a clown, and we Germans would put him in a circus;" second, that, "if the Prussians were to come to Lyons, they could throw away their guns and keep only bayonets, and still drive the Frenchmen before them."

The court postponed its decision, and called another witness, M. Emile Molinier, professor at the Ecole du Louvre, and a brother of the preceding witness. He testified that the similarity between the handwriting of the *bordereau* and that of Major Esterhazy is absolutely complete. "I will even say," he added, "that, if a *savant* were to find in one of the volumes of the National Library by the side of Major Esterhazy's letters the original of the *bordereau*, he would be considered disqualified if he did not say that the *bordereau* and the letters were written by the same person."

M. Molinier was then succeeded by M. Célerier, professor in the College of Fontenay-le-Comte.

“The *bordereau* and Major Esterhazy’s letters,” said the witness, “are absolutely in the same handwriting. The letter *n* is strangely formed. Now it is regular, now it becomes an *x*. Thus the word *tenir* often appears as if it were the word *texir*. Well, I find the same thing five or six times out of ten in Major Esterhazy’s letters. One has only to open his eyes to see that it is absolutely the same handwriting.”

The Judge.--“Who asked you to make this examination?”

M. Célerier.--“M. Bernard Lazare. He asked me if I would make an examination, and I said yes, and afterwards sent him a report of a few lines containing my conclusions.”

The Attorney-General.--“Was the witness confronted in another case with the three Esterhazy experts?”

M. Célerier.--“Yes.”

The Attorney-General.--“And there, too, you did not agree with them?”

M. Célerier.--“I did not.”

M. Labori.--“In view of the questions of the attorney-general, I would like to ask if a fortnight ago a case was not heard before the court of Paris, in which the court refused to recognize the testimony of M. Varinard and M. Couard.”

Testimony to the same effect as that given by the preceding witnesses was then given by M. Bourmon, a paleographer, who in turn was succeeded by M. Louis Franck, a Belgian lawyer.

Testimony of M. Franck.

A blackboard was furnished to the witness, upon which he illustrated with much detail the similarities between Major Esterhazy’s handwriting and the *bordereau*. Among other things he showed that Major Esterhazy’s writing and the *bordereau* were alike in the fact that each line was begun a little to the right of the beginning of the preceding line, whereas the writing of Dreyfus showed the precisely opposite characteristic, each line beginning a little to the left of its predecessor; that the *t*’s in the *bordereau*, like Major Esterhazy’s *t*’s, were crossed horizontally, while in the writing of Dreyfus the crosses are made in an upward direction from left to right; that in the *bordereau* 68 per cent. of the *t*’s are crossed and 32 per cent. uncrossed,--a proportion almost exactly paralleled in Major Esterhazy’s letters, where 65 per cent. are crossed and 36 per cent. are uncrossed. After pointing out these and many other similarities, the witness said; “The *bordereau* can have been written only by Major Esterhazy. M. Bertillon has told us that, though a hundred French officers should have the same handwriting, he would not infer that the *bordereau* was written by Major Esterhazy. Well, M. Bertillon could not show us among all the officers of the French army a single one whose writing approaches the writing of the *bordereau* and

contains all the elements of similarity with an arithmetical rhythm so decisive."

The Judge.--"Who asked you to make this examination?"

M. Clemenceau.--“_Monsieur le Président_, I beg your pardon for

M. Clemenceau.--“*Monsieur le Président*, I beg your pardon for repeating always the same thing, but it seems to me impossible to allow witnesses for the defence to be continually interrupted when they are testifying.”

M. Franck.--“Two months ago I was called to Paris in connection with the case of Mlle. Chauvin. The Dreyfus case had just begun to attract attention. When I read in ‘Le Figaro’ Mme. de Boulancy’s letters and the *bordereau*, I had an intuition that the writer of the *bordereau* was identical with the writer of the letters. Expressing this opinion in the presence of a journalist, he tried to prove to me that I was wrong. His explanation being unsatisfactory, I began to look into the matter more thoroughly, and, after my return to Belgium, made a complete study of it. When this trial came on, I wrote to a friend of M. Zola that this study was at M. Zola’s service, if it was of any use to him. Hence my presence here.”

The Judge.--“How did the witness come into possession of original letters from Esterhazy?”

M. Franck.--“Through M. Bernard Lazare.”

Testimony of M. Grimaux.

The court next listened to the testimony of M. Grimaux, honorary professor in the Faculty of Medicine, professor in the Polytechnic School, and member of the Institute.

“Gentlemen of the jury,” said the witness, “the defence has summoned me here because I signed a petition in the chamber of deputies in which

we said that, disturbed by the irregularities of the trial of 1894, by the mystery surrounding the Esterhazy trial, by the illegal searches of the premises of Colonel Picquart, and by the methods of examination pursued by the military authorities, we demanded that the chamber of deputies should maintain the legal guarantee of citizens. Why did I and so many others sign this protest? I will tell you. But first I must point out to you the singular movement that enlists the interest of so many scientists, *littérateurs*, and artists, men who do not follow the fluctuations of politics, and many of whom could not tell you the names of the members of the cabinet. But all rise up today, because they feel that the liberty and honor of the country are at stake. Doubts and then conviction have gradually come to me by an examination of official documents undisputed. In the first place, though not an expert, I saw the similarity between Major Esterhazy's handwriting and that of the *bordereau*. The reports of the latest experts have sustained me. Then I carefully studied the indictments, weighed their value, and came to a conclusion. This conclusion is that never would any man in the habit of reasoning consent to sign such documents. There is nothing in them but unproved insinuations, idle tales, and contradictory reports of experts. My conviction was further strengthened by the Esterhazy trial. First by the report of Major Ravary, in which he accuses of forgery, upon the strength of Esterhazy's stories, one of those brilliant young officers who are the hope of the country, and in which he says also that a secret document was stolen from the war department, passed into the hands of a veiled lady, and was given by her to Major Esterhazy. And Major Ravary does not seem to be astonished, but rather finds it perfectly natural, that this secret document, which in 1895 the minister of war refused to communicate to the honest M. Scheurer-Kestner, should be carried about the city by veiled ladies. Then the singular way in which the trial was conducted, the judge suggesting answers to the accused whenever the latter became embarrassed; and, finally, the contradictions of the experts, who declared that the document was not written by Major Esterhazy, but was of his

handwriting, in contradiction with the first experts, who had declared that it was of the handwriting of Dreyfus. Thus the first experts were grossly mistaken, and with them the seven officers, the seven judges, who, in the loyalty of their souls, condemned Dreyfus. It was said also that this document is a tracing from Esterhazy's handwriting, and M. Ravary finds that very natural, and does not inquire who could have done the tracing. So that we arrive at this singular reasoning: Dreyfus made the tracing, because he is a traitor, and the proof that he is a traitor is that he made no tracing, but made a *bordereau*.

"I do not wish to abuse your patience, gentlemen, but I must tell you that I have arrived at my unshakable conviction in spite of disguised threats and attempts at intimidation."

M. Labori.--"Will M. Grimaux tell us what these threats were?"

M. Grimaux.--“If M. Labori thinks it necessary to the defence” ...

M. Labori.--“I think it indispensable, and I beg you to complete your great act of courage by telling the whole truth.”

M. Grimaux.--“I have sworn to tell the whole truth; therefore I cannot refuse to answer the question. On January 16, the minister of war caused the question to be officially put to me whether I had signed the protest. Immediately I wrote a letter in which I said: ‘Here is the protest that I signed; here is the text; I admit my signature.’ The next day, at a meeting of the cabinet, a decree was presented revoking my professorship in the Polytechnic School, where I have served science and the State for thirty-four years. But the cabinet declared that this would be illegal, that my petition was respectful, and that I only exercised a citizen’s right in signing it. A week later I was denounced in a scandalous, blackmailing sheet, ‘La Libre Parole,’ in which it was said of me: ‘M. Grimaux, professor in the Polytechnic School, who educates officers, is one of those who abuse the army,’ This insult was to me a matter of indifference, coming as it did from a journal which, eight months before, although I am a Catholic, had called me a ‘renegade Jew who had gone over to Protestantism.’ But lately, three or four days ago,--on Friday, I believe,--the day before the day when I was expected to testify, the minister of war asked the general in command of the Polytechnic School to make an investigation concerning me and to report thereupon. This letter from the minister of war said: ‘General, we are informed that M. Grimaux has signed protests; or taken part in manifestations hostile to the army.’

“Gentlemen, to the first phrase, ‘has signed protests,’ I answer: It has been well known at the war department for the last month that I signed the protest, and admitted it. As to the passage, ‘has taken part in manifestations hostile to the army,’ I protest energetically. I am a patriot. When the flag passes, I salute it with respect, with beating heart, for I saw this glorious flag torn by treason from the heroic hands of the army at Metz, and I hope to see it floating again above the cities that we lost, as a result of the victories that shall restore to us our dear provinces. I not a patriot! The general has asked about my family and my past. My family? My father in 1805 was on a frigate that fought an English frigate. In 1814 he rode in Champagne. My grandfather by marriage was lieutenant of dragoons, aide-de-camp of Marshal Brune, and thirty years ago he told me of the interview of Tilsit, at which he was present. I took lessons in patriotism sitting on the knees of two naval captains who, in the wars of the Revolution and the Empire, fought against the English. And more recently he who, during his course at Saint Cyr, was the darling of my house fell gloriously, facing the enemy. Still I see his brave, young, beardless face. Lieutenant of dragoons, he asked to go to Soudan. He was of a line of fighters. He was a true officer, loyal as a sword, brave as a sabre. Scarcely was he at Kayes with his captain and eight horse-soldiers when he drove back eighty Moorish Arabs. Then soon he was at Timbuctoo, charging incessantly. Directly he was surrounded by the blacks, a lance pierced his side, he fell as his horsemen were about to protect him, and the young hero died with a smile on his lips, as was told me by his captain, who received his dying message. He died with a smile on his lips, as if he saw the image of his country floating before his eyes,--the country to which he had given his young life. That is the family of the bad patriot, of the man hostile to the army, to which I belong. Gentlemen, I should like to stop here, but, being a witness, I must leave no doubt as to my testimony. It must not be said that I am a bad citizen, and, if I hurl back the insult, it is not because it was uttered by ‘La Libre Parole,’ but because it has appeared in an official document,

and I wish to wipe it out. And so I am obliged to speak of myself, asking pardon of the jury. Forty-four years ago I was a naval health officer at the port of Toulon. I carried a sword at my side. I held the rank and advantages of an officer. I served in the maritime hospital at Toulon during the Crimean war, for to doctors and pharmacists hospitals and epidemics are battle-fields. During the war I left La Vendée, where I was staying on leave of absence, to come to Paris to serve as a national guard and care for the wounded. What, no patriot the man who saw the plateau of Villiers covered with our dead? I saw those glorious dead, and I remember, among others, five artillery officers, lying side by side, struck by shells and bullets, elegant, freshly shaven, in brilliant uniform, for the French officer goes to battle adorned like a bride who marries death. I was honored with the friendship of Gambetta; I helped him to found 'La Republique Française'; I have friends in the army and the navy, from the young lieutenants of Fontainebleau to the generals of division, and also for twenty-two years I have been connected with that grand Polytechnic School, whose glorious motto you know, and where there is nothing but patriotism.

"I believe, gentlemen, that there will remain no illusion as to my patriotism, and I must say that it is in our ranks, in the ranks of those who think as I do, that are to be found the most enlightened patriots, who see most clearly the interests of the country. Those who insult the army are the rotten journalists who accuse the minister of war of having sold himself for 30,000 francs to a pretended Jewish syndicate. The insulters of the army are those heroes of fear who told you at the beginning of this case: Rather let the innocent suffer torture than compromise our security, when a foreign power is watching us! What! a foreign power is watching us, and we have an army of two millions of men, an entire nation to defend the country, with 2,000 educated officers, workers, ready to shed their blood on the battle-field, who, in time of peace are preparing perfect weapons, and you think that we would insult them? The insulters are

those who run through the streets crying ‘Long live the army!’ without crying ‘Long live the republic!’--those two cries that cannot be separated. The insulters are those who cry ‘Long live the army!’ and then ‘Death to Zola!’ and ‘Down with the Jews!’ For who is there that has not in the army a brother, a son, a parent, a friend? The army is the flesh of our flesh, blood of our blood. Ask rather this noble defendant, this courageous citizen who sits here on a bench of infamy, which he will transform into a bench of glory,--ask him if he does not share my sentiment.”

M. Zola.--“Absolutely.”

M. Grimaux.--“Gentlemen, I believe that I have said all that I desired to say in order to wash from my honor imputations that ought not to remain in an official document; but I venture to add that my conviction grows more and more certain. I declare it again. Neither insults or threats or revocation can touch me, for truth wears an impenetrable cuirass. We have entered on a path which we shall follow to the end. We desire the truth, and we will have it. We will pursue this path from which nothing shall turn us, for we are of those who want the light, complete light. Our consciences are thirsty for justice.”

As M. Grimaux left the witness-stand, M. Zola arose and shook hands with him, and M. Grimaux said something to him in a low voice.

M. Labori.--“Be good enough, M. Grimaux, to say aloud what you have just said to M. Zola.”

M. Grimaux.--“I said that I had never seen M. Zola before; I now see him for the first time.”

The last witness of the day was M. Louis Havet, professor in the College of France, and member of the Institute.

Testimony of M. Louis Havet.

The witness first dealt with the similarities in handwriting between the *bordereau* and the Esterhazy letters, and contrasted them with the letters of Dreyfus, pointing out especially that in the *bordereau* and the Esterhazy letters the capital *J*’s are written half above and half below the line, while the *J*’s of Dreyfus always stop at the line. Passing then from handwriting to orthography, M. Havet testified as follows:

“Both Captain Dreyfus and Major Esterhazy spell well. They make no mistakes regarding the *s* in the plural, or in other matters of that sort. But let us examine some orthographic minutiæ,--the accents and the cedilla. Captain Dreyfus is not much of a grammarian; he has not the soul of a grammarian, and he often forgets to put a cedilla where one is needed, writing, for instance, *français* or *façon* without a cedilla, or perhaps he will put a cedilla where there should be none,--for instance, *forçe* and *souffrançe* with a cedilla. In this he is capricious. He writes the word *annonçant* now with and now without the cedilla. And the same as to the accents. If he writes the preposition *à*, which should have a grave accent, he sometimes gives it a grave accent and sometimes does not. He also uses needless accents. The word *nécessaire*, which has an acute accent over the first vowel, is written by him with an accent over each e. With Esterhazy it is quite the contrary. He is very careful about his accents, and his hyphens, and all the little details of orthography. He puts a grave accent over the preposition *à* not only when it is a small letter in the middle of a phrase, but when it is a capital letter at the beginning of a sentence. Now, the *bordereau* and Major Esterhazy’s letters show absolutely the same orthographical habits, while the *bordereau* differs totally in this respect from the letters of Captain Dreyfus.

“Again, as to choice of words. There are many ways of speaking French. One may speak French correctly, or one may make blunders. Now, in the *bordereau* there are incorrect turns of phrase which seem to indicate a writer unfamiliar with the language, or accustomed to think in a foreign language. ‘*Sans nouvelles m’indiquant que vous désirez me voir, je vous adresse cependant, monsieur, quelques documents intéressants.*’ The word *nouvelles* is one that would never be written in such a connection by a Frenchman perfectly acquainted with his tongue. Such a Frenchman would say *sans avis*. The author thought in German and translated into French. But let us go on. ‘*Sans nouvelles m’indiquant que vous désirez me voir, je vous adresse cependant, monsieur.*’ Instead of this, an

educated Frenchman, with the instinct of his language, would say: *Quoique je n'ai pas reçu d'avis me disant que vous désirez me voir, je vous adresse*. Or else he would separate the phrase. The phraseology of the *bordereau* is sometimes found in the commercial style, but not at all in the literary style, and is written especially by foreigners imperfectly acquainted with the French language. Farther on, à propos of a certain document, occurs this expression: '*Chaque corps en reçoit un nombre fixe*.' The words *nombre fixe* properly mean here that there is always the same number for each corps,--that each corps, for instance, receives fifty. But that is not what the author of the *bordereau* meant. He meant that each corps receives a definite number, a number known in advance, enabling it to be determined whether all the copies are returned. But he did not know the proper word. It is such an error as a professor would point to as a proof that his pupil did not know French, or was a foreigner.

"Now, Captain Dreyfus writes perfectly correct French. There never are any mistakes of phrase in his letters. Take this, for instance: '*J'ai légué à ceux qui m'ont fait condamner un devoir*,' etc. It is impossible to find a better phrase than that; and so it is throughout. If it were a schoolboy's copy, the teacher would write 'Very good' in the margin. I have sought in vain for an error of this sort in Captain Dreyfus's letters. But in Major Esterhazy's such errors swarm. In a letter in which he struggles against financial troubles, he says: '*Telles et telles personnes doivent avoir conservé toutes traces de cette affaire*.' This phrase, instead of *toutes les traces imaginables* is one that occurs in the famous Uhlan letter: '*Je ferai toutes tentatives pour aller en Algérie*.' It is a phrase peculiar to Major Esterhazy.

"The writing of the *bordereau*, without the shadow of a doubt, is that of Major Esterhazy. The orthographical habits are his habits, and, as regards choice of words, it is quite impossible that Captain Dreyfus should have written the *bordereau*, while, on the contrary, it is perfectly natural that Major Esterhazy should have written it."

This ended the day’s proceedings.

NINTH DAY--FEBRUARY 16.

At the opening of the session the court rendered a decree denying the motion of M. Clemenceau that a magistrate be appointed to further examine Mme. de Boulancy regarding the contents of the letters from Major Esterhazy, basing the denial on the ground that the witness had already declined to specify the contents of the letters, and that therefore it would be fruitless to question her further. The witness-stand was then taken by General de Pellieux, who made the following statement:

"I recognize that, of all the *fac-similes* that have appeared, that published by 'Le Matin' most resembles the *bordereau*, but I wish to point out an essential difference. The *bordereau* is written on both sides of thin paper and in pale ink, the writing on the back being much darker than the writing on the front; consequently, when the *bordereau* is photographed, the photograph necessarily shows something of the back as well as the front, so that, to print these *fac-similes*, it has been necessary to remove the traces of the writing on the back by some photographic practice with which I am not familiar. The defence absolutely rejects all the expert testimony made by sworn experts who have had the originals before them, and admits all expert testimony made by experts who have seen only *fac-similes* or photographs. The defence has even tried to turn into ridicule the testimony of sworn experts, and has brought to this bar some professional experts, but especially amateur experts, even a dentist; and, further than that, it has brought here--a fact which I leave the jury to judge--a foreigner, a foreign lawyer.

"When M. Mathieu Dreyfus wrote his letter to the minister of war, he said: 'I accuse,'--and in that respect he showed himself a forerunner,--'I accuse Major Esterhazy of being the author of the *bordereau*.' I sent for M. Mathieu Dreyfus, and he asked for an expert examination of the *bordereau*. I pointed out to him that he rejected the first expert testimony

based on an examination of originals, and I said to him: ‘Will you accept the second?’ He did not answer, and I concluded that, if the expert examination proved unfavorable, he would ask for still others, which he did. The *bordereau* was found insufficient; so they had another document in reserve, the dispatch. There has been testimony to show how far this document is from being authenticated, and any government that had prosecuted an officer on the strength of such a document would have covered itself with ridicule. So, when M. Picquart insisted that Major Esterhazy should be prosecuted and arrested on the strength of this simple document, he was separated from the war department. And I think that he was treated very indulgently.

“Much has been said of the writing of the *bordereau*, but its contents have not yet been referred to. I ask your permission, then, to take this *bordereau*, which has just been shown to me, and examine, point by point, whether it was possible for Major Esterhazy to procure the documents that were mentioned in it.”

M. Labori.--“I ask that Colonel Picquart, who is now present at the hearing before M. Bertulus in the matter of the complaint against the Speranza forgery, be summoned to court to hear the testimony of General de Pellieux.”

The Judge.--“Go on, General.”

M. Labori.--“I ask permission to offer a motion. I ask for the presence of Colonel Picquart here.”

The Judge.--“You have not the floor. Go on. General.”

General de Pellieux.--“I pretend to prove here, documents in hand, that the officer who wrote the *bordereau* is an officer of the war department, an officer of artillery, and, furthermore, a licentiate. I ask for a copy of the *bordereau* as it appeared in ‘Le Matin’.”

M. Labori.--“I ask you to send for Colonel Picquart. I protest against the absence of Colonel Picquart.”

The Judge.--“I will send for Colonel Picquart when I get ready.”

M. Labori.--“That is understood. Well, I point that out to the jury.”

The Judge.--“Point out what you like.”

M. Labori.--“I intend to do so. You think to turn the course of the debate, because General de Pellieux is here alone.”

The Judge.--“I have told you that you have not the floor. Do not oblige me to take measures. Go on, General.”

General de Pellieux.--“I thank you, *Monsieur le Président*.

“The *bordereau* contains this item: ‘A note on the hydraulic check of 120, and the way in which this piece is managed.’ This is the expression of an artillery officer. In speaking of this piece an artillery officer says ‘the 120.’ An infantry officer would never say that. He would say ‘the piece 120.’ Moreover, the artillery guard their secrets very carefully.

Although I have been chief of staff of an army corps, I am not acquainted with the hydraulic check of the piece 120. It has been said that this knowledge would have been acquired at the manœuvres. It is absolutely impossible to see the operation of this piece at the manœuvres, and I, who was present at the manœuvres of 1896 and 1897, am unfamiliar with it. Furthermore, this paragraph must refer to a report that exists in the war department on the way in which this hydraulic check has behaved in experiments. Only an officer of the war department could have given information on this point. No infantry officer ever saw the piece 120 fired. Though I have been present at firing lessons, I never saw it fired.

"The *bordereau* contains also a note concerning *troupes de couverture*, and I call your attention to the second paragraph: 'The new plan of mobilization involves some modifications.' How could an infantry officer in garrison at Rouen have known anything about the *troupes de couverture*? It has been said that Esterhazy, being a major, was in possession of his regiment's plan of mobilization. True, but in the plans of mobilization of regiments, especially of regiments that have nothing to do with *couverture*, there is no compromising detail. These plans simply specify the measures to be taken to make the regiment ready for transportation. The regiment does not know even where it is going. Deposited in the colonel's office are what are called *fiches*. These *fiches* of transportation give only a point of departure and a point of arrival. At the point of arrival the regiment receives new *fiches* from a staff officer sent by the minister of war, and only there does it learn its final destination. Consequently Major Esterhazy could not possibly have given any detail regarding *troupes de couverture*. His regiment did not furnish such troops, and the regiments that do could give details only concerning the hour of their departure. And how could Major Esterhazy know anything of a new plan in progress of elaboration? Such a thing could have been known only to an accomplice in the war department.

“Thirdly, the *bordereau* contains a note on a change in artillery formations. How could Major Esterhazy have known anything about that? There is no artillery garrisoned at Rouen.

“Fourth, the *bordereau* contains a note relating to Madagascar. Gentlemen, the *bordereau* is certainly not of earlier date than March 14, 1894, since it speaks of a document that did not appear until March 14, of which I shall speak directly. It is certainly of earlier date than September 1, at the time at which it was seized. Well, at that time it was known only in the war department what part the land forces were to take in the Madagascar expedition. The question was not agitated until the 16th or 17th of August, 1894. These details, then, must have been given by an officer of the war department; Major Esterhazy at Rouen could not possibly have known of preparations for an expedition in which a part of the land forces would participate.

“I come now to perhaps the most serious point,--‘the note concerning the manual of artillery campaign practice, March 14, 1894.’ This manual has never been in the hands of an infantry officer. A very few copies were sent to artillery regiments. It is hardly known to the officers in the war department, except those of the third division,--the artillery division. Major Jamel had it in his drawer in the war department, and it was at the disposal of the incriminated officer whom I refuse to name here. There has been an endeavor to prove that Major Esterhazy once had this manual in his hands, and for that purpose an appeal was made to the testimony of a Lieutenant Bernheim, who happens to be an Israelite, and who came to testify. This officer was obliged to admit that he did not communicate the manual to Major Esterhazy; that what he communicated was an artillery regulation regarding siege pieces,--a regulation which anybody can buy, which does, indeed, contain interesting details regarding the firing of such pieces and something about the firing of all other pieces, and which Major Esterhazy had made use of in preparing a lecture on artillery to be delivered to his regiment. And right here I ask permission to relate an

incident. M. Picquart sent for a certain Mulot, Major Esterhazy's secretary, presented to him a firing manual, and said: 'This is the document, is it not, that you copied?' Mulot answered: 'Not at all. I copied extracts from a firing manual, but it was a much larger manual than that, containing the rules for firing certain pieces.' Whereupon M. Picquart said to him: 'Your recollection is not very exact. Go home and think about the matter, and, when you have thought about it, write to us. You belong to the reserves, and, if you need any permits, apply to me, and I will see that you get them.'

"Now, gentlemen, I am coming to the end. What is left of the scaffolding that has been constructed? Not much, in my opinion; and yet on it rests the infamous accusation that the council of war acquitted a guilty party in obedience to orders. Gentlemen, I have not a crystal soul; I have a soldier's soul, and it revolts against the infamies heaped upon us. I say that it is criminal to try to take away from the army its confidence in its chiefs. What do you think will become of this army on the day of danger,--nearer, perhaps, than you think. What do you think will be the conduct of the poor soldiers led by chiefs of whom they have heard such things said? It is to butchery that they would lead your sons, gentlemen of the jury. But M. Zola will have won a new battle, he will write a new 'Débâcle,' he will spread the French language throughout the universe, throughout Europe from whose map France has been wiped.

"One word more. Much has been said of revision. Revision--and I shall not be contradicted by my comrades--is to us a matter of absolute indifference. We should have been glad, had Dreyfus been acquitted. It would have proved that there was no traitor in the French army. But, gentlemen, what the council of war of 1898 was not willing to admit was that an innocent man should be put in Dreyfus's place, whether Dreyfus was guilty or not. I have done."

M. Labori.--“I ask the floor.”

The Judge.--“What question do you wish to ask?”

M. Labori.--“I appeal to Article 319 of the code of criminal examination, which says that ‘after every deposition the court shall ask the accused if he wishes to answer what has been said against him, and that the accused and his counsel shall have a right to question the witness through the court, and to say against him and his testimony anything that may be useful for the defence of the accused.’ I ask the floor.”

The Judge.--“What questions?”

M. Labori.--“I ask the floor to say against the witness and his testimony anything that may be useful for the defence of the accused.”

The Judge.--“You have the floor only to ask questions.”

M. Labori.--“I have the honor, by virtue of Article 319 of the code of criminal examination, to ask that the floor be accorded me, and I offer the following motion.”

General de Pellieux.--“Can I retire, *Monsieur le Président*?”

The Judge.--“You may sit down.”

M. Labori.--“I have the honor to ask the court to be good enough to wait until my motion is ready.”

The Judge.--“You have the floor.”

M. Labori offered a formal motion that the court accord the floor to the counsel for the accused, in conformity with Article 319 of the code, and asked for the floor in order to speak in support of his motion.

The Judge.--“You have the floor.”

M. Labori.--“Gentlemen, you have just heard, not a deposition, but an argument. It is the argument of the staff, which sends General de Pellieux here, not to give explanations, but to throw into the debate, speculating on the generosity of a great people” ...

At this moment there was an uproar in the court-room, which led M. Labori to say, interrupting himself: “I pay no attention, but I judge of the reach of my blows by the protests that they call from my enemies.”

The Judge.--“M. Labori, pay no attention to what takes place in the audience. You talk to everybody except the court.”

M. Labori.--“I answer the protests which the court does not suppress, and I add that I have here a letter that one of my *confrères* has just passed to me, which says: ‘M. Labori, lawyers are prevented here from making any manifestation. Why, then, are infantry and artillery officers allowed to openly applaud?’ I resume. I was saying that they speculate on the generosity of a great people which confounds persons with principles, which identifies chiefs, who are only fallible men, with the flag that we all respect and that no one has a right to monopolize, no more General de Pellieux than I. As a soldier, I owe respect to General de Pellieux, because he is my chief. I am a soldier, as he is, and on the day of battle my blood will be as good as his, and I declare that, though I may have fewer stripes, I shall not show less resolution or less courage. Every time that the advocate of the war department shall ask the floor at the beginning of the day’s hearing, in order to make an impression on the men of good faith whose names the newspapers of the Rue Saint Dominique print every evening as a sort of intimidation,--I say that every time that the advocate of the staff shall come to this bar to throw himself into the balance, not as a witness, but as a sort of pillar of support, the attorney-general’s silence proving inadequate,--I say that, immediately afterward, the defender of M. Zola, whatever his fatigue, whatever his emotion, whatever his sadness, will rise, and, though this trial should last

six months, he will struggle until the light, which is becoming more brilliant every day, which at first was only a gleam" ...

The Judge.--"This has no relation to your motion. I am going to deprive you of the floor."

M. Labori.--“If you deprive me of the floor, _Monsieur le Président_,

M. Labori.--“If you deprive me of the floor, *Monsieur le Président*, it will be said that General de Pellieux was allowed to speak here for half an hour, and that I was not permitted to answer him. I await your decision.”

The Judge.--“You have the floor, but in support of your motion. Let us have done with it.”

M. Labori.--“If this expression, ‘Let us have done with it,’ indicates that I am disagreeable to the court, I am very much grieved; but I have no desire to have done with it. I want the light. Entrusted with the defence of Emile Zola, I will go to the last extremity to get it. I assure you that you do not excite me at all. I ask only for a moment’s rest, and will then speak to the end with tranquillity.”

The Judge.--“You speak of all sorts of things. That is why we shall come to no end, and you have not said a word regarding your motion.”

M. Labori.--“I am saying something now of greater consequence than my motion.”

The Judge.--“But we are not here to hear all these things. This is the first time that I witness such a struggle.”

M. Labori.--“Because it is the first time that there has been maintained, in the name of the law, a judicial error which must come to light,--which will come to light in a few days, if it does not today. General de Pellieux has said: ‘Innocent or guilty.’”

The Judge.--“According to Article 311 of the code of examination, I tell you that you must explain yourself with moderation.”

M. Labori.--“Will you tell me, *Monsieur le Président*, what expression has fallen from my lips that was lacking in moderation?”

The Judge.--“Everything that you say.”

M. Labori.--“Pardon me, I do not accept your warning, unless it is made more precise.”

The Judge.--“I repeat that this incident has now taken up ten minutes. Develop your motion simply.”

M. Labori.--“If you ask me to be moderate, and ask me in terms that resemble a warning or a censure, and if you do not tell me why you inflict this censure upon me” ...

The Judge.--“Will you speak in support of your motion?”

M. Labori.--“But, _Monsieur le Président_, do you hold to what you just said?”

The Judge.--“I have no account to render to you.”

M. Labori.--“Very well. This observation made, it is agreed that not one of my words can be reprimanded or blamed, and I continue. Article 319 declares that the witness, no matter how many stripes he may wear, cannot have the upper hand of the defence. M. de Pellieux is not the accused party here. If he were, he would have the same right that we have, and, if he were the complainant against the accused on behalf of the public, he could take the floor. But he is not. The staff has said to itself that it has in General de Pellieux a distinguished orator, and so it sends him here every day to begin the hearing with an argument against such portions of the demonstrations and evidence of the day before as seem overwhelming. Well, I say that, if ever Article 319 is to be applied, this is the time for it.”

The court retired for five minutes, and then rendered a decree refusing the floor to the counsel for the defence for the purpose for which he asked it, on the ground that it was the duty of the court, according to Article 270 of the code of criminal examination, to exclude everything that would needlessly prolong the trial.

M. Labori.--“I ask that Colonel Picquart be heard.”

The Judge.--“He is not here.”

M. Labori.--“I know it, but his place is here. I ask that he be sent for, and confronted with General de Pellieux.”

The Judge.--“He will come when he is free.”

M. Labori.--“Yes, at five o’clock tonight, when the hearing is over.”

The Judge.--“We will send for him soon.”

M. Labori.--“At once. I will ask no other question until he is summoned.”

But, in spite of this, Colonel Picquart was not heard, the witnesses that were called to the bar in the meantime occupying the rest of the session. The first was M. Scheurer-Kestner, who appeared in order to contradict some points in the testimony of the expert, Teyssonnière.

“M. Teyssonnière,” said M. Scheurer-Kestner, “made an incredible blunder when he said that I showed him on Sunday, July 11, specimens of Esterhazy’s handwriting. It is a monstrous error, for on July 11, when M. Teyssonnière came to see me,--and we have not met since,--I had never heard the name of Esterhazy.”

M. Teyssonnière.--“I thought that Esterhazy’s name was mentioned. At least I found it on my notes.”

M. Labori.--“What notes?”

M. Teyssonnière.--“The notes that I take daily.”

M. Labori.--“How could you have found the name of Esterhazy on your notes at a time when nobody was thinking about it? Your conversation with M. Scheurer-Kestner was in July, and it was on November 17 that M. Mathieu Dreyfus pronounced Esterhazy’s name for the first time in denouncing him to the minister of war. Now, M. Teyssonnière, ‘La Libre Parole’ publishes this morning an article in which it is said that M. Scheurer-Kestner and M. Trarieux tried to get you to modify your opinions. Are you in any way connected with the publication of this article?”

M. Teyssonnière.--“Yes.”

M. Labori.--“The article contains a letter written to you by M. Trarieux. Who gave the letter to that newspaper?”

M. Teyssonnière.--“I did.”

M. Labori.--“M. Trarieux, keeper of the seals, secured your restoration to the list of experts, after your name had been stricken from it. You have a way of showing gratitude that is peculiar to yourself.”

M. Teyssonnière.--“M. Trarieux in his testimony committed errors concerning me which I will qualify as lies. I did not go in search of him. I was sent to him.”

M. Labori.--“Have M. Scheurer-Kestner and M. Trarieux brought any pressure to bear upon your conscience?”

M. Teyssonnière.--“No.”

M. Labori.--“Well, then, be off.”

M. Trarieux.--“Pardon me. I should like to know on what point M. Teyssonnière pretends that I lied. He cannot say. He admits that I took an interest in him at the time when his name was stricken from the list of experts, and now he covers me with odious slander, and pretends that I drew him into some trap to get him to modify his conclusions as an expert.”

M. Teyssonnière.--“I have not said that.”

M. Trarieux.--“Then why do you carry a letter to ‘La Libre Parole,’ if not to permit that journal to publish it with venomous insinuations? I will not rest quiet under these calumnies. Never did I ask anything of you. It was you who wanted to force your opinions upon me.”

M. Trarieux then produced a letter from M. Teyssonnière in which he insisted on coming to show him his report in the Dreyfus case, and to scientifically prove the guilt of the condemned man.

M. Labori.--“Why did General de Pellieux declare that we reject the official experts, while appealing to foreigners and dentists? Why! when the staff experts are questioned by us, they preserve an obstinate silence. Could not General de Pellieux loosen their tongues? It is not words that we want, but reasons. What answer, indeed, can be made to men like M. Louis Havet, M. Molinier, or the director of the Ecole des Chartes? I fancy that you will not disdain these men as dentists. You think that you have said all when you have cried: ‘Good jurors, we shall have war.’ War? Who here is afraid of it? Not you or I, General de Pellieux. But we are entitled to know whether our chiefs are worthy of us. Then let them fear neither discussion or light. I ask that General de Pellieux be confronted with M. Meyer.”

The court gave its consent, and M. Labori put this question to General de Pellieux: “Will you explain your statement that the *fac-simile* ‘Matin’ was a forgery?”

General de Pellieux.--“I maintain that among the *fac-similes* reproduced by the journals there are some that singularly resemble forgeries.”

M. Paul Meyer.--“But what interest had ‘Le Matin’ in committing a forgery in 1896, when nobody was thinking of Major Esterhazy?”

General de Pellieux.--“I have always said that the reproduction made by ‘Le Matin’ was the least imperfect of all. It is not the same with the *fac-similes* that have appeared in certain pamphlets.”

M. Meyer.--“I have made no use of those. But the resemblance, according to ‘Le Matin’s’ _fac-simile_, between Major Esterhazy’s writing and the writing of the _bordereau_ is undeniable.”

General de Pellieux.--“You have never seen the original of the *bordereau*.”

M. Meyer.--“I have seen the ‘Matin’ *fac-simile*, the fidelity of which has been admitted by M. Bertillon. That is sufficient for me. No one called your word in question, my general, but you are lacking in the power of observation. As for your experts, you perhaps will permit me to say that I do not consider myself beneath them in point of intelligence. The president of the civil court asks me to select most of them. Do you think that, if I had selected myself, he would have blackballed me? I prefer an expert examination made by myself from a *fac-simile*, to an expert examination made from an original by people whom I do not know.”

M. Meyer then asked General de Pellieux to procure for him at least the original photographs of the _bordereau_.

General de Pellieux.--“Oh! I would like nothing better, and I regret that the reports of the Esterhazy experts cannot be brought here and discussed. I was absolutely opposed to closed doors. They were declared in spite of me, but I have no right to violate them.”

M. Labori.--“But certainly somebody has a right to authorize this production. Let the order be given, and the light will stream forth. Oh! we have made some progress in the last week. Here we are, almost in agreement. If this trial goes on, we shall all walk out of here like honest people, arm in arm. It will be admitted that there has been only an immense misunderstanding between us, and that nothing is easier than to honestly repair a judicial error involuntarily committed. Well, my general, do what we ask. Get the minister of war to produce the *bordereau*. Pray him to show us this bit of transparent paper which is so securely locked up in his department, and let everybody see it. If it were not that certain minds are anchored in a blind obstinacy, we should soon see that in this whole matter there is not wherewith to whip a cat. It is a great pity that M. Couard is not here. It would be a pleasure to witness a discussion between him and M. Meyer, his former professor in the Ecole des Chartes.”

“I ask nothing better,” cried a stentorian voice, from the middle of the auditorium, and through the crowd pushed M. Couard, carrying a large package.

“I do not wish it to be said,” he shouted, “that I have not the profoundest respect for my old teacher. But what is the Ecole des Chartes? The Ecole des Chartes, I know it. I have been through it. Do they teach anything there about the handwriting of the nineteenth century? The fifteenth, the sixteenth, I even grant you the seventeenth and eighteenth, if you please; but contemporary handwriting? Why, there is not a single chair of modern handwriting there. I revere M. Meyer as a professor of Roman philology, but as an expert in handwriting he is like a child just born. Why, I was present at the development of a thesis on the famous flag of Jeanne Hachette, which is preserved at Beauvais. The candidate had deciphered upon it all sorts of interesting fifteenth-century inscriptions. I twisted with laughter. His description was based upon a flag manufactured in 1840 to replace the true one, which is worm-eaten, and of which nothing is left but shreds, upon which it is impossible to read anything. ‘Each one to his trade, then the cows will be well kept.’”

M. Meyer.--“If there is no instruction in writings at the Ecole des Chartes, where did you get your instruction, Monsieur Expert?”

M. Couard.--“By practice, my dear master,--practice for eight years.”

M. Meyer.--“Pardon me, I do not defend myself. Pupils are always the best judges of their professors.”

M. Labori.--“What is the package, so preciously wrapped, that you have there under the table? Does it contain, perchance, photographs of the _bordereau_?”

M. Couard.--“No, it is the famous dissertation upon the flag of Jeanne Hachette. I see what you are after. You wish to turn the course of my testimony. But it is established, nevertheless, that my old teacher is only an expert on occasion.”

Testimony of M. Paul Moriaud.

The next witness was M. Paul Moriaud, professor in the Geneva law school. He desired to use a blackboard for his demonstrations, as M. Franck had done the day before, but the court refused to permit him to do so. After declaring that there were never two handwritings so nearly identical as that of Esterhazy and that of the *bordereau*, he discussed the question whether the *bordereau* was produced by tracing.

“Tracing,” said the witness, “can be done in two ways. There is first the tracing of entire words separately. Suppose you desired to produce this phrase: ‘You are right, Monsieur,’ signed ‘So and So.’ You procure a specimen of the writing of M. So and So, and you look for the word ‘are,’ the word ‘right,’ etc. You paste them side by side, you cut out the signature and paste it beneath, and you photograph the whole; or else you trace them. In this case we may suppose tracing, for the *bordereau* is on tracing-paper. Here you have 181 words, almost all different. There are rare words among them,--Madagascar, check, hydraulic, indicating, etc.

Well, if you should collect Major Esterhazy's letters for ten years, and try to find in them all the words that are in this *bordereau*, you would not succeed. The process is an utter impossibility.

"You have been told by previous witnesses of the style and punctuation of the *bordereau*. I wish to say something of the way in which the words are placed. M. Esterhazy begins his paragraphs without indention. The lines that begin paragraphs are as long as their predecessors. Furthermore, he never divides a word at the end of a line. If there is not room for it, he runs it over to the next line. Now, you find that in the *bordereau*. Another thing. The *bordereau* is not in the same handwriting throughout. Now, M. Esterhazy's handwriting is very variable. He writes coarse or fine, according to circumstances. Now, these two handwritings of Major Esterhazy are to be seen in the *bordereau*. The first fourteen lines are written in a more compact, more calm, more legible, finer handwriting, the last sixteen in a larger, looser hand. Now, if the *bordereau* had been traced, what would have been the result? All the words would have been in the same handwriting, either one or the other; or else there would have been a mixture, one word in one handwriting and the next in the other. But in the *bordereau* all the first part is in one handwriting, and all the second part in the other, which clearly shows that M. Esterhazy wrote the *bordereau* at two sittings, in two different states of mind.

"Some words are repeated in the *bordereau*. The word *ne*, for instance, occurs four times; the word *de* seven times. It is very evident that, if these words had been hunted for in M. Esterhazy's letters, in order to trace them, on finding the word *ne* they would have copied it four times. But such is not the case. If we had time, I would propose a little experiment. I would ask you to cut from the *bordereau* one of the four words *ne*, and give it to me; whereupon I would immediately tell you which one of the four it was. Or you might do the same thing with the word *vous*, which occurs six times. If you will cut it out and show it to me, I will tell you

whether it is the fourth, the fifth, or the sixth. They are so different that, from memory, in spite of the inevitable confusion that takes possession of a man when he speaks in public and among strangers, I should be able to recognize them, which proves that each of these words was written individually by M. Esterhazy. No two persons ever write the same word exactly like, and no person ever writes a word twice in exactly the same way. And so in the *bordereau* there is this variety of form which life always gives.

"The last argument. As I said, M. Esterhazy never divides his words, but, if the end of the word is far from the end of the line, he makes a long final stroke, often immoderately long; and a curious thing, that I have never seen in the handwriting of anybody else, is this: if the word at the end of a line is a little word, and if M. Esterhazy has much room, he writes the word in a larger hand. You will find, for instance, at the end of a line an immoderately large *ne*, which seems almost in another handwriting. Now, that is precisely what you will find in M. Esterhazy's letters, the elongation of the final strokes to fill out the blank space at the end of a line; which proves clearly that these words were not taken here and there from Esterhazy's letters. I consider this demonstration irresistible, and, whether its truth be admitted or not today, the day will come when *savants* will take these documents and say that M. Esterhazy wrote the *bordereau*, and there will be no doubt about it whatever. There may have been an original corresponding as a whole to the *bordereau*, but in that case M. Esterhazy wrote the original. If it be insisted that somebody has imitated M. Esterhazy's handwriting, the imitator was M. Esterhazy himself."

At the end of this demonstration the court adjourned.

TENTH DAY--FEBRUARY 17.

After a renewed demand on the part of the defence for the production of the original of the *bordereau*, and a refusal of the court to order its production, M. Paul Moriaud again took the stand to testify concerning the Uhlan letter. In this letter he pointed out various peculiarities tending to identify M. Esterhazy as the writer, especially the *x* form given to the letter *n*, giving the word “Uhlan” the appearance of “Uhlax,”--a peculiarity which had been pointed out in the *bordereau* a year previously by an expert to whom M. Esterhazy’s writing was unknown.

M. Moriaud was confronted with M. Varinard, who persisted that the Uhlan letter is a forgery, though saying that he could not give his reasons without having the original before him. The defence then asked for the production of the letter.

M. Clemenceau.--“Does not General de Pellieux think that it is of interest to the honor of the army to know whether a French officer wrote such a letter?”

General de Pellieux [advancing to the bar].--“Of the highest interest. On this point I agree with the defence, and there is not a single officer who does not share my sentiment. Major Esterhazy’s letters were written in 1882. I myself ask for their production.”

It was agreed that the letter should be produced the following day, and publicly examined by experts. Before the closing of the incident M. Clemenceau asked General de Pellieux whether any alterations to which the letter had been subjected must not have occurred while it was in Mme. de Boulancy’s possession.

General de Pellieux.--“Surely; it was placed under seal by me.”

M. Clemenceau.--“Under open seal (by sealing a thread passed through the corner of the document). Does not that sort of seal leave the document uncovered?”

Testimony was then given by M. Giry, professor in the Ecole des Chartes, and by Dr. Hericourt, editor of the “Revue Scientifique,” to the effect that the similarity between the writing of the *bordereau* and that of Major Esterhazy amounts to identity, after which Colonel Picquart was called to the stand.

M. Labori.--“Yesterday General de Pellieux declared that Major Esterhazy could not have procured in 1894 the documents enumerated in the _bordereau_. What has Colonel Picquart to say in answer to that?”

Colonel Picquart.--“I should not have approached this question, if it had not been brought up here yesterday; but now my duty to tell the truth obliges me to give my opinions in regard to this *bordereau*. I beg that my words may not be misinterpreted. Some things that I shall say perhaps will contradict what General de Pellieux has said, but I believe it my duty to say what I think. Permit me to view this question of the *bordereau* in a general way. I am accustomed to deal with these questions, having been occupied with them on other staffs, prior to my service of a year and a half as chief of the bureau of information. Well, the *bordereau* enumerates documents of much less importance, in my opinion, than that which has been attributed to them. I note in the first place this passage:

I address you meantime:

(1) A note on the hydraulic check; (2) A note on the *troupes de couverture*; (3) A note on the firing manual; (4) A note relating to Madagascar.

“Well, these are only notes. Anyone who had had anything serious to furnish, and not simply what he had picked up in conversation, or seen in

passing, would have said: ‘I send you a copy of such and such a document.’ When one wishes to give value to his merchandise, he points out its origin. Now, a note indicates simply a personal observation, or perhaps a little copy of something or other drawn from memory, or from the newspapers, or from some other source. I note also this,--that, in the case of the only authentic document, which is not of capital importance, the firing manual, the author of the *bordereau* said: ‘Project of a firing manual,’ adding: ‘This last document is extremely difficult to procure,’ thus showing the difficulty that he had in procuring it. Now, could Major Esterhazy have obtained these points of information?”

The Judge.--“That is the question.”

Colonel Picquart.--“I say: ‘Yes.’ When the famous dispatch brought Major Esterhazy’s name to my attention, I, in search of information, applied first to a person belonging to his regiment, who said to me: ‘This man has singular ways. He has been twice to the artillery firing schools, and he asked permission to go a third time at his own expense.’ I know that he explains these frequent visits by saying that he had a country house not far from the Châlons camp. But I would like to know whether on each occasion he went to the Châlons camp. The last time, yes; but the other times I do not think that he did. I cannot assert it,--because I never assert anything of which I am not sure,--but it seems to me that one of the firing schools was at Mans.

“Another thing. An agent informed us that a major wearing decorations, and about fifty years old, was furnishing documents to a foreign power, especially documents concerning artillery and firing. This points to the conclusion that Esterhazy could give information concerning artillery.

“A third thing. The member of Esterhazy’s regiment to whom I applied told me that Esterhazy had asked him whether he knew anything about the mobilization of artillery. Why did he desire to know that? Consequently I believe that Esterhazy could furnish a personal note as to

what he had seen of the hydraulic check and the modifications in artillery formations. The newspapers have said that this matter of a modification in artillery formation was the subject of a legislative bill, and was known, before its introduction, to not a few senators, deputies, and journalists. Now, Esterhazy knew not a few deputies, and was a frequent visitor at newspaper offices.

"Concerning the statement of the *bordereau*, in relation to the *troupes de couverture*, that some modifications will be made by the new plan, I maintain that this expression evidently came from someone not connected with the department, and, if desired, I will go into detail on that matter, but behind closed doors.

"Now I pass to the note concerning Madagascar. It has been said that it could not have been known at the beginning of 1894 that there would be a Madagascar expedition. In the first place, this is simply a note relating to Madagascar. It has nothing at all to do with a project for the participation of land forces in a Madagascar expedition. It may have been copied from a geographical document. There is nothing to indicate that it was of a military character. If it should be said that it must have been of a military character, I would answer that, since the first Madagascar expedition, there has been every year a question of sending somebody there; and I have received letters from many of my comrades, who, knowing that I had served in the colonies, asked me if I could not give them some information, in view of the widespread report that there was to be a Madagascar expedition. I mention this to show that in the beginning of 1894 there was already much talk about Madagascar, though it was not then known that there would be an expedition in which the land forces would take part.

"Now as to this passage from the *bordereau*:

(5) The project of the manual of artillery campaign practice. This last document is very difficult to procure. I was able to have it at my disposal

for a few days only. The minister of war sent a definite number to the corps, and for these the corps are responsible. Each officer must return his copy after the manœuvres.

“Are those the words of an artillery officer connected with the war department? ‘The minister of war has sent a definite number to the corps.’ Why does he talk of the corps? That seems to me to indicate an officer not connected with the department.

“Now I must speak of two very serious matters in the *bordereau*. It contains this phrase: ‘Unless you wish me to have it copied *in extenso*.’ Now, one who wishes to have a document copied *in extenso* must have someone at his disposition to make the copy. The writer does not say: ‘Unless I copy for you,’ but ‘Unless you wish me to have it copied.’ When my attention was called to Esterhazy, I said to myself: How, in 1894, could he have had at his disposition secretaries, persons who could copy? The person to whom I applied for information said to me: ‘Esterhazy has always had documents copied for him at home by secretaries, and he is even now having some copied.’ Furthermore, this party said: ‘Esterhazy in 1894 was a major,’--that is, he had a secretary under him. The information that Esterhazy was then a major astonished me, for the *bordereau* says: ‘I am about to start for the manœuvres,’ and majors generally do not take part in the spring manœuvres. But, on consulting the reports of the 74th of the line, I found there the statement that Major Esterhazy will take part in the manœuvres. Thus I found all the evidence in harmony.

“General de Pellieux spoke yesterday of a secretary named Mulot whom I had questioned. It is perfectly true, and General de Pellieux got the information from me. I ask the jurors to remember the letters written to me by General Gonse, and the testimony given here by General Gonse on February 9. General Gonse, in his letter, told me not to continue with the experts, but to try to find out how the documents were obtained and

copied. In his testimony General Gonse said that it was necessary at that moment for me to question the artillery officers with whom Major Esterhazy might have been at the manœuvres and the firing school, and find out what they perhaps had copied. Well, gentlemen, I am astonished that I am now reproached at having sent for Mulot, who was one of the two secretaries employed by Esterhazy. I thought that, if I could be reproached with anything, it was with having questioned only him; and I will tell you why. I had been advised to question the sub-officers, but very discreetly, so that the matter would not be noised abroad. Well, the difficulties that I met convinced me that it was impossible to get this information without asking for it. So I sent for Mulot, and said to him: 'There have been indiscretions in the press. The minister desires to know if any documents have been copied in the offices that should not have been.' He answered: 'I was the secretary of Major Esterhazy, and copied such and such documents,' which he enumerated. I could not press him without putting him on the track that I was following. He told me that Esterhazy delivered many lectures, and that he had to copy for him passages from books. I remember only one thing. He spoke to me of a manual. I believe that I showed him the manual of artillery practice, and asked him if that was it. He said: 'No.' Then I allowed him to go, and I did not follow up the matter, because it was not possible to do so without compromising Esterhazy and giving rise to rumors. But I am astonished that under these circumstances, it being known that I had questioned Mulot unsuccessfully, Mulot should have been the only one cited before the council of war. I am astonished that they did not summon the other secretaries whom Esterhazy had employed, and especially the secretary that he employed in the spring of 1896 to copy sundry documents for him. One fact is patent,--that at that time the colonel of the 74th gave to Major Esterhazy a confidential document. Its delivery is proved either by a receipt or by a note in that report. Well, at that time Major Esterhazy was employing someone to copy documents or plans for him at home. It

would have been interesting to know whether he employed some one to copy the document that his colonel gave him.

“There is another thing, which has deeply saddened me. I hardly think it was General de Pellieux’s intention, but it seems to me that he insinuated yesterday that it was my desire to engage in a corrupt conspiracy against this man. Possibly I spoke to the general of his military situation. Possibly, on the other hand, he first spoke to me of it. But I cannot suffer such a charge to be made against me. There had never been any mention of Mulot’s deposition. I had seen him in the witnesses’ room, but I simply said ‘Good day’ to him, adding: ‘You did not think that you would come here, did you?’ And it was only yesterday that I learned through General de Pellieux’s testimony what was thought of me in the matter.”

General de Pellieux, recalled, declared that he could answer concerning two points only.

“I said yesterday,” he testified, “that the writer of the *bordereau* was an officer, an officer in the war department, and a licentiate. I said that he was a licentiate, because in the war offices the officers are somewhat confined by their services, and an officer in one bureau would find difficulty in furnishing information from another bureau, whereas a licentiate goes from one bureau to another, and consequently is in a position to furnish information from many. It is true that Major Esterhazy was at the manœuvres and at the firing schools, but the note on Madagascar, since it was not until August that the matter was elaborated in the war department, could not have been furnished by Esterhazy, because at that time he had been to the firing schools and the manœuvres, and did not go again after August 16, while all the licentiates were at the manœuvres until the end of August. I care nothing for the importance of the documents enumerated; what I wish to prove is that they were not furnished by Esterhazy. One word more. Colonel Picquart says that

Mulot's deposition was made behind closed doors. True, but the investigation was not behind closed doors, and in the investigation he made the declaration that I spoke of yesterday. He made it in presence of Major Ravary, and Major Ravary's report was not read behind closed doors. Send for Mulot; he will corroborate me."

M. Labori.--"We shall be glad to send for any witnesses that are desired. We wish to do nothing to increase the darkness. I ask that each of the documents be examined individually. Let Colonel Picquart give his explanations, and let such of them as may be contested be discussed, one by one."

General Gonse then came to the stand.

"The documents enumerated in the *bordereau* are, first, the note on cannon 120, and the way in which its hydraulic check works. Well, the piece 120 is a piece which at the time of which we speak was still new. Its check was new. Knowledge of it was confidential and extremely technical. I am not acquainted with the check, and I never saw the piece fired. It is fired only under special conditions. It may be that infantry officers have seen it fired, but only from a distance, and certainly they are not in a position to furnish any serious information regarding it, which indicates that this note is a technical note that could have come only from an artillery officer."

The Judge.--"What is the second point in the *bordereau*?"

General Gonse.--"The *troupes de couverture*. There is nothing confidential here. These are troops that go to the frontier when war is declared, to cover the mobilization of a certain region and to prevent incursions of the enemy. They come from points not far from the frontier, either on foot or by rail. Well, in the month of April, or early in 1894, the staff reconstituted the plans for the transportation of the *troupes de couverture*. These new plans could not have been known outside of the

staff. At this time was made also a plan for the general concentration of the army. But that plan it took a long time to finish, and the plan regarding the *troupes de couverture* went into force in the spring, while the plan of concentration was not completed and put in force until the end of 1894, or the beginning of 1895. Meantime there were some modifications, some changes of garrison among the *troupes de couverture*, some modifications in the organization of artillery; consequently the *bordereau* states the truth when it adds to the note concerning the *troupes de couverture* that there have been some modifications in the plan. Only an officer of the general staff could have known these modifications and furnished the note regarding them. No officer of troops, not even an officer of a division staff, could have given this information.

"It is certain that anybody may make notes about Madagascar, but in 1894 a note on Madagascar was made, destined for the minister of war,--a secret note indicating measures to be taken, measures that concerned the expedition, a whole series of secret and confidential matters. When the *bordereau* announced this note, we were extremely surprised. It did not occur to anyone that the reference might be to a note taken from a newspaper or magazine. As to the firing manual, we never give the manual of artillery practice to infantry regiments; so it seems, too, that only an artillery officer could have furnished that.

"Colonel Picquart said just now that I prescribed the course that he should follow in his investigations, telling him to question artillery officers, which he did. But he fails to say that the result was negative. He went to an artillery regiment in garrison at Versailles, and questioned the officers. But the information given him was negative. Colonel Picquart told me so himself."

Colonel Picquart.--"I questioned an artillery officer of a regiment in garrison at Versailles, having previously obtained the authorization of the

colonel; but I did not go farther for the same reasons that kept me from further questioning the secretary, as I have already stated. Now I come to the question of the *bordereau*. Dates must not be confused. There were manœuvres in the autumn of 1894, but the *bordereau* was written in April. What struck me were the words: 'I am about to start for the manœuvres.' It was not the autumn manœuvres that were then approaching."

General de Pellieux.--"One word. The *bordereau* was not written in April. I appeal to General Gonse."

M. Labori.--“It has always been said at the war department that it was written in April.”

General de Pellieux.--“Not at all.”

M. Labori.--“This is an interesting point. Will you ask whichever of these gentlemen it is who knows, at what date the *bordereau* was written, and at what date it was seized; and, when I say seized, I mean at what date it fell into the hands of the minister?”

General Gonse.--“It reached the department toward the end of September, 1894.”

M. Labori.--“And at what date was it written?”

General Gonse.--“There is no date. It must have been written toward the month of August, since there is a question in it of a note about Madagascar.”

M. Labori.--“Just now General Gonse made use of the phrase: ‘A note on Madagascar,’ as a basis for saying it was certainly very serious, since in the month of August a very serious note on Madagascar was made; and now he makes use of this date, August 10, to fix the date of the *bordereau*. This is a begging of the question.”

General Gonse.--“Permit me. I do not give the date with absolute certainty. I know only that the *bordereau* reached the department at the end of September. We suppose that it must have been written toward August.”

M. Labori.--“At what date was the important note on Madagascar drawn up in the department?”

General Gonse.--“In the course of the month of August.”

M. Labori.--“I read from the Dreyfus indictment:

Regarding the note on Madagascar, which offered great interest for a foreign power, an expedition had been sent there toward the beginning of 1894. Captain Dreyfus could easily have procured it. In fact, in the month of May last Corporal Bermelin, then Colonel Sandherr’s secretary, copied its twenty-two pages in the ante-room next to the office of this superior officer. The making of the copy took about five days, and in the meantime original and copy were left in a blotting-case.

“I ask General Gonse how he reconciles the date August, which he has given, with the report of M. d’Ormescheville, which gives the date February, 1894; and how he explains the copying of notes so serious by a corporal, during five days, in an ante-room?”

General Gonse.--“There was a note in August. I do not know whether there was a note in February.”

M. Labori.--“You see, gentlemen, how important it is to be exact. This matter is being continually befogged by equivocation. They say it is a note on Madagascar which was written in August, 1894, and, when we consult M. d’Ormescheville’s report relating to the Dreyfus case, and consequently to the *bordereau*, we find mention of a note written in February, 1894. So that matter is settled.”

General Gonse.--“I have nothing to say. I maintain all that I have said.”

M. Labori.--“I ask that Colonel Picquart be heard on these points.”

Colonel Picquart.--“I have another word to say concerning the *troupes de couverture*. I said just now that I did not believe that the author of the *bordereau* was connected with the department. Otherwise he would not have written: ‘A note on the *troupes de couverture*; there will be some modification in the new plan.’ If, as I had always believed hitherto, the *bordereau* was written in April, the writer alluded to modifications just made. Now, the modifications that had just then been made were then considered definitive, although later they were slightly changed. I know something about this, because I drew them up.”

M. Labori.--“Why have you always supposed that the *bordereau* was written in April?”

Colonel Picquart.--“I have always heard it so said at the war offices.”

The Judge.--“You do not know of your own knowledge?”

Colonel Picquart.--“No.”

M. Labori.--“Now I am going to ask Colonel Picquart--for I imagine that at the point at which things have now arrived he will not refuse to answer--whether he was not delegated by the minister of war to attend the Dreyfus trial.”

Colonel Picquart.--“I maintain my first declaration.”

M. Labori.--“You refuse to answer?”

Colonel Picquart.--“Yes.”

M. Clemenceau.--“Does General de Pellieux think that Colonel Picquart may answer?”

General de Pellieux--“I cannot speak of the Dreyfus trial. I had nothing to do with it.”

M. Clemenceau.--“That is not my question. I ask: Does General de Pellieux think that Colonel Picquart may answer the question put to him?”

General de Pellieux.--“Colonel Picquart is judge of his own answers. I have no advice or command to give him.”

M. Clemenceau.--“It is not advice or command that I ask, but an opinion.”

General de Pellieux.--“I have no opinion to offer to Colonel Picquart.”

M. Labori.--“Then, _Monsieur le President_, will you ask General Gonse if Colonel Picquart was not delegated by the minister of war to attend the Dreyfus trial?”

General Gonse.--“I have not to answer that question.”

M. Labori.--“Then I say to the jury that it is the truth, and, if it is not true, let one or the other of these gentlemen contradict me. Now I ask General Gonse how he knows that the notes enumerated in the *bordereau* furnished any serious revelations regarding the important subjects mentioned.”

General Gonse.--“From the titles themselves. I cannot suppose that these notes contained trifles.”

M. Labori.--“Then I ask General Gonse this question: A traitor is a man who delivers documents for money. When he delivers a serious document, does he not show its importance, and, when he says ‘a note,’ can it be taken to be a document instead of a personal note?”

General Gonse.--“I have no answer to make on that matter.”

M. Labori.--“Come back now to this passage of the _bordereau_:

This last document is very difficult to procure. I was able to have it at my disposal for a few days only. The minister of war sent a definite number to the corps, and for these the corps are responsible. Each officer must return his copy after the manœuvres.”

General Gonse.--“After the firing lessons.”

M. Labori.--“Pardon me; it says after the manœuvres; and that is very interesting, for here is an officer going to the manœuvres, who can use this document during the manœuvres, having not to restore it till after the manœuvres. Then I ask General Gonse: Why is this document difficult to procure, and why could the officer in question have it for a few days only?”

General Gonse.--“Regarding that, you should ask an officer of the third division,--the artillery division of the war department. I give only an opinion. I believe that, when these documents exist only as projects, the copies are numbered. They give perhaps ten to a regiment of artillery; these ten copies must be restored intact after use of them, so that, if they gave only ten, and there were thirty or forty officers, no single officer could keep his copy long. But this is only a supposition, because the distribution does not concern me. I know it only by hearsay.”

M. Labori.--“But just now it was necessarily an artilleryman. I say, at any rate, that it is necessarily a corps officer, for he would have a manual only during the time of the manœuvres. Is that General Gonse’s interpretation?”

General Gonse.--“Yes. But that does not prove that it is a regiment officer. It must be an artillery officer, and not an officer of a regiment of infantry, for this manual never goes to the infantry.”

The Judge.--“You said just now that it must be an artillery officer and a licentiate.”

General Gonse.--“It was not I who said that; it was General de Pellieux. But I corroborate him, because the enumeration of the documents in the *bordereau* concerns the artillery division. The hydraulic check does not concern us at the staff. It is a technical matter in the artillery domain. The matter of the *troupes de couverture* concerns at least three bureaus of the staff,--the first, third, and fourth. The writer of the *bordereau* then must have been an officer initiated in the work of these three bureaus.”

The Judge.--“My inquiry concerned the words ‘and at the same time a licentiate.’”

General Gonse.--“The licentiates remain two years with the staff, passing six months in each of the four bureaus.”

General de Pellieux.--“The *bordereau* says: ‘A certain number of these documents were sent to the corps.’ An infantry officer would have said: ‘A certain number of these documents were sent to the artillery corps.’”

M. Clemenceau.--“Would an artillery officer at the firing lessons have refused to lend his manual to a major of infantry?”

General Gonse.--“It is certain that it might have been done, because there is no distrust of the officers of infantry; but, if I remember rightly, the information obtained by Colonel Picquart from the artillery officers was to the effect that Major Esterhazy paid very little attention to what was going on on the firing grounds, and spent his time in smoking cigarettes.”

M. Labori.--“Then what becomes of that extraordinary zeal which was made so much of before the council of war, to explain Major Esterhazy’s strong desire to go to the manœuvres at his own expense? Why was he so zealous, if he wanted to do nothing but smoke cigarettes? If he had asked an officer to lend him the manual, he would not have done so in order to follow the firing, for it is our contention that he wanted it in order to deliver it to a foreign power.”

Colonel Picquart.--“General Gonse said that the writer of the *bordereau* must have been a licentiate who had passed through the first, third, and fourth bureaus. Well, this *bordereau* has been attributed to a person who had not reached the third bureau at the time of the appearance of the *bordereau*, and who was then in the second bureau, which relates to foreign armies. If, then, this person had had anything to deliver, it would have been other things,--for instance, how much we know about the status of foreign armies.”

A recess was then taken, and, when the court came in again, General de Pellieux asked to be recalled.

“Gentlemen of the jury,” said he, “I have an observation to make concerning what has just taken place. So far, we have kept strictly within the bounds of legality. We have said nothing of the Dreyfus case, and I do not wish to speak of it. But the defence has just read publicly a passage from the report of Major d’Ormescheville, which was made behind closed doors. I ask, then, to speak, not of the Dreyfus case,--I shall not speak of it,--but I say, as Colonel Henry said: ‘They want the light; they shall have it.’ At the time of the Castelin interpellation in 1896, a thing occurred which I desire to point out. There came to the war department--and notice that I do not speak of the Dreyfus trial--absolute proof of the guilt of Dreyfus. This proof I have seen. There came to the war department a paper the origin of which cannot be contested, and which contained these words: ‘There is going to be an interpellation regarding the Dreyfus case. Never tell the relations that we had with that Jew.’ Gentlemen, the note is signed. It is not signed with a known name, but attached to it is a visiting-card, and on the back of this card are a few words making an unimportant rendezvous signed with the same name that is signed to the document, and the visiting-card bears the name of the person. Well, gentlemen, a revision of the trial has been sought by indirect methods. I bring you this fact. I make the declaration on my honor, and I appeal to General de Boisdeffre in support of my testimony.”

M. Labori.--“I ask the floor for a moment, not to answer General de Pellieux, but to point out immediately the necessary consequence of his words, so far as this case is concerned. I ask the floor, *Monsieur le Président*, to say two words.”

The Judge.--“Two words only?”

M. Labori.--“Two words only.”

The Judge.--“Have you a question to put?”

M. Labori.--“How could I have questions to put in answer to an absolutely new matter just brought into the trial?”

General de Pellieux.--“You have brought into the trial a new matter by reading the indictment framed by Major d’Ormescheville, which was read behind closed doors.”

M. Labori.--“We are advancing, we are advancing.”

General Gonse.--“I ask the floor.”

The Judge.--“Presently, general.”

M. Labori.--“A matter of exceptional gravity has just arisen. There is one point on which we are all agreed here: General de Pellieux has not spoken of the Dreyfus trial. He has spoken of something that happened after the Dreyfus trial. This matter, then, must be discussed here. After such a statement, there can be no restriction of the debate. I point out to General de Pellieux that no document can have any scientific value as proof, until it has been discussed openly. We have now reached a point in this affair--an affair that is assuming the proportions of a State affair--where we are in the presence of two documents, or two files of documents, equally serious,--a secret file which was the basis of the conviction of Dreyfus in 1894 without contradiction, without discussion, without defence, and a second secret file which has been used for weeks to prevent anything but assertions from being made in this court. What ever respect I may have for the word of General de Pellieux as a soldier, I cannot grant that this document has the slightest importance. As long as we do not know it, until we have discussed it, until it shall be publicly known, it will go for nothing. And it is in the name of the eternal right of principles venerated from the beginning of civilization that I utter these words. Consequently I now arrive at a point so precise that my tranquillity, from any point of view, is increased. Only one thing has worried me--the constant obscurity, the increase of public anxiety, thanks

to the daily thickening darkness, thickened I do not say by lies, but by equivocations. Whether Dreyfus be guilty or innocent, whether Esterhazy be guilty or innocent, these are questions of the highest gravity. General de Pellieux, the minister of war, General Gonse, and myself are entitled to convictions upon them, and we are capable of going on forever unless the absolute light is brought out. But it will not do to let the excitement of the country go on increasing. Now we have a means, without closed doors, and without court decrees, of arriving at the light, at least at partial light, for the revision of the Dreyfus trial is now a thing of necessity. The protests of the crowd show that it does not understand the seriousness of this trial from the eternal standpoint of civilization and humanity. If Dreyfus is guilty, and if the statements of these generals are well founded, the proof will come out in a fair trial. If they are mistaken, the contrary will be proved, and, when the light shall be absolute, and all the darkness dissipated, there will be perhaps in France one or two men really guilty and responsible, and, whether they be on the one side or the other, they will be known and marked. And then we shall go quietly back to our works of peace or war,--for nobody fears war with generals worthy to speak in the name of the army which they command; and not by threats of war, which is not approaching, whatever they may say, are the jurors to be intimidated. Let General de Pellieux explain himself without reserve, and let the document be produced."

The Judge.--"General Gonse, what have you to say?"

General Gonse.--"I confirm the testimony of General de Pellieux. He has taken the initiative, and he has done well. I would have taken it in his place, to avoid all equivocation. The army does not fear the light. To save its honor, it does not fear at all to tell the truth. But prudence is a necessity, and I do not believe that proofs of this character, though they are real and absolute, can be brought here and made public."

General de Pellieux.--“M. Labori spoke just now of revision on the strength of the communication of this secret document to the council of war. There has been no proof of such communication. I do not know whether Colonel Henry’s testimony of the other day was listened to with sufficient attention. He pointed out that Colonel Sandherr had delivered to him a secret file, which had been sealed before the sitting of the council of war and had never been opened. Now, for a revision of the Dreyfus trial because of this document, what is necessary? The proof.”

The Judge.--“We have not to concern ourselves with revision. That cannot be done here.”

General de Pellieux.--“There is talk of nothing else.”

The Judge.--“I know that, but it cannot be done in an assize court. General Gonse, have you anything more to say?”

General Gonse.--“No.”

General de Pellieux.--“I ask that General de Boisdeffre be sent for to confirm my words.”

The Judge.--“Will you ask him to come tomorrow?”

General de Pellieux.--“Major Delcassé, take a carriage and go for General de Boisdeffre at once. I wish to say that I have brought up this letter only because I was forced to. Major d’Ormescheville told me himself that the newspapers mutilated his report. I ask that he be called to testify.”

M. Labori.--“Since it was I who read from this report, I ask permission to answer General de Pellieux in two words.”

The Judge.--“Is it a material fact?”

M. Labori.--“This report has been published. I had nothing to do with its publication.”

General de Pellieux.--“Has it been published in full?”

M. Labori.--“I do not know.”

General de Pellieux.--“Ah! that is the question.”

M. Labori.--“No, that is not _the_ question, for there are several questions.”

General de Pellieux.--“It is one of the questions.”

M. Labori.--“The question is whether the note to which General Gonse attributed the date of August was really written in February. Whether some pages were omitted or not does not alter this fact. If the report has not been published entire, I ask that it be published entire. And I shall have only to congratulate myself when it appears, because thus we shall arrive at that light for which we are continually asking, and which will never be made too complete to suit us. General de Pellieux sends for General de Boisdeffre. He is right, but I wish to say--and within forty-eight hours my words will be recognized as prophetic--that it will not be possible to stop the debate at the words of General de Pellieux or at those of General de Boisdeffre. Either these documents must not be spoken of, or else they must be shown. That is why I say to General de Boisdeffre: ‘Bring the documents, or say no more’.”

M. Clemenceau.--“General de Pellieux told us that at the time of the Castelin interpellation they had absolute proofs. Does that mean that, before that, they had only relative proofs? I ask General de Pellieux--and it is a question that is beginning to be asked everywhere--how it happens that it is in an assize court that so serious an assertion is made? How happens it that General Billot, in the course of the Castelin interpellation, did not speak of these secret documents to the chamber, any more than he threatened the chamber with war? It is to an assize court that they come to say these serious things, and reveal secret documents.”

General de Pellieux.--“I have not threatened the country with war. All this is to play upon words. It is none of my affair whether General Billot spoke of this document at the time of the Castelin interpellation. General Billot does as he sees fit. Surely he said to the chamber several times: ‘Dreyfus was justly and legally convicted.’”

M. Labori.--“I interrupt to say that at least one of those two words is false.”

General de Pellieux.--“Prove it.”

M. Labori.--“It is proved.”

M. Clemenceau.--“We have tried to prove it, and have been prevented, and, if General de Pellieux wishes me to explain further, I am ready to do so.”

The Judge.--“It is useless.”

M. Labori.--“It is proved by M. Salle; it is proved by M. Demange; it is proved by publications in the newspapers that have not been contradicted; it is proved by General Mercier, who did not dare to look me in the face and say the contrary, though I had sent him, through the newspapers of the day before, a challenge which he has answered by silence, which he answered by a distinction which in itself alone is a decisive proof, for, when I said: ‘General Mercier delivered a document to the council of war, and has boasted of it publicly everywhere,’ General Mercier, throwing another equivocation into the debate,--I do not say wilfully, perhaps unconsciously,--answered; ‘That is not true,’ and I said to him: ‘What is not true,--that you have not said it everywhere, or that you did not deliver the document?’ and he answered me: ‘Simply that I have not boasted of it everywhere.’ So I say that to every honest mind the proof is made, and the proof that the proof is made is that no one has risen to say what General de Pellieux will not dare to say. I defy him to say it. Well, I say that the proof is made.”

General de Pellieux.--“How do you expect me to say what happened in the Dreyfus trial? I was not there.”

M. Labori.--“It is well. I thank you, my general.”

M. Clemenceau.--“We brought here a witness who had it from the lips of one of the members of the council of war that a secret document was communicated to the judges. We were not allowed to question him.”

M. Labori.--“I have two letters that say the same thing, and I have another letter from a friend of the president of the republic, declaring that he will not come to testify, because he has been warned that, if he tells the truth, they will declare him a liar.”

M. Clemenceau.--“As to the secret document, why did not General Billot show it to M. Scheurer-Kestner when that gentleman went to see him? In that case the whole matter would have been finished by this time.”

Cutting the matter short, the court called the next witness. It was Major Esterhazy. He advanced to the bar, and rested himself upon it, facing the jury. A guard followed him, stopping a little distance away. But M. Labori insisted that the trial could not go on until the declarations of General de Pellieux had been either overthrown or confirmed, and, General de Boisdeffre not having arrived, the court postponed the hearing of Major Esterhazy to the following day, and an adjournment was declared.

ELEVENTH DAY--FEBRUARY 18.

At the opening of the hearing the judge called General de Boisdeffre to the bar, and said to him:

“General, yesterday an incident occurred which we did not expect. Although it concerns a matter outside of this trial, in view of what was said, and in view of the demand for your testimony, we thought it our duty to send for you. Let me read to you the stenographic report of the declaration made here yesterday by General de Pellieux.”

When the judge had finished reading, General de Boisdeffre spoke as follows:

“I shall be brief. I confirm General de Pellieux’s deposition in all points as exact and authentic. I have not a word more to say, not having the right. And now, gentlemen, permit me, in conclusion, to say one thing to you. You are the jury; you are the nation. If the nation has no confidence in the commanders of its army, in those who are responsible for the national defence, they are ready to leave this heavy task to others; you have only to speak. I will not say a word more. *Monsieur le Président*, I ask your permission to withdraw.”

The Judge.--“You may withdraw, General. Bring in the next witness.”

M. Labori.--“Pardon me, I have some questions to put.”

The Judge.--“You have not the floor. The incident is closed.”

M. Labori.--“Pardon me, *Monsieur le Président*” ...

The Judge.--“You have not the floor. [To the court officer.] Bring in Major Esterhazy.”

M. Labori.--“I have some questions to put to the witness.”

The Judge.--“This was an incident outside of the trial. You have not the floor.”

M. Labori.--“*Monsieur le Président*, I ask you for the floor.”

The Judge.--“I do not give it to you.”

M. Labori.--“Will you permit me to make some observations, in order to indicate why I ask the floor.”

The Judge [to the court officer].--“Bring in Major Esterhazy.”

M. Labori.--“I am going to offer a motion in order to obtain the floor.”

The Judge.--“The court will pass upon it later. Bring in Major Esterhazy.”

M. Labori then began to draw up his motion, and in the meantime Major Esterhazy was ushered in. As he took the stand, the judge said: “M. Labori, what questions have you to put?”

M. Labori [without rising].--“*Monsieur le Président*, I am drawing up my motion.”

The Judge.--“Well, I am going to question the witness. It has been declared in this trial that you were the author of the famous *bordereau*. What have you to say thereupon?”

Major Esterhazy.--“I ask permission to make a declaration to the jurors before answering you.”

The Judge.--“You can make such a declaration, now that you have taken the oath.”

Major Esterhazy.--“Gentlemen of the jury, I do not know whether you realize the abominable situation in which I am placed. Without the

shadow of a proof, a wretch, M. Mathieu Dreyfus, has dared to accuse me of being the author of the crime for which his brother is being punished. He has accused me of the crime of high treason. For seven weeks two examinations were in progress. My accusers had a chance to produce all their proofs. They were offered the widest latitude; they produced nothing. I have been judged by my peers, by my superiors, who have acquitted me unanimously. Today, in contempt of all rights, in contempt of all the rules of justice. I am summoned before you, not as a witness, but as an accused. I protest with all my might against this treatment. I am kept in the witnesses' room, and not allowed to put anyone forward in my justification. Meantime my accusers question the witnesses whom they have prepared. There is no one to raise his voice in my favor. During the last eighteen months, in the shadow, there has been woven against me the most frightful conspiracy ever woven against any man. During that time I have suffered more than anyone of my contemporaries has suffered in the whole of his life. I have been made the object of the most infamous manœuvres, the most cowardly manœuvres,--for it is especially cowardice that figures in this campaign. I am ready to answer all the questions that the court or the jurors may ask me. It is your right. As for these people, I do not answer them."

The Judge.--"M. Labori, have you any questions to put?"

M. Labori.--"I am drawing up my motion, *Monsieur le Président*."

The Judge.--"Witness, you may be seated."

M. Labori.--"I add that I shall have some questions to put to the witness."

The Judge.--"You will put them now, or not at all."

M. Labori.--“I call attention to the way in which, twice in succession, you have refused me the means of maintaining the defence.”

The Judge.--“I repeat to you that you are not the director of the trial.”

M. Labori.--“I do not direct the trial. The proof of that is that you forbid me the floor. I have a right to offer motions. I am drawing up a motion. When the court shall have passed upon it, I will put questions. You will pass upon it in the fulness of your rights. As for me, I will appeal by every way that is open to me.”

The Judge.--“You have the right to appeal, but as for me, I will direct the trial as to me seems proper. You ask the floor on a matter foreign to the trial. I have refused it to you, and I still refuse it to you. If you have no questions to put to Major Esterhazy, we shall ask him to be seated.”

M. Labori.--“I have questions to ask, but I will not ask them until the court shall have passed upon my motion.”

The Judge.--“The court will pass upon it tomorrow.”

M. Labori.--“The court will pass upon it when it likes, but, as for me, not another word shall be gotten from me.”

The Judge.--“Witness, take your seat.”

The court then called other witnesses, but none appeared. Thereupon General de Pellieux asked for the floor.

The Judge.--“Certainly.”

General de Pellieux.--“I have just received the declaration of a person whose name is on this card. This person was questioned day before yesterday by M. Atthalin. I ask that he be heard. He has an especially important declaration to make regarding a money proposition that has been made to him. He is in the Salle des Pas-Perdus, ready to come up. His name is M. Bouton. I do not know him.”

The Judge.--“We will hear this witness presently, if there is occasion.”

The court then declared a recess. An hour and a half later the court came in again, whereupon M. Labori read the following motion:

May it please the court,

Whereas, after the deposition of General de Boisdeffre, M. Labori asked the floor in order to put several questions to the witness;

Whereas the incident in question was raised spontaneously during yesterday’s session by General de Pellieux, who invoked, as a so-called proof against Dreyfus, and consequently as a so-called decisive defence of Major Esterhazy, two documents without any appearance of value or authenticity;

Whereas, without having to touch any point concerning the national defence, the accused have a right to put to the witnesses in a general way questions relative to their depositions, and of such a nature as to aid in bringing out the truth;

Whereas the accused cannot be forbidden, without outrageously violating the rights of defence, to ask questions concerning the manner in which General de Pellieux was made acquainted with these documents, the conditions under which they were shown to him, in order to find out whether they have been examined by experts, etc.;

Whereas it cannot be pretended that General de Pellieux made a declaration so spontaneous that it was impossible to stop him;

Whereas in fact, General de Boisdeffre, whose deposition had been announced in advance, has been called to the bar, after a day's reflection, with the consent of the court and with full knowledge of the circumstances, in order to confirm the declaration of General de Pellieux;

Whereas there is no occasion here to inquire into the value, from the standpoint of equity and right, of judicial processes which consist in calling, or allowing to come daily, to the bar generals who testify free of all control, and without prevention of any sort, concerning matters which it pleases them to approach, invoking or violating closed doors or professional secrecy at their convenience;

But whereas in any case, and making, moreover, concerning this matter, all legal reserves, the accused believe it their duty to establish the following fact: The judge of the assize court, answering M. Labori, who asked for the floor in the terms of Article 319 of the code of criminal examination, and solely to put questions to witnesses; declared that the floor should not be given to him, and that no question should be asked either of General de Boisdeffre or of General de Pellieux;

Whereas the court made this answer before any question had been formulated;

Whereas M. Labori then asked to be allowed to offer a motion, in order to establish this refusal, and to make known to the court the reasons of fact and law by which he intended to obtain the floor immediately in the interest of the defence;

Whereas the judge refused to let M. Labori offer his motion;

Whereas the judge of the assize court undoubtedly has a right to direct the trial and to put questions to witnesses, but whereas, that this right may be exercised in conformity with the law, with equity, and with good sense, it is indispensable that the judge should at least inform himself of the questions to be put;

Whereas the refusal of the court, under the general, rigorous, and absolute conditions in which it was declared, constitutes, from all points of view, and especially after the depositions of General de Pellieux and General de Boisdeffre, which are thus left without answer and with the protection of justice, a manifest violation of the rights of defence;

Whereas by the deposition of General de Boisdeffre the question of confidence in the general staff is now laid before the jury, and the chief of the general staff has indicated that a verdict of acquittal would be followed by the resignation of the general staff;

Whereas the defence thus finds itself confronted with a really abusive intervention of military authority in a matter of justice, and whereas it would be a veritable denial of justice to prevent the accused from disproving the serious charges made against them at this bar with the authorization of the court;

Whereas, in consequence of these facts, the judge summoned the next witness, Major Esterhazy;

Whereas, after having put a question to him upon the refusal of the defence to put questions itself for the reason that it needed time to draw up a motion, the judge invited M. Labori to put questions to Major Esterhazy if he thought it useful to do so, telling him that he must put them then, or that he would not be allowed to put them later;

Whereas, after this declaration, and in spite of the protests of the defence, the witness, Major Esterhazy, was sent back to his seat, and another witness was called;

Whereas it was only because no witness appeared at the bar that the judge found himself under the necessity of declaring a recess, and that the defence has had an opportunity of drawing up its motion;

Whereas all these facts have done serious injury to the rights of the defence, the free exercise of which it is the business of the court to insure;

For these reasons,

To give the movers the benefit of record of the facts announced as the reasons for the present motion;

To order that Generals de Pellieux and de Boisdeffre shall be recalled to the bar, there to be examined on all questions that may be formulated by the defence and thereafter put by the court;

To declare that the trial shall then go on according to the regular forms prescribed by law, under all reserves, notably under that of recalling to the bar Major Esterhazy when there shall be occasion;

And that will be justice.

PARIS, FEBRUARY 18, 1898.

The Attorney-General.--“I have but a single observation to make,--namely, to recall my declaration of the opening day that the law is absolutely opposed to any attempt at revision in the assize court. I asked the court to exclude from the trial the Dreyfus file and the Esterhazy file. I foresaw all that is taking place here. It is because we have allowed ourselves to be drawn upon the ground which the defence had chosen and prepared that all this has occurred. Under these circumstances I have only to remain on the ground where I first placed myself, and on that ground I call for an open debate, but only on that ground.”

M. Labori.--“I do not ask the floor to plead. Nevertheless it is fitting that the defence should say a word in answer to the attorney-general, and I thank the court for allowing me for once to take the floor.” [Murmurs of protest in the court-room.]

The Judge.--“For ten sessions this has been going on.”

M. Labori.--“What has been going on, and what is increasing, is the unfitting manifestations which the court makes no effort to suppress. The attorney-general seeks shelter behind the words that he uttered on the opening day. He has seen nothing of what has been going on during the last ten days, if he thinks that we are still at the point where we were when he rose for the first time, on February 7, 1898. The facts have taken it upon themselves to prove that, in presence of a situation so serious as this, procedure and its subtleties are of no avail. I said, when I rose the first time: ‘Do you imagine that you can stop a torrent by placing yourself in the middle of it?’ You see that this torrent flows on. But the attorney-general could not have chosen a more inopportune moment for placing himself in opposition to the full explanations that we desire. Was

it the accused who threw into the trial the incredible declarations that were heard here yesterday, and that could not resist ten minutes' examination? We have nothing to do with them. Generals have come here every day to plead, not only with the oratorical talent that some of them possess, but with their authority, with their uniform, with their stripes, with their decorations" ...

The Judge.--"I shall take the floor from you, if you go on in that tone; it the last degree of impropriety."

M. Labori.--"I do not accept the word 'impropriety.' There is nothing improper in my words. I say that these generals have come here to plead. Is that improper? I say that they have pleaded here not only with their talent. Is that improper?"

The Judge.--"No."

M. Labori.--"I say that they have pleaded also with all the authority given them by the love of this country for its flag, which it wrongly confounds with them, for the flag is to be confounded with nobody. The flag is a symbol. [Cries of Enough! Enough!] Silence for those who do not respect justice in default of respect for defence. Really, who is it that is guilty of impropriety here, I ask?"

The Judge.--"The impropriety is in exciting the protests that you excite."

M. Labori.--"Pardon me, this trial has now risen to such a point that such opinions as those which you have just uttered, *Monsieur le Président*, have no weight with me, whatever my respect for your functions. And you shall not stop me, except by depriving me of the floor. It would not be the first time, and, if the trial goes on in this way, I am afraid that it will not be the last. That said, I resume my explanations at the point where I left off. I say that the attorney-general could not have chosen more inopportune circumstances to remind us of his words on the opening day. These generals have brought into the trial, not facts, but

assertions, which we are forbidden, I do not say to contradict, but to discuss and examine. This is not the moment to protest against the revision that we desire. Ah! yes, in spite of all obstacles, by virtue of the forces that truth and the sentiment of justice impart, we have been making this revision here for the last ten days, and it is because we are making it so successfully that by violent, morally violent, and illegal means they are trying from day to day, by demolishing each stone of the edifice that is rising in spite of everything, to make against us a sort of counter-revision. Well, there shall be no counter-revision here, unless we have the right to reply. The debate has now risen far above the condemned man on Devil's Island, who is interesting not because of his suffering, for there are so many men who suffer, and in so many different ways, that one more or less does not make much difference. He is interesting only because he suffers in violation of law, by a verdict rendered in the name of the people, in the name of the country. The trial has risen far above Esterhazy, far above M. Zola and M. Perrenx. It has risen above everybody. It is justice, liberty, and right that are now in question, and it is in their name that I offer *in abstracto* the motion which I have just offered.

"You also, gentlemen of the court, have responsibilities here. Do not answer our motion by equivocations. Do not say that I have asked for the floor for an argument. It would not be true. Confront the question as it is put. You are to tell us, gentlemen, if new forms of justice are to be inaugurated in this country. Neglect the tumult of an audience which does not know why it rages. Neglect the passions of people who trustingly believe in assertions that cannot be examined, and could not stand examination for a second. Do not forget that perhaps we are at a turning-point in the history of this country; and that you are about to render a decree the consequences of which no one can measure."

The court then rendered the following decree:

After listening to the accused and their counsel, and to the public prosecutor, and after deliberating in conformity with the law;

Considering that, on the spontaneous demand of General de Pellieux, the latter declared at yesterday's session a fact relating to the Dreyfus case, and that, in support of his declaration, he invoked the testimony of General de Boisdeffre;

Considering that the latter, at today's session, has confirmed the declaration of General de Pellieux;

Considering that, in the terms of the decree of February 7, the court has ordered that all incidents relating to the Dreyfus case should be excluded from the trial, and that consequently every question relating to these incidents must be excluded as of no utility and contrary to the aforesaid decree;

Considering that consequently the presiding judge was right in refusing the floor to the defence for the putting of any question under this head, and in ordering that the trial should be proceeded with;

Adopting, furthermore, the reasons indicated in the aforesaid decree;

Considering, as concerns Major Esterhazy, that the presiding judge, after having summoned the witnesses to the bar, invited the counsel of M. Zola to put to him such questions as he might deem useful, and that the counsel refused to put any questions at that moment, and that the presiding judge had to question him officially;

Considering, further, that the direction of the trial belongs exclusively to the president of the assize court in conformity with the law;

For these reasons,

The court declares that the presiding judge was right in refusing the floor to the counsel of the accused for the putting of any question to Generals de Pellieux and de Boisdeffre;

Declares that Major Esterhazy will be recalled to the bar, if there is occasion;

Rejects consequently the motion of the defence, and declares that the trial shall be proceeded with.

At this point M. Clemenceau inquired if General de Pellieux had fulfilled his promise to obtain from the minister of war an authorization of the production of the Uhlan letter. General de Pellieux answered that the minister of war must have written to the court in regard to it; but the court declared that nothing had been received from General Billot.

Then M. Clemenceau asked that the court order a guard to protect Mme. de Boulancy on her way to the court-room, she being in the building, but fearing to traverse, unprotected, the distance of one hundred and fifty feet between the point where she was and the court-room. The request was denied.

Then Colonel Picquart was recalled to the stand.

M. Labori.--“Major Esterhazy has had in his hands a document known as ‘the liberating document.’ It is directly connected with the Esterhazy case, and is the document that was seen in a certain file concerning which Colonel Henry testified. It has been declared that this file was shut up in a closet on the 15th or 16th of December, 1894, and was not taken out again until it was seen on the desk of Colonel Picquart in the presence of M. Leblois. Will Colonel Picquart tell us what he knows about that file?”

Colonel Picquart.--“Colonel Henry’s testimony was incorrect. The file was taken from the closet in the interval, I have not to say for what

circumstances, or for what purpose. But Colonel Henry's statement is not correct.

"Another thing. General Gonse said that the document beginning: 'That scoundrel D----' had been in the hands of several persons,--his own, Major Henry's, Adjutant Gribelin's, and mine. Well, I say that it has been in the hands of other persons. I need not enumerate them, but one of the persons who had it in his possession for some time is Colonel du Paty de Clam.

"I say further that, when this file was shut up in my closet from the end of August to the beginning of November, 1896, I was not the only one who could get it. There were at least two others who knew how to open my closet,--Adjutant Gribelin and Major Lauth. Colonel Henry also spoke of certain secret documents, extra-secret. I should violate my professional duty, if I were to enumerate the contents of that file. Until the minister of war shall relieve me from the obligation of professional secrecy, I shall have nothing to say regarding this. But I believe that Colonel Henry somewhat exaggerates the importance of certain documents therein. Evidently they are not documents for the public, but, considering the fact that the *bordereau* and the dispatch have been spoken of here, there are certainly other documents in the file which could be spoken of. In fact, there are certain of them whose authenticity it would be well to verify, one especially which arrived at the moment when Major Esterhazy needed to be defended against the charge that he was the author of the *bordereau*, and when it was necessary to prove that the author of the *bordereau* was someone else. Well, it has been produced, it seems, for it was never shown to me; but I have heard of it, and its origin has not been stated; probably it fell from heaven. But, in view of the moment of its production, and the language in which it is framed,--language absolutely improbable,--I think that there is reason to consider it a forgery."

M. Labori.--“The document of which Colonel Picquart speaks is the document alluded to here yesterday?”

Colonel Picquart.--“It is the document of which General de Pellieux spoke. If he had not spoken of it yesterday, I would not have spoken of it today. It is a forgery.”

General Gonse was then recalled for confrontation with Colonel Picquart. But he declared that he could do no more than repeat the declaration already made by General de Boisdeffre.

Major Esterhazy was then called to the bar.

Testimony of Major Esterhazy.

M. Labori.--“Major Esterhazy has declared that he will not answer me. Consequently, in conformity with the law, I ask him no question, but I ask the court to ask him what he thinks of the writing of the *bordereau*, and to call his attention to the fact that the question is put by the court.”

The Judge.--“I repeat the question to Major Esterhazy. You are asked what you think of the writing of the *bordereau*.”

Major Esterhazy.--“Although you do me the honor to convey to me this question, *Monsieur le Président*, it is still the question of M. Labori. Consequently I will not answer.”

M. Labori.--“*Monsieur le Président*, will you ask Major Esterhazy if he has in his hands the letter that Captain Brault wrote to him in 1893 to ask him for his handwriting--either Captain Brault or a forger signing the captain’s name?”

The Judge.--“Will you answer?”

Major Esterhazy.--“I will answer none of the questions put to me. That is flat.”

M. Clemenceau.--“I ask permission to continue the experiment. And, as the witness may at any time change his mind, I will ask all the questions that I have to ask. The witness will answer or not. Will you ask the witness how he entered the French army,--by way of St. Cyr, by way of the Polytechnic, or otherwise?”

The Judge.--“You hear the question.”

Major Esterhazy.--“Always the same reply.”

M. Clemenceau.--“At what time was the witness connected with the French information service? Has he not said that he was connected with it twenty years ago? Did he not say that before the council of war?”

No answer.

M. Clemenceau.--“I will continue. Did the witness ever know a person answering to the name of Mme. de Boulancy?”

The Judge.--“Will you answer this question?”

Major Esterhazy.--“None, *Monsieur le Président*.”

A few “Bravos” were heard in the court-room.

M. Clemenceau.--“I beg the court to permit all these manifestations on the part of the public. If you will permit me, I will even join in them, because I consider that the witness has adopted the only plan open to him. Placing myself where he stands, I will applaud every time that he refuses to answer the questions that I shall ask him. Does the witness admit that he wrote a letter to Mme. de Boulancy containing the following passage: ‘The Germans will put all these people [meaning Frenchmen] in their right-place before long’?”

The Judge.--“Major Esterhazy has declared that he will not answer.”

M. Clemenceau.--“Pointing out that the witness has previously admitted the authenticity of this letter, I continue. Does the witness admit that he wrote a letter containing the following passage: ‘There is the beautiful army of France; it is shameful. And if it were not a question of position, I would leave tomorrow. I have written to Constantinople. If they offer me a position that suits me, I will go there, but not without first administering to all these scoundrels a pleasantry of my own’?”

After waiting a moment and receiving no reply, M. Clemenceau continued:

“Are not the passages that I have just read contained in letters whose authenticity the witness admitted to General de Pellieux? [Silence.]

“Did not the witness deny to General de Pellieux the authenticity of a single letter, called the Uhlan letter, in which the passages that I have just read do not occur?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Did not the witness admit that the following passage occurred in a letter written by him to Mme. de Boulancy: ‘Our great commanders, poltroons and ignoramuses, will go once more to fill the German prisons’?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Does the witness admit that the passage just read was contained in a letter whose authenticity he did not deny to General de Pellieux?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Does the witness admit that he wrote to Mme. de Boulancy a letter containing the following passage: ‘I am absolutely at the mercy of this hussy, if I make the slightest mistake with her; and it is a situation which is far from pleasant. I hate her, you may believe, and I would give everything in the world to be today at Sfax, and send for her to come there: one of my horse soldiers, with a gun capable of going off by chance, would cure her forever.’” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Does the witness admit that this letter was produced before General de Pellieux, and that he did not deny its authenticity?” [Silence.]

The Judge.--“Go on. The major has told you that he will not answer.”

M. Clemenceau.--“Does the witness admit that all these letters containing the insults to the army and its commanders which I have just read were written after the war of 1870 and 1871?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“*Monsieur le Président*, I am going to read a letter the authenticity of which the witness denies, and, after that, I will ask him a question.”

M. Clemenceau then read the Uhlan letter, and followed it with this question: “This letter having been seized at Mme. de Boulancy’s, does the witness pretend that Mme. de Boulancy is a forger?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“In certain interviews it has been stated that Major Esterhazy had declared that Mme. de Boulancy was either mad or a forger. Does the witness maintain that declaration?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Has not the witness once stated that the Uhlan letter could not have been written by him, since he writes ‘Uhlan’ in the Hungarian fashion, while in the letter it is written as it is usually written in France?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Does not the witness know that his argument on that point has been met by the statement that, in a letter whose authenticity cannot be denied, since it was seized at the law office of M. Lortat-Jacob, there is mention of the Uhlan, and that the word is spelled as in the letter to Mme. de Boulancy?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“What is the explanation of the word ‘crime’ contained in a letter that I have read, and in which Major Esterhazy indicated that perhaps he would be obliged to commit a crime? What crime had he in

mind? Did he mean, as certain newspapers have stated, that he would be ready to kill himself?" [Silence.]

The Judge.--"Go on."

M. Clemenceau.--"If that be his explanation, how can he admit the other affirmation made to a witness, M. Autant, that Major Esterhazy was at that moment a man who was ready to kill himself, when Major Esterhazy declared before the council of war that he was not a man to kill himself?" [Silence.]

The Judge.--"You have no more questions?"

M. Clemenceau.--"Yes, *Monsieur le Président*. Does the witness admit having written other letters to Mme. de Boulancy and recently two telegrams?" [Silence.]

The Judge.--"Go on."

M. Clemenceau.--“At first did not the witness deny all these letters?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“After the motion made before the court, did not Major Esterhazy admit that the passages indicated in the motion were correct, notably the following: (1) ‘General Saussier is a clown, whom the Germans would not have in a circus;’ (2) ‘On reaching Lyons, the Germans will throw away their guns, and keep only their bayonets, to drive the Frenchmen before them’?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Concerning the first passage, did not Major Esterhazy declare that he was simply reporting remarks made by German officers at a dinner where French officers were present?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Concerning the second passage, has not the witness declared in an interview that the phrase was his, but that it was his estimate of the way in which the city of Lyons is defended? Concerning the first passage, will Major Esterhazy explain to the court how it happened that French officers were able to be present at a dinner where foreign officers indulged in such remarks, and how it happens that the French officers, and notably Major Esterhazy, did not protest?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“In the passages that I have just read Major Esterhazy repeatedly indicates that he was exasperated; yet has not Major Esterhazy received excellent testimonials from his superiors?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“On the eve of the appearance of Major Esterhazy before the council of war, the chief of staff said in a testimonial that he is ‘of the most distinguished superior officers, and of elevated sentiments,--one who can aspire to the highest positions in the hierarchy’; the brigadier-general, that M. Esterhazy ‘is distinguished, remarkably endowed, has all the qualifications of a commander, and has a future’; the general of division, that he is ‘a superior officer of personal value.’ Now, will the court ask the witness if he was not a little surprised when he heard these testimonials read before the council of war?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Were not the causes of his surprise (1) that he has been short of money, and, to use his own expression, had been to the people whose trade it is to lend money; (2) that he speculated on the stock exchange, as indicated by M. de Castro. [Silence.] I may go on, *Monsieur le Président*?”

The Judge.--“Go on.”

M. Clemenceau.--“Has not Colonel Picquart said that the witness was short of money, and did he not give the names of officers who had given him bad reports concerning Major Esterhazy? Was not the witness’s acquaintance with General Guerrier another reason for his surprise? The witness has declared that his premises were robbed; when were they robbed?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“Before the council of war, the witness was a little confused in his replies on this point. He was unable to explain himself. Perhaps he would like to explain himself in the assize court? [Silence.] Did the witness ever prefer a complaint on account of this robbery?”

The Judge.--“Will you answer?”

Major Esterhazy.--“No, *Monsieur le Président*.”

M. Clemenceau.--“Was this robbery proved otherwise than by the affirmations of Major Esterhazy? [Silence.] Did Major Esterhazy reply to the council of war: ‘I supposed that it was M. Mathieu Dreyfus? I would not have believed that it was an officer. When they told me that, I was dumbfounded.’ Does the witness adhere to the reply? [Silence.] If he adheres to it, how can he explain his answer that M. Mathieu Dreyfus was guilty of this robbery in 1896, when at that time he could not have known the name of M. Mathieu Dreyfus? [Silence.] How did the witness learn that he was suspected of having written the *bordereau*?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“When did he learn it?”

The Judge.--“You may go on. The witness has told you that he will not answer you.”

M. Clemenceau.--“Has not the witness said that he learned of it through a letter signed ‘Speranza,’ received in the country, October 20, 1897, in which Colonel Picquart was denounced, and in which it was said that Colonel Picquart had paid soldiers for specimens of his handwriting? [Silence.] Did not the witness learn through the note published in ‘Le Matin’ on October 10, ten days before the 20th, that M. Scheurer-Kestner knew who wrote the *bordereau*? [Silence.] When the witness returned to Paris, did he not observe the resemblance in the writing, and did he not say that there was a frightful resemblance between the writing of the *bordereau* and his own? [Silence.] Will the witness explain concerning the veiled lady, and the circumstances under which she conveyed to him the liberating document? [Silence.] Did not Major Esterhazy have four meetings with the veiled lady? [Silence.] At the second meeting, near the spot where now stands the Bridge Alexander III, did not the veiled lady hand to Major Esterhazy an envelope containing a liberating document? [Silence.] Did not Major Esterhazy declare before the council of war that he had carried this document, this liberating document which affirmed his innocence, in an envelope to the war department, without knowing what the envelope contained?” [Silence.]

The Judge.--“Go on.”

M. Clemenceau.--“When the witness deposited this liberating document at the war department, did they not give him a receipt for it? [Silence.] When he appeared at the war department with a secret document stolen

from its most secret closet, was not Major Esterhazy afraid of being arrested as an accomplice in a robbery? [Silence.] Has not Major Esterhazy made endeavors to find the veiled lady again?" [Silence.]

The Judge.--"Go on."

M. Clemenceau.--"Will Major Esterhazy tell us what, in his opinion, were the motives that led Lieutenant-Colonel Picquart to accuse him? [Silence.] Does Major Esterhazy admit that he has written articles signed 'Dixi' for 'La Libre Parole'? Is Major Esterhazy aware that 'La Libre Parole' lately declared that the articles thus signed were from his pen? [Silence.] In these articles did Major Esterhazy seriously insult Colonel Picquart, and especially accuse him of having been bought in 1896? [Silence.] Does Major Esterhazy admit having had relations with Colonel de Schwarzkoppen?"

The Judge.--"Oh! nothing about that. Not a word concerning foreign politics."

M. Clemenceau.--"This does not concern foreign politics."

The Judge.--"Say nothing of officers belonging to foreign countries."

M. Clemenceau.--"I have not a right to speak of an act committed by a French officer?"

The Judge.--"No, let us not discuss that."

M. Clemenceau.--"Is it true, as the newspapers have said, that Major Esterhazy knew Colonel de Schwarzkoppen, and went once in uniform to the German embassy for his colonel, who desired to go to Alsace-Lorraine without being disturbed?"

The Judge.--"I have told you that I will not put the question."

M. Clemenceau.--"Does the witness admit that he had relations, not frequent, but not hidden, with Colonel de Schwarzkoppen, military

attaché of the German embassy, whom he knew at Carlsbad, as ‘Le Paris’ says?”

The Judge.--“No, I will not put the question.”

M. Clemenceau.--“I will offer a motion, if necessary.”

The Judge.--“Oh, come!”

M. Clemenceau.--“Certainly. How is it that one cannot speak of justice in a court?”

The Judge.--“Because there is something above that,--the honor and safety of the country.”

M. Clemenceau.--“I note, _Monsieur le Président_, that the honor of the country permits these things to be done, but does not permit them to be said.”

Major Esterhazy was then allowed to step down, and his place was taken by M. Jules Huret, of “Le Figaro,” who testified that on November 17, 1897, he went to the garrison at Rouen to question the officers regarding Major Esterhazy, and found among them no astonishment at the mention of Major Esterhazy’s name in connection with the *bordereau*, one of them saying that Major Esterhazy, in spite of his services in Tunis, and in spite of the services of his uncle and father in the French army, was considered the *rastaquouère* of the French army.

The defence then offered as a witness General Guerrier, but the court declined to hear him, because his name was not in the list of witnesses furnished by the defence to the attorney-general. For the same reason the court declined to hear M. Bouton, whose card had been passed up by General de Pellieux. An adjournment was then taken until the following day.

TWELFTH DAY--FEBRUARY 19.

The proceedings opened with an application for the floor from Colonel Picquart, who desired to vindicate himself against aspersions cast upon him by witnesses and by the newspapers. Referring first to a statement of "Le Petit Journal" that he was a divorced husband, and was having his children brought up in Germany, he declared that he was not married, that he had never been, that he had no children, and that, if he had any, he would not have them brought up in Germany. Referring next to the statement of General de Pellieux that he, Colonel Picquart, had endeavored to stimulate the testimony of Mulot by promising him certain favors, he said that General de Pellieux knew him only through the three interviews that they had had on three afternoons, and that he would like some military commander who knew him better to be called to testify regarding his character. "I will cite you," said he, "one man whose past is glorious, who has shed his blood on many battle-fields, a man who has been mingled with our victories and our sorrows, a man who certainly cannot be suspected of undue indulgence toward his subordinates,--I mean General de Galiffet. I am certain that, if General de Galiffet were called to this bar, he would say what he said before the council of investigation, where he did not fear to shake hands with me after saying what he thought of me. I ask that he may come here to say what he thinks of me. I do not know the proper means to employ; but I desire it."

M. Labori sustained the demand of Colonel Picquart that General de Galiffet be called, but the court ruled that his testimony would be useless.

In answer to questions put by M. Labori, Colonel Picquart testified that, while he was at the head of the bureau of information, one Marchand was connected with that service, who was also an editor of “L’Eclair,” a “hold-over” from the time of Colonel Sandherr, and that, at the time of certain publications in “L’Eclair,” M. Marchand was questioned about them, whereupon he denied being concerned in the indiscretions, and endeavored, but unsuccessfully, to find out who had given the documents to “L’Eclair.”

M. Labori.--“Did not General de Pellieux intervene several times, of his own accord, in the course of Colonel Picquart’s testimony before the council of war?”

Colonel Picquart.--“Please put that question to General de Pellieux.”

Thus summoned, General de Pellieux advanced to the bar, apologizing for his appearance in civil costume, declaring that he had supposed his part in the affair was ended. Instead of answering the question, he spoke as follows:

“The words uttered yesterday by the attorney-general dictate my duty. I absolutely refuse to answer any question of the defence not directly connected with the Zola case. Now I have a word to add. In presence of Colonel Picquart, I said at a previous session that everything in this case

was strange, but what I find still more strange--and I say it to his face--is the attitude of a Monsieur who still wears the French uniform, and who comes to this bar to accuse three generals of having committed a forgery or made use of a forgery."

Colonel Picquart.--"In declaring yesterday that in my eyes the document of which General de Pellieux had spoken was a forgery, I insist that I had not the least intention of casting suspicion upon the good faith of my superiors. There are forgeries so perfect that they have the appearance of a genuine document. For instance, there were the Norton documents, I believe, which persons high in place thought to be genuine. My thought should be interpreted from this point of view, and I object to any other interpretation."

M. Labori desired to say a few words regarding the incident, but the court was opposed. "All this," said the judge, "has nothing to do" ...

M. Labori.--"Pardon me, *Monsieur le Président*" ...

The Judge.--"I am going to deprive you of the floor."

M. Labori.--"Every time that you deprive me of the floor, you do me a little more honor."

The Judge.--"Well, it is understood; you may take your seat."

General de Pellieux.--"I would like to add a word. The part that I have played in this matter has not been voluntary; circumstances have forced it upon me."

The Judge.--"Can the witness withdraw? Has the defence any objection?"

M. Labori.--"I have no objection to anything, since I cannot make any observations."

The Judge.--"That is not the question."

M. Labori.--“You ask me a question. Will you permit me to answer it or not?”

The Judge.--“I ask you a question.”

M. Labori.--“You ask me if I object to the withdrawal of General de Pellieux.”

The Judge.--“Answer yes or no.”

M. Labori.--“I cannot answer yes or no, because I have distinctions to make.”

The Judge.--“Monsieur the attorney-general?”

The Attorney-General.--“Incidents may arise. The general had better remain in the court-room.”

The Judge.--“Then, General, be good enough to remain in the court-room.”

General de Pellieux.--“I remain at the disposition of the court and the jury.”

M. Labori.--“As for me, I ask that it be recorded that the court has asked me a question, and then deprived me of the floor before I had replied.”

The Judge.--“But I have not deprived you of the floor. I deprived you of the floor when you were going to argue.”

M. Labori.--“I have not argued.”

The Judge.--“This is too much.”

M. Labori.--“You had deprived me of the floor.”

The Judge.--“I did so because you desired to argue; because it is my right; because it is my duty.”

M. Labori.--“It relates to a question.”

The Judge.--“The witness has answered that he will say nothing.”

M. Labori.--“It is to you that I speak. I wish to induce you to direct the trial in a manner that I am about to point out. Do you give me the floor for that purpose?”

The Judge.--“No.”

M. Labori.--“Very well. It is not the court that is judge, but the whole country.”

General Gonse was then called, and asked by M. Labori at what date the hydraulic check was introduced into the service.

General Gonse.--“I am not in charge of the artillery service, and cannot answer.”

M. Labori.--“Will you permit me to comment upon the testimony of the witness, to say regarding it that which is indispensable to the truth, according to Article 319?”

The Judge.--“Ask questions only.”

M. Labori.--“Really, I ask myself if it would not be better to quit this court-room than to suffer myself to be thus gagged and placed in a strait-jacket.”

The Judge.--“Come, Monsieur Labori, say serious things.”

M. Labori.--“_Monsieur le Président_, you abuse the right that your lofty position gives you. You have no right to insult me. Do you maintain that I do not say serious things here?”

The Judge.--“Ask questions.”

M. Labori.--“It is well. You do not maintain it; I continue. I ask Colonel Picquart to explain what he meant in his testimony when he indicated that one of the documents in the secret file applied rather to Major Esterhazy than to another.”

Colonel Picquart.--“Had there not been mention of this document in the Ravary report, I would not say a word about it. I say that it applied rather to Major Esterhazy than to another, because this document need only be seriously discussed in order to make it plain that it can apply only to an officer of troops, and not to a staff officer. I could give my reasons only behind closed doors.”

M. Labori.--“Was not Colonel Picquart appointed chief of the bureau of information on July 1, 1895?”

Colonel Picquart.--“Yes.”

M. Labori.--“When he entered upon his functions, did not General de Boisdeffre say to him: ‘Occupy yourself with the Dreyfus case. There is not much in the file’?”

Colonel Picquart.--“I have not to answer that question, for it relates to conversations with the chief of staff.”

M. Labori.--“At what date did the witness say to General Gonse: ‘I shall not carry this secret to the grave’?”

Colonel Picquart.--“I cannot speak of private conversations. I have seen that statement in a newspaper, and asked myself who could have given it out.”

M. Labori.--“Did not General de Boisdeffre in September and October, 1896, after the letters of General Gonse, invite Colonel Picquart to put questions regarding Major Esterhazy?”

Colonel Picquart.--“The obligations of professional secrecy prevent me from answering.”

M. Labori.--“Was it not then that Colonel Picquart proposed to have Major Esterhazy arrested for certain matters of indelicacy?”

Colonel Picquart.--“I considered that it would be useful to arrest Major Esterhazy, and that, if the presumption that he was a spy was not strong enough, there was enough against him in other directions to warrant sending him to a fortress. My superiors did not agree with me.”

M. Labori.--“This proposition having been rejected by General de Boisdeffre, did he not ask Colonel Picquart to formulate another?”

Colonel Picquart.--“I cannot testify in the assize court concerning the details of my service.”

M. Labori.--“Did not Colonel Picquart then frame another proposition, which was first accepted, and then rejected because it would lead to Major Esterhazy’s arrest? Does not that prove that the authenticity of the dispatch was not disputed?”

Colonel Picquart.--“At that time nobody questioned the authenticity of the dispatch.”

The stand was then taken by M. Stock, the publisher, who at the time of the examination in the Esterhazy case had turned over to General de Pellieux certain letters written by Major Esterhazy to M. Autant, the architect.

“General de Pellieux undoubtedly took no account of them,” said the witness, “for neither M. Autant or myself was called before him. At that

time Major Esterhazy said to M. Autant: ‘You must deny having received these letters; you must deny that I am your tenant; you must deny any acquaintance with me; and, if questioned about the letters, you must say that they are forgeries.’ M. Autant refused, saying that that was contrary to the truth. Moreover, it was childish, for there were two registered leases, and everybody in the house knew Major Esterhazy. Later the letters found their way into the hands of Major Ravary, and M. Autant and I were called before him. He was very courteous, but my testimony did not seem to please him. He asked me why the letters had been photographed. I did not know. He said that he considered it very strange that M. Autant should have given up Major Esterhazy’s letters without his consent. I found it very curious that this examining magistrate should tell a witness to ask the opinion of the accused before deciding what to do.”

M. Labori.--“Does the witness know anything concerning M. Zola’s good faith?”

M. Stock.--“To me, as to everybody, it is absolutely evident. Furthermore, I know, through the indiscretion of a member of the council of war, that not simply one secret document, but several, were communicated to that body. I can enumerate them.”

The Judge.--“No, it is useless. We have no right to say anything about the Dreyfus case.”

M. Stock.--“I can enumerate four of these documents, if you like.”

The Judge.--“We are not concerned with the Dreyfus case.”

The next witness was M. Lalance, who formerly sat in the German reichstag representing Alsace-Lorraine, as protesting deputy.

“I would like,” said the witness, “to tell the jury something about the origins of this affair. I was acquainted with the Sandherr and Dreyfus families,--that is, with the family of the accuser and the family of the accused. I have lived with them and seen them very closely. The elder Sandherr was a Protestant who became a Catholic and showed the intolerance of all neophytes. In 1870, the time of the war, bands of people said to be directed by him ran through the streets of Mulhouse, crying: ‘Down with the Prussians of the interior!’ These Prussians were the Protestants and Jews. These cries found no echo. Protestants, Jews, and Catholics all did their duty during the war and after it. When in 1874 the provinces were called upon to send deputies to Berlin, it was a Jew who nominated the bishop of Metz, and the Protestant deputies were nominated by the priests. The younger Sandherr, the colonel, whom I

knew from childhood, was a good soldier and a brave and loyal citizen, but he had inherited his father's intolerance. Furthermore, in 1893 he fell a victim to the brain disease of which he was to die three years later. In that year he was sent to Bussang to be cured. During his stay there, there was a patriotic ceremony,--the return of the flag to the regiment of light infantry. All the bathers went to see it. Near them was a Jew, undoubtedly an Alsatian, who wept with emotion. Colonel Sandherr turned to his neighbors, and said to them: 'I distrust those tears.' His neighbors asked him to explain, saying to him: 'We know that there were Jewish officers in the army who were patriotic and intelligent and did their duty.' Colonel Sandherr answered: 'I distrust them all.' Such was the man, gentlemen of the jury, who proffered the accusation. It is legitimate to suppose that he was governed by his feelings rather than by justice. As for the Dreyfus family" ...

The Judge.--"Say nothing of Dreyfus."

M. Lalance.--"The family, *Monsieur le Président*."

The Judge.--"No, it is useless."

M. Lalance.--"I desist, in obedience to your orders. But I thought it might be useful for the jury to know what the elder brother did."

M. Labori then read the following letter received from M. Gabriel Séailles, professor of philosophy at the Sorbonne, who had been summoned, but was kept at home by illness.

Why did I sign the protest?

A man of the study. I can bring here only the testimony of my free and sincere conscience. After the Dreyfus trial it never occurred to me for a moment to call in question the legality of the verdict. I do not wish to lessen the initiative of M. Zola, but it is not he who opened this debate. It was opened by the unknown person who transmitted to ‘Le Matin’ the *fac-simile* of the famous *bordereau*. On that day the question was submitted to public opinion; an appeal was taken to the conscience of each of us. There is no escape from the logic of events. Other things occurred, other documents have been presented to us. We have seen a bit of writing which, by the confession of its author, bears a frightful resemblance to the handwriting of the *bordereau*. We have witnessed a trial the conduct of which astonished us,--a trial where the witnesses were transformed into the accused. We have read an indictment which disconcerted us, because we sought in it in vain for what we expected to find there. We may be condemned to silence, but we cannot prevent ourselves from thinking. So my mind worked on the data that had been furnished, and my ideas concentrated themselves in the following dilemma: of two things one; either Dreyfus was convicted on the strength of the *bordereau*,--that is, without proof,--or he was convicted on secret

documents not communicated to the defence,--that is, illegally. This almost involuntary conclusion fell heavily upon my heart. If the law, which is the security of all of us, and which we may have to invoke tomorrow, should be always respected, should it not be especially respected when in one individual there are thousands of individuals whom they pretend to condemn and dishonor?

How was I led to sign a protest?

I had just corrected a lesson in morals, the work of a student. I had said to these young people what all of you I am sure would wish me to say to them: that the human person is sacred; that justice is inviolable: that it cannot be sacrificed to passion or to interest, with whatever name they may be decorated. I had told them that justice is not a servant whom we ring for when we need its service; that it is the grand image which should hover over all conflicts of passions and interests, because it alone can be the peacemaker. I returned to my study. A student brought me a petition. I signed it. Our teaching would have no authority, if we were not ready to confirm it by our acts. I have no authority to speak in the name of the university. The painful conflict of duties that has disturbed so many consciences has divided us, but we too highly esteem one another, we hold sincere thought in too great respect, to treat each other as knaves or fools. If you have found on the lists of those protesting so many names of people connected with the university, it is not because of any spirit of revolt. It is because these brave people who, should occasion arise, would hasten to defend the integrity of the national territory consider it their professional duty to maintain another integrity no less precious,--the integrity of the national conscience. But, since the name of the university has been uttered, let us have an understanding. We respect and we love the army. In that we are unanimous. We consider ourselves as workers in the same work, servants of the same cause, soldiers in the same fight. The army of France, the army of mutilated France, is force in the service of right. Never have we separated the cause of right from the cause of the

army. Please God that we may soon find ourselves reconciled in the superior thought of the country, and that at last we may be spared the continuance of the painful spectacle of so many French hands withdrawing from one another, when all ought to join in a common and fraternal action. As for M. Zola's good faith, the very experiences that he is undergoing are sufficient to attest it. He has acted in accordance with his temperament, after the fashion of a man who, shut up in a room where the air is becoming stifling, rushes to the window, and, at the risk of covering himself with blood, breaks the glass to let in a little air and light.

GABRIEL SÉAILLES.

The witness-stand was then taken by M. Duclaux, director of the Pasteur Institute, who testified that he signed the protest because it seemed to him that it would be a good thing for a group of men to declare to the public that the Esterhazy trial had not dissipated the obscurity of the Dreyfus trial. His testimony was followed by that of M. Anatole France, member of the French Academy, who, after explaining why he had signed the protest, was asked his opinion of M. Zola's good faith.

M. France.--"Having spent some hours with M. Zola last December, and having been, so to speak, the witness of his thought, I can testify here to his admirable good faith and his absolute sincerity. But the sincerity of M. Zola needs no guarantee; so I will simply say that he is acting, under these circumstances, with courage, according to his temperament, in behalf of justice and truth, inspired by the most generous sentiments."

General Billot, who had been appealed to to authorize the production of the Uhlan letter, having written to the judge that he would leave the matter to the decision of the court, the court now rendered a decree that it should not be produced, since by a previous decree all matters "relating to the Dreyfus and Esterhazy trials, judged, in whole or in part, behind closed doors, had been excluded from the debate."

This ended the testimony, and, the attorney-general not being ready to begin his argument, an adjournment was taken until Monday, February 21.

THIRTEENTH DAY--FEBRUARY 21.

With the opening of the session, Attorney-General Van Cassel began his summing-up.

Speech of Attorney-General Van Cassel.

“Gentlemen of the jury, a man well known in letters goes in search of a militant newspaper, comes to an understanding with it, and publishes an article which shows either irresponsibility or shamelessness. He declares that a council of war has rendered a verdict in obedience to orders. ‘Let them prosecute me in the assize court, if they dare.’ Well, here we are. But where are your proofs, those precise and irrefutable proofs that the council of war has rendered a verdict in obedience to orders? During the twelve sessions which you have just passed through not once has this question, the only one before us, been posited. But, though you have attempted no proof, you have shrunk from no violence. How intolerable the situation in which you have placed the generals whom you have brought to this bar! The attitude of the insulters has been on a level with the insults. You have drawn upon yourselves the eloquent reply of General de Boisdeffre, who said to you: ‘My officers are brave people. They began by submitting without reply to sustained attacks. If they have been drawn from their silence, you have only yourselves to blame,--you and the odious provocations of which you made them the object.’

“The experts in the Esterhazy case worked separately, and arrived by different methods at identical conclusions. They had the originals before them. The experts cited by the defence had examined only doubtful copies,--doubtful as to their origin, doubtful as to their authenticity. M. Paul Meyer, director of the Ecole des Chartes, who advises his pupils to

study nothing but originals, should have followed his own teaching. I say nothing of the international experts that gravitate around M. Bernard Lazare, undertaker of revision. They are surrounded by too much money and too much mystery to warrant me in dwelling on their testimony. I attach the same authority to the declaration of M. Stock, who has declared here that not one, but numerous secret documents were communicated to the council of war. As M. Bernard Lazare's publisher, he has too plain an interest in the multiplication of documents.

"Alfred Dreyfus alone was in a position to procure the documents concerning the national defence which are enumerated in the *bordereau*. General de Pellieux and General Gonse are in a position to know more about that than anybody else. After what they have told you, it is impossible to doubt. But I shall say no more about the Dreyfus case. It would be a violation of the authority of the thing judged.

"Dreyfus belongs to a rich and powerful family, which continues to keenly feel the deep sorrow of having seen one of its members convicted of high treason. This campaign has been carefully prepared. It began in the press before ending in parliamentary incidents and judicial proceedings.

"Never has the government varied in its declarations. General Billot has always declared that Dreyfus was legally and justly condemned. The government did not obstruct the investigation. General de Pellieux's examination was an open one, and was conducted freely. Major Ravary acted with the same independence. The judges who acquitted Major Esterhazy came to their decision in full liberty of conscience. In short, the behavior of the government demonstrates its respect for law and the dignity of justice.

"'L'Aurore' accuses it of being influenced by political considerations. Only this morning that newspaper had the audacity to say that France is given over to the sabre, that the republic is in danger. General Billot has

already replied to it from the tribune of the chamber. ‘Who dares,’ he asked, ‘to pretend that there is a single officer in the ranks of the army who contemplates an attack on the republic? There has never been found but one, and he was forced to take refuge in suicide.’ Such is the legal attitude of the government, which I contrast with your revolutionary method. You have done nothing here but open an audacious discussion on the thing judged. But it is not permissible to relapse into judicial anarchy. The legal method of revision was open to you. Why did you not apply to the keeper of the seals?

“What do the ‘intellectual revisionists’ know of the trial of 1894, that they can pretend that it was irregular? Nothing. The public has no element of proof, so far as the Dreyfus case is concerned. All cases of spying are decided behind closed doors. Twenty-seven accused persons have appeared since 1885 before the police courts, charged with this abominable crime; four before the councils of war; one before the assize court. In every case closed doors, for reasons of a superior order, have been declared. One of the accused was acquitted.

“M. Demange was the first to render homage to the perfect honesty of the judges of Alfred Dreyfus. The accused appeared, surrounded by all desirable guarantees. He was protected by his uniform itself. Before the minister of war will consent to bring one of his officers to trial for high treason, his guilt must be perfectly clear. So I ask yourself on what grounds honorable men like M. Scheurer-Kestner and M. Trarieux can take their stand, to maintain that an irregularity has been committed. They must have the gift of double sight, which permits them to look at once into the secret documents belonging to the minister of war and into those belonging to the Dreyfus family.

“Colonel Picquart obeyed an unfortunate inspiration when he opened the doors of the war department to his friend Leblois, who had no business there, and showed him secret documents which he ought never to have

read. In vain does Colonel Picquart try to dispute this illicit communication. You have heard here the respectful, but firm, denial of his testimony, given by Adjutant Gribelin, who, General Gonse tells you, is a model servant. I add that the mysterious telegrams signed ‘Speranza’ and ‘Blanche,’ addressed to Colonel Picquart at Tunis, could have come only from his own acquaintances. The same signature, ‘Speranza,’ appears in letters sent to him in 1896 and opened at the war department.

“Major Esterhazy has been the object of two judicial examinations. They have resulted in nothing. If he appeared before the council of war, it was on the formal order of General Saussier, who, although Major Esterhazy’s innocence had been recognized, was desirous of a public trial because of the notoriety that the matter had gained. Contrary to the usual practice, only a part of the trial took place behind closed doors. M. Mathieu Dreyfus was invited to produce his proofs in public. He did not produce a single one. Nor did M. Scheurer-Kestner, who also testified in public. Under these circumstances, what could the representative of the government do? Public prosecutor and accuser are not always synonymous terms. For my part, I have many times abandoned accusations that were not established. And do not claim either that the trial was one-sided. The council of war listened to persevering and convinced accusers,--Colonel Picquart and M. Leblois. The acquittal was regular, deliberate, legal, pronounced unanimously by judges belonging to different branches of the army, designated according to priority of service, and under no other obligation than that of their honesty and their conscience.

“As for Major Esterhazy, the letters published, after they were procured by indirect and censurable methods, and perhaps tampered with, created a deplorable atmosphere about him. It is not fitting that I should dwell upon that matter here, after the examination undergone at this bar by a patient mute, who broke his silence only to cry his suffering, while they tortured him with questions as if applying red-hot irons to living flesh.

The victim had been judiciously chosen as a substitute for the condemned man of 1894.

“It is not true, as certain newspapers have declared, that after the acquittal Major Esterhazy was the object of a manifestation on the part of the members of the council of war. This is proved by the following letter, which General de Luxer has just addressed to General Billot.

M. le Ministre:

Several newspapers have said that the members of the council of war, after the session, surrounded Major Esterhazy, shook hands with him, and congratulated him. I have the honor to report to you that no such manifestation occurred. According to the provisions of the law, the verdict was rendered in the absence of the accused, and was read to him afterward by the clerk, before the assembled guard, in the absence of the members of the council. The judges of the council of war have all told me that they did not see Major Esterhazy afterward, either in the court-room, or out of it, or in the street. Be good enough to accept, etc.

GENERAL DE LUXER.

“You remember, gentlemen of the jury, that an attempt was made to show that Major Esterhazy secured a false entry upon his record of service, and that General Guerrier was called by the defence to testify on this point. Now this is what happened: In 1881 Captain Esterhazy accomplished a brilliant feat, in consequence of which he was proposed as an officer of the legion of honor. His act was brought to the knowledge of the regiment by the following order: ‘The camp having been attacked by the Arabs, Captain Esterhazy, while other officers were attacking them on the flanks, attacked them in front, leading his men with a dash and a courage beyond all praise.’ Now, according to certain regulations of 1889 and 1895, this matter should be set forth in the order of the day of the regiment, and not in the order of the day of the army.

“Is not the misinterpretation of so simple a matter identical with calumny?

“As for Colonel Picquart, who endeavored to maintain here that the documents seized after the condemnation of Dreyfus are forgeries, he has been contradicted by his inferiors and by his equals, and you have heard in what terms his superior, General de Pellieux, expressed himself regarding him. And finally he contradicted himself. The scene was so saddening that I have not the courage to dwell upon it.

“Gentlemen of the jury, the judges of the council of war are invested with a double character. They are at once magistrates and jurors. It seems to me that I see them, hesitating first, then stiffening their will in face of the duty to be done, far from all influence, solely concerned with the rendering of an honest and loyal verdict. You have the same honorable mission, gentlemen of the jury. You are to do the same justice. The prime minister has declared from the tribune of the chamber his high

confidence in the twelve free citizens to whom the government has entrusted the defence of justice and of the honor of the army. The revolutionary manifestation of M. Emile Zola has met its counter-shock in the street. Persons and property are no longer respected. Violence breeds violence. But what cares 'L'Aurore,' which has its sensational trial? What difference does that make to M. Emile Zola? He has lifted himself to the *rôle* of a great man, which he easily assumes. He has realized his dream. He has brought to this court-room cabinet ministers, foreign diplomats, generals. He would have summoned all Europe. It was the necessary stage-setting for the novel that he announces. 'L'Aurore' tells us that he has entered into glory in his lifetime. His 'Letter to France' is literature; it savors of the Academy. His 'Letter to Youth' has enjoyed a success only in Berlin, and here is a translation sent to me from Germany. For the sake of his personal vanity he has imposed upon you these twelve sessions that have made the heart of the country bleed. And beyond the frontier what lamentable echoes! They have not hesitated to attack the staff, to compromise the national defence. They have overwhelmed with outrages the obedient and silent army, in which every Frenchman sees the image of his country. They have put upon it the outrageous insult of casting suspicion on its commanders, who are endeavoring, respectful of the laws, to make it worthy of its task on the day when it shall be necessary to lead it against the enemy. No more violent insult could be offered. No more anti-patriotic campaign could be conceived. You have listened here to M. Jaurès. For my part, I value talent only in the ratio of the good that it does, not in the ratio of the ruins that it accumulates. No, it is not true that a council of war has rendered a verdict in obedience to orders. It is not true that seven officers have been found to obey any other than the order of their free and honest conscience. You will condemn those who have outraged them, gentlemen of the jury. France awaits your verdict with confidence."

Speech of M. Emile Zola.

At the conclusion of the attorney-general's address, M. Zola read the following declaration to the jury:

"In the chamber, at its session of January 22, M. Méline, president of the cabinet, declared, amid the frantic applause of his obliging majority, that he had confidence in the twelve citizens to whose hands he entrusted the defence of the army. It was of you, gentlemen, that he spoke. And, just as General Billot dictated his decree to the council of war which was charged with the acquittal of Major Esterhazy, uttering from the tribune for the instruction of his subordinates the military countersign of unquestionable respect for the thing judged, so M. Méline has endeavored to give you an order to sentence me in the name of respect for the army, which he accuses me of having outraged. I denounce to the conscience of honest people this pressure of public power on the justice of the country. These are abominable political practices, dishonoring to a free nation.

"We shall see, gentlemen, if you will obey. But it is not true that I am here before you by the will of M. Méline. He yielded to the necessity of prosecuting me only in great agitation, in terror of the new step that truth in its march might take. That is known to everybody. If I am before you, it is by my own will. I alone have decided that the obscure, the monstrous matter should be brought before your jurisdiction, and I alone, in the full exercise of my will, have chosen you, the highest and most direct emanation of French justice, that France at last may know all, and decide. My act had no other object, and my person is nothing; I have sacrificed it, satisfied simply to have placed in your hands, not only the honor of the army, but the endangered honor of the entire nation.

"You will pardon me, then, if your consciences have not been thoroughly enlightened. It is not my fault. It seems that I was dreaming in expecting to bring you all the proofs,--in considering you alone worthy, alone competent. They began by taking from you with the left hand what they

seemed to give you with the right. They made a pretence of accepting your jurisdiction, but, though they trusted you to avenge the members of one council of war, certain other officers remained unassailable, superior even to your justice. Understand it who can. It is absurdity in hypocrisy, and furnishes striking proof that they feared your good sense, and did not dare to run the risk of allowing us to say everything, and of allowing you to judge everything. They pretend that they desired to limit the scandal. And what do you think of this scandal, of my act, which consisted in laying the case before you, in desiring that the people, incarnate in you, should pass judgment upon it? They pretend, further, that they could not accept a disguised revision, thus confessing that they have only one fear at bottom,--that of your sovereign control. The law has in you its total representation, and it is this chosen law of the people that I have longed for, that I profoundly respect, as a good citizen, and not the equivocal procedure by which they have hoped to baffle you.

“Thus am I excused, gentlemen, for having turned you aside from your occupations without succeeding in flooding you with the total light of which I dreamed. Light, complete light, that has been my sole, my passionate desire. And this trial has just proved it to you; we have had to struggle step by step against a desire for darkness extraordinary in its obstinacy. For each shred of truth torn from the unwilling a fight has been necessary; they have disputed about everything, they have refused us everything, they have terrorized our witnesses in the hope of preventing us from proving our case. And it is for you alone that we have fought; that this proof might be submitted to you in its entirety, so that you could pass judgment without remorse and in your conscience. Therefore I am certain that you will take our efforts into consideration, and that, moreover, enough of light has been shed. You have heard the witnesses, you are going to hear my counsel, who will tell you the true story, the story that maddens everybody and that everybody knows. So I am at ease; the truth is now with you; it will do its work.

“M. Méline thought, then, to dictate your verdict in entrusting to you the honor of the army, and it is in the name of this honor of the army that I myself appeal to your justice. I deny M. Méline’s statement in the most formal manner; I have never insulted the army. On the contrary, I have expressed my tenderness, my respect, for the nation in arms, for our dear soldiers of France who would rise at the first threat, in defence of the French soil. And it is equally false that I have attacked the commanders, the generals who would lead them to victory. If certain individuals in the war offices have compromised the army by their conduct, is it an insult to the entire army to say so? Is it not, rather, the work of a good citizen to free the army from all compromise, to sound the alarm, in order that the misdeeds which have forced us to this fight may not be repeated and lead us to new defeats. However, I do not defend myself. I leave to history the judgment of my act, which was a necessary act. But I declare that they dishonor the army when they allow the *gendarmes* to embrace Major Esterhazy after the abominable letters that he has written. I declare that this valiant army is insulted daily by the bandits who, pretending to defend it, sully it with their base complicity, dragging in the mud everything good and great that France still has. I declare it is they who dishonor this great national army, when they mingle the cry of ‘Long live the Army!’ with the cry of ‘Death to the Jews!’ And they have cried ‘Long live Esterhazy!’ Great God! The people of St. Louis, of Bayard, of Condé, and of Hoche, the people that have won a hundred giant victories, the people of the great wars of the republic and the empire, the people whose strength, grace, and generosity have dazzled the universe, crying ‘Long live Esterhazy!’ It is a shame that only our effort in behalf of truth and justice can wipe out.

“You know the legend that has been created. Dreyfus was condemned justly and legally by seven infallible officers, whom it is impossible even to suspect of error without insulting the entire army. In an avenging torture he is expiating his abominable misdeed. And, as he is a Jew, a

Jewish syndicate has been created, an international syndicate of people without a country, with hundreds of millions at their disposal for the purpose of saving the traitor at the cost of the most shameless manœuvres. Then this syndicate began to heap up crimes, buying consciences, throwing France into a murderous tumult, determined to sell her to the enemy, to set Europe on fire with a general war, rather than abandon this frightful design. It is very simple, even puerile and imbecile, as you see. But it is upon this poisoned bread that an unclean press has been feeding our people for months, and we should not be astonished at the spectacle of a disastrous crisis, for, when stupidity and lies are sown at such a rate, a crop of madness is sure to be harvested.

“Certainly, gentlemen, I do not offer you the insult of believing that you have been caught by this nursery tale. I know you. I know who you are. You are the heart and reason of Paris, of my great Paris, where I was born, which I love with an infinite tenderness, which I have been studying and singing for forty years. And I know too now what is going on in your brains, for, before sitting here as an accused, I sat in the seats which you occupy. You represent average opinion; you aim to be wisdom and justice *en masse*. Presently I shall be with you in thought in your deliberations in the jury-room, and I am convinced that you will endeavor to guard your interests as citizens, which naturally are, according to you, the interests of the whole nation. You may be mistaken, but your purpose will be to insure your own welfare and the welfare of all.

“I see you at your homes, at night, under the lamp; I hear you talking with your friends; I accompany you to your shops and stores. You are all workers, some merchants, others manufacturers, and a few professional men. And you are filled with a perfectly legitimate anxiety concerning the deplorable state into which business has fallen. Everywhere the existing crisis threatens to become a disaster, receipts are falling off, transactions are becoming more and more difficult. So that the thought

that you have brought here, the thought that I read on your faces, is that there has been enough of this, and that it must come to an end. You do not say, as many do: ‘What difference does it make to us whether an innocent man is on Devil’s Island? Is the interest of an individual sufficient to warrant the agitation of a great country?’ But you do say, nevertheless, that the agitation which we are carrying on, in our hunger for truth and justice, is paid for too dearly by all the evil that they accuse us of doing. And, if you convict me, gentlemen, the sole foundation of your verdict will be the desire to quiet your families, the need of a resumption of business, the belief that, in striking me, you will put an end to a campaign of vindication that is harmful to the interests of France.

“Well, gentlemen, you would be utterly mistaken. Do me the honor to believe that I am not defending here my liberty. In striking me, you will only add to my stature. Whoever suffers for truth and justice becomes august and sacred. Look at me, gentlemen. Have I the appearance of one who has sold himself? Do I look like a liar and a traitor? Why, then, should I act as I do? I have behind me neither political ambition or sectarian passions. I am a free writer, who has given his life to toil, who tomorrow will again take his place in the ranks, and will resume his interrupted task. And how stupid are they who call me an Italian! I who was born of a French mother, brought up by Beauce grandparents, peasants in that robust region; I who lost my father at the age of seven, and never went to Italy until I was fifty-four, and then only to get material for a book. Which does not prevent me from being very proud that my father was of Venice, that resplendent city whose ancient glory sings in all memories. And, even if I were not French, would not the forty volumes in the French language which I have scattered by millions throughout the entire world suffice to make me a Frenchman, useful to the glory of France?

“So I do not defend myself. But what an error would be yours, if you were convinced that, in striking me, you would re-establish order in our

unhappy country. Do you not understand that that of which the nation is dying is the darkness in which they are bent upon leaving her, the equivocations in which she is agonizing? The mistakes of our governors are piled up on mistakes; one lie necessitates another, so that the mass becomes frightful. A judicial error has been committed, and then to hide it it has been necessary to commit each day a new attack on good sense and equity. The conviction of an innocent man has involved the acquittal of a guilty man; and now today you are asked to convict me in my turn, because I have cried out in my anguish at the sight of the progress of the country in this frightful path. Convict me, then. It will be one error more added to the others, an error the burden of which you will bear in history. And my conviction, instead of bringing about the peace that you desire, and that we all desire, will only sow the seed of a new crop of passion and disorder. The measure is full, I tell you; do not make it overflow.

“Why do you not exactly estimate the terrible crisis through which the country is passing? They say that we are the authors of the scandal, that it is the lovers of truth and justice who are leading the nation astray and urging it to riot. Really, this is mockery. To speak only of General Billot, was he not warned eighteen months ago? Did not Colonel Picquart insist that he should take in hand the matter of revision, if he did not wish the storm to burst and overturn everything? Did not M. Scheurer-Kestner, with tears in his eyes, beg him to think of France, and save her such a catastrophe? No, no! our desire has been to facilitate everything, to allay everything, and, if the country is now in trouble, the responsibility lies with power, which, to cover the guilty, and in the furtherance of political interests, has denied everything, hoping to be strong enough to prevent the light from being shed. It has manœuvred in the shadow in behalf of darkness, and it alone is responsible for the present distraction of consciences.

“The Dreyfus case, ah! gentlemen, that has become a very small matter now. It is lost and far away, in view of the terrifying questions to which it

has given rise. There is no longer any Dreyfus case. The question now is whether France is still the France of the rights of man, the France that gave liberty to the world, and that ought to give it justice. Are we still the most noble, the most fraternal, the most generous nation? Shall we preserve our reputation in Europe for equity and humanity? Are not all the victories that we have won called in question? Open your eyes, and understand that, to be in such confusion, the French soul must have been stirred to its depths in face of a terrible danger. A nation cannot be thus upset without imperiling its moral existence. This is an exceptionally serious hour; the safety of the nation is at stake.

“And, when you shall have understood that, gentlemen, you will feel that but one remedy is possible,--to tell the truth, to do justice. Anything that keeps back the light, anything that adds darkness to darkness, will only prolong and aggravate the crisis. The *rôle* of good citizens, of those who feel it to be imperatively necessary to put an end to this matter, is to demand broad daylight. There are already many of them who think so. The men of literature, philosophy, and science are rising on every hand, in the name of intelligence and reason. And I do not speak of the foreigner, of the shudder that has run through all Europe. Yet the foreigner is not necessarily the enemy. Let us not speak of the nations that may be our adversaries tomorrow. But great Russia, our ally; little and generous Holland; all the sympathetic nations of the north; those countries of the French language, Switzerland and Belgium,--why are their hearts so heavy, so overflowing with fraternal suffering? Do you dream, then, of an isolated France? Do you prefer, when you pass the frontier, not to meet the approving smile upon your legendary fame for equity and humanity?

“Alas! gentlemen, like so many others, you perhaps expect the thunderbolt, the descent from heaven of the proof of the innocence of Dreyfus. Truth does not generally come in that way. It requires research and intelligence. We know very well where the truth is, where it could be

found. But we dream of that only in the secrecy of our souls, and we feel patriotic anguish lest we expose ourselves to the danger of having this proof some day flung in our face after having involved the honor of the army in a lie. I wish also to declare squarely that, though, in the official notice of our list of witnesses, we included certain ambassadors, we had formally decided in advance not to summon them. Our audacity has provoked smiles. But I do not think that there was any smiling in our foreign office, for there they must have understood. We simply intended to say to those who know the whole truth that we also know it. This truth is bandied about at the embassies; tomorrow it will be known to all, and, if it is now impossible for us to seek it where it is protected by formalities that cannot be overstepped, the government which is not ignorant, the government which is convinced, as we are, of the innocence of Dreyfus, will be able, when it likes, and without risk, to find witnesses who will make everything clear.

“Dreyfus is innocent; I swear it. I stake my life upon it; I stake my honor upon it. At this solemn hour, before this tribunal that represents human justice, before you, gentlemen of the jury, who are the emanation of the nation, before all France, before the entire world, I swear that Dreyfus is innocent. And by my forty years of toil, and by the authority that this labor has given me, I swear that Dreyfus is innocent. Let it all fall to the ground, let my works perish, if Dreyfus is not innocent. He is innocent.

“Everything seems to be against me,--the two chambers, the civil power, the military power, the journals of large circulation, the public opinion that they have poisoned. And with me there is but an idea, an ideal of truth and justice. And I am perfectly at ease; I shall triumph.

“I did not wish my country to remain in falsehood and injustice. Here I may be condemned; but some day France will thank me for having helped to save her honor.”

Speech of M. Labori.

M. Zola was followed by his counsel, M. Labori, who summed up his case with the following elaborate argument:

“Gentlemen of the jury, though this trial has already lasted more than two weeks, I have still to call upon you for a last, and perhaps, alas! a long, effort. I feel that you appreciate, and perhaps better than ever after the words that have just been spoken, the grandeur of this trial, and that you will forgive me for counting on your devotion as citizens and on your kindly and impartial attention as judges. I do not think that there was ever an affair that more deeply stirred the public conscience. None has caused more clamor, the excuse of which, in the case of many, is that they who utter it know not what they do. None has given rise to more decided courage and conviction. Between the determination of some and the outcry of others the mass of the people, insufficiently enlightened, but of good faith (and it is on this good faith that I rely), still hesitates in uncertainty before the unchained passions, on the one hand, which uselessly invoke, though neither is involved, the honor of the army and the safety of the country, and, on the other, before all that France possesses of independence and elevation of mind. It suffices, gentlemen, to take at hazard from the list the names of those whose thought accompanies the great citizen here before you,--Anatole France, Duclaux, Gabriel Monod, Michel Bréal, Jean Psichari, Réville, Frédéric Passy, de Pressensé, Havet, Séailles, and that admirable Grimaux whom the army cannot deny. For years he has been the teacher of a great number of its most brilliant officers. But M. Grimaux, in spite of all threats, came here to proclaim, with an eloquence that moved us all, his conviction that we are in the path of truth, justice, and right.

“Ah! gentlemen, between these two parties, not equal yet in numbers, I know in which direction this great people would lean, if the public powers, misled by their temporary interest, sustained by those who were yesterday, who will be tomorrow, who are even today, their worst adversaries, did not disconcert the country by their attitude and unproved declarations. Everybody says everywhere that there are three hundred deputies in the chamber, and one hundred and fifty or two hundred senators in the senate, who consider revision a necessary thing, but will not say so until after the elections. But it is not enough, gentlemen, that our governors, who ought to be the nation’s guides, separate themselves from this phalanx of chosen men, some of whom I have just named. It is necessary also that these chosen men, every day and twice a day, should be insulted and defamed, I do not say only by the newspapers that make a trade of calumny, but even by those organs of public opinion from which we are accustomed to expect a little more moderation and a little more justice.

“The insult that is thrown in their face may be summed up in one word: they are members of that syndicate formed to sustain the Jews and ruin the country. Syndicate! an ingenious word, an invention of talented pamphleteers,--whose excuse is that at bottom they are too often children through the very puerility of their credulity. An ingenious word, but an infamous word for those who launch it, hoping that it will make its way. And, gentlemen, has it not made its way, when we see it approved here by the attorney-general? An infamous word for those, a childish word for those others who believe that such things are possible. Oh! if they simply mean that a family will spend all that it possesses, will sacrifice not the immense fortune which has been spoken of, but its abundant ease, to save the man whom it knows to be innocent, and if they mean that some friends will help them, I say quite frankly that I see nothing in that which is not respectable. But, if they mean that M. Zola has sold himself, I say as frankly: it is a lie, or, rather, it is childishness. Sold? Let them say it; it

is a matter of indifference to him. If he defends himself, if those who assist him defend him and themselves with him, it is in the interest of the cause that they represent. No, gentlemen, there are no money syndicates that can produce movements like those which you have witnessed, or powers of resistance such as those which we endeavor to display. It is not money that brings here citizens like Scheurer-Kestner, Trarieux, Jaurès; politicians--I take them from all parties--like Charles Longuet and--I say it, though I raise a protest in the court-room--like Joseph Reinach himself, whom we should not be afraid to mention here in praise of his perseverance and the dignity of his attitude; artists like Clairin, Eugène Carrière, Claude Monet, Bruneau, Desmoulins, who accompany M. Zola to this court every day, in spite of the threats with which he is surrounded; and publicists like Quillard, Ajalbert, Victor Bérard, Lucien Victor-Meunier, Ranc, Sigismond Lacroix, Yves Guyot, and Séverine, who said to us: 'Do not call me as a witness; proclaim loudly what I think; I serve you better where I am.' She is right, for do you know what she assures us with her articles in 'La Fronde'? The support of a cohort of French women, who are with us, and will remain with us, and who instil at the fireside the ideas that we have scattered through the country.

"Well, gentlemen, all those whom I have enumerated, all those whom I forget, we must thank and salute, not in the name of M. Zola,--for his personality, however eminent it may be, disappears from the case,--but in the name of something higher, for they will be entitled some day to the country's gratitude. And do you know why? Because in a moment when it required some courage these men placed truth and right above everything. Belonging, most of them, to the educational world,--and it is to the honor of the French university,--they understood that, teaching the eternal ideal, they had no right, in the hour of danger, to pursue a line of conduct not in harmony with their teachings. Defending liberty and the eternal rules of justice, they were bound to practise both.

“The truth is, whatever may be said, that the verdict against Dreyfus in 1894 has never ceased to weigh upon the public conscience. I do not mean by that that the majority of citizens suspect the legitimacy of the sentence. How could I say it, when I very well know that at the present hour the majority is against us, or seems to be, for many timid consciences are silenced by the uproar which is mistaken for an expression of the general sentiment. But I grant that at present the majority is still against us.

“Many, nevertheless, have been disturbed, disturbed from the very first by the darkness of the prosecution, by the moving scene of the degradation, by the persistence of the condemned man in proclaiming his innocence. When the verdict was rendered, the majority, knowing nothing, were moved for a moment by the obscurities in which the case was wrapped. But their emotion was soon smothered in the floods of lies that were poured forth, and all rested in the confidence that the verdict necessarily inspired.

“I find no better proof of this than an article furnished me this morning by ‘L’Intransigeant.’ The article is from the pen of M. Clemenceau. It was hoped to embarrass him by showing that in December, 1894, or in January, 1895, he was one of those who showed the greatest irritation against the man whom they called the traitor. I fancy that it gives him no embarrassment; for my part, I note only this,--that, like many people then, like many people even today, he believed in the justice and the legality of the verdict rendered, and that his contrary opinion of today has for me, and should have for you, only the greater value. But, if the majority doubted, some who had approached this family which they despise when they are not acquainted with it, and which they respect when they approach it,--some who had approached this family, or its counsel who has never wavered in his conviction of his client’s innocence, harbored a doubt, yes, cherished a hope. And, in uttering this word hope, do you know under what authority I place myself? Under the

authority of a man who for many days has spared us neither accusations or insults, but whom I regard as an honest man. I mean M. Paul de Cassagnac, director of 'L'Autorité.'

"Hear, gentlemen, what he says, and in admirable language. For my part, I cannot believe that a man who writes thus is really an enemy of truth and justice. Hear what he said of the sadness which must have invaded all French hearts on the day after the conviction of Dreyfus.

This judgment is going to fill the country with profound sadness and bitter disappointment. In the first place, profound sadness. For the great mass of the French people, in spite of their hostility to the Jews, do not carry the blindness of religious hatred so far as to wish that a traitor may be found in the ranks of our officers, though this traitor should be a Jew. They would have welcomed with joy a complete, absolute acquittal, establishing indisputably that it was a cruel blunder to have believed, on the strength of false indications, that a French officer had betrayed his country. For the love of country, in its grand and holy solidarity, knows neither Jew or Christian. France is a mother, and necessarily suffers atrociously at the public dishonor of any of her sons.

"You see that I was not wrong in saying that those who harbored a doubt cherished also a hope; and this doubt continued in the minds of all who knew anything of the matter, however little. Others, knowing nothing, but accustomed to observe, harbored at least an anxiety. Why? Because there was too much darkness and too much light as well. For the trouble in this matter has been that, while the proof remained hidden in obscurity, public opinion took possession of the affair, determined to know all. Never from the first has there been complete silence; the discussion continued, assertions were made, falsehoods were spread, or suffered to spread, thus creating that anxiety and anguish the fruit of which the country now is reaping. Am I wrong in saying that? Again I place myself under the authority to which I appealed just now. On the eve

of the trial of 1894 the entire press, even the press of M. Drumont himself, called for a public trial. Listen to what M. Paul de Cassagnac said in 'L'Autorité' on December 8, 1894.

Must I say it? The farther I go, the more perplexed I feel, and I ask myself if perchance Captain Dreyfus is not innocent. Do not cry out, friendly readers, but reflect. Is not this solution, if it result from the trial itself, the solution to be desired? For my part, from the beginning I have been unable to reconcile myself to the idea that a French officer could have sold his country to the enemy. And no hatred that I feel for the Jews can make me prefer to find a guilty man in the uniform of a soldier, rather than an innocent man. What fills me with doubt is what they say about the document on which this charge rests. The document in question is one said to have been written by Dreyfus. It was found, they say, by a secret agent, in the waste-basket of a foreign military *attaché*, into which it had fallen. Dreyfus denies that the writing is his, and four experts have examined it. Three say that he wrote it; the fourth holds the contrary opinion.

"This is an error. The document was examined by five experts, three of whom declared Dreyfus the writer, the two others dissenting.

If this had been the only proof, the charge against Dreyfus would have been an imprudent one. Who does not know, in fact, that, even when experts are agreed, it is far from sure that they are right? And the public, very incredulous in regard to this pretended science, has not forgotten the famous trial of la Boussinière at Angers, in which the experts in handwriting made anything but a brilliant spectacle. Now, two of the experts who were so unfortunate in that case are of the three who declare that this document was written by Dreyfus.

Unhappily for Dreyfus, there seems to be something else. There is talk of another document found in the office of the same military *attaché*, which is said to be overwhelming. But the government, it seems, has not the

courage to publicly confess how and where it procured this document, and so they hesitate to produce it. Then what remains of the charge? Is it because the government does not feel sufficiently well armed that it proposes to call for closed doors. Is it because it fears the foreign power whose military *attaché* has played an ignoble *rôle*? We do not know. But what we do know is that public opinion will not tolerate concealment, and will insist on an open trial. It would be really strange, were France, after her indignation at the closed doors behind which the Italians strangled the Romani case, were to use the same wretched means toward Captain Dreyfus. A French officer in France must have the right to publicly defend his honor, and the government which accuses him is bound to grant him the favor of the open day. Let the government have a care. The people will not be satisfied with a minimum sentence based on presumptions, and formulated behind doors closed to stifle the affair. Somebody here is guilty. If it is not Captain Dreyfus, it is the government. And what a terrible responsibility would weigh upon the government of the republic if it were proved that, without proofs convincing to the most sceptical, it had committed the horrible crime of sullying the whole French army in accusing an officer of the most frightful of misdeeds, of having sold his country to the enemy. If Captain Dreyfus is acquitted, the minister of war becomes the traitor. Dreyfus acquitted, Mercier must be driven in shame, not only from the war department, but from the ranks of the army, for having cast suspicion upon an innocent officer.

Though perplexed today, I believe in the guilt of Dreyfus. For I cannot imagine that they would have arrested this officer, that they would have preferred such a charge against him, that they would have submitted him for months to the frightful torture of the nation’s censure, to suffer which is a hundred times worse than to be shot,--I cannot imagine that they would have so tortured this living man, unless they were absolutely certain of his guilt. So a public trial is indispensable. Acquittal in the

darkness would leave Dreyfus under the stain of suspicion. It would look as if he had been acquitted through fear of a foreign power. Or it would be said that the Jews bought the consciences of the judges. An acquittal behind closed doors is not an acquittal; it is a sort of hypocritical and shameful condemnation. As for condemnation, who would dare to hope for it in the absence of those irrefutable proofs that in our day society is obliged to spread before the eyes of everybody, before mortally and materially killing one of its children. To take from a man, from a soldier, his honor and his life without saying why? Nonsense! It is impossible. Human reason forbids such a return to the darkest traditions of the secret tribunals of Spain and the Netherlands. The government of the republic renewing and aggravating the mysterious and unavowable processes of the Inquisition and of St. Vehme when the fate of a French officer is in the balance! And from pusillanimity! I repeat, it is impossible, for it would be too ignominious.

“It is impossible, and yet, gentlemen of the jury, it happened. The doors were closed, and the doubt continued. It continued even in the mind of M. Paul de Cassagnac, as I shall show you presently; you will not be astonished, then, if it continued in the minds of others.

“At first, gentlemen, this was only a preoccupation, but it became a source of anguish for some, of whom I was one, when there appeared in ‘L’Eclair,’ of September 15, 1896, an article that seemed almost official, a mixture of revelation and falsehood, which did not seem to cause even a moment’s indignation among those in whom this country places the care of right and justice. The attorney-general has spoken to you of this article, and has attempted to attribute it to Colonel Picquart. We shall see presently whether it is difficult to answer him on that point. But, first, I am going to read to you, not the whole article, for it is too long, but a part of it. And you will see at once, now that you know what Colonel Picquart’s sentiments have been since September, 1896, whether the publication of this article can be attributed either to him or to his friends.

Remember the name of this newspaper, ‘L’Eclair,’ gentlemen. We shall meet it frequently. It is among those that carry on today the most violent and unjust campaign against the defenders of M. Zola. It began long ago. I read from the article in question.

A French officer is expiating in imprisonment the crime of high treason. That his expiation may be absolute, not a single conscience must grant the traitor the benefit of a doubt. But such doubt is being manifested in repeated articles, and, if some one does not intervene to say frankly and courageously that which has been hidden, it will finally create around Dreyfus a scandalous legend.

“The fact to which the attorney-general alluded in his address, the serious fact that disturbed Colonel Picquart and led him to write to General Gonse that ‘perhaps it will soon be too late for us to do justice,’--was this fact, as has just been insinuated, the article that appeared in ‘L’Eclair’ of September 5, 1896? That cannot be maintained. The articles that raised the doubt of which I have just spoken to you were favorable articles, articles that marked the beginning of a very legitimate campaign, which ‘L’Eclair’ answers with a tissue of lies. Let it not be said that friends of the Dreyfus family could have originated such a story. Presently I will tell you why, but the article itself demonstrates it irrefutably.

That his guilt, attested by the verdict of his peers after a trial held behind closed doors, may appear clear to those minds which are readiest to believe in the possibility of error the entire truth must be known. We have asked the government to tell it. The government does not think that it can depart from the reserve dictated to it by a diplomatic prudence. We are not bound to be equally circumspect. Convinced that the reasons which militated in favor of silence no longer exist, we are persuaded that the proof may be spread before the public.

“Note the process, gentlemen! I do not know exactly from whom the article emanated, though I shall show you that it must have had its source

with the staff. Was it given out by an officer or by a subordinate? I do not know, but compare these processes. When doubts spring up, when a campaign is beginning, they strike a blow resembling that which was struck at one of these sessions. We shall return to it; we shall examine its significance. At present I simply ask: Why this resemblance? For there certainly is a resemblance between the way in which they came here to try to close our mouths by declarations that we were not permitted to discuss or to verify, and the insertion in 'L'Eclair' of a pretended proof, of which we shall speak again, but which no longer weighs in the balance, because it is ridiculous, as are also those which are brought forward today,--brought forward in the same manner, at a similar moment, with the same intentions.

Irrefutable proof, proof in black and white of the treason, the proof that resulted in the unanimous verdict of the council of war made up of officers who have too long suffered under the cruel suspicion cast upon them by the skilfully-sustained legend of the innocence of Dreyfus. In our opinion, it is patriotic to break with the policy of reticence, and to produce all the documents which rigorously show that the judges of the military court declared their verdict with full knowledge of the facts, and that Dreyfus, in spite of his denials, was guilty, accused by numerous moral presumptions and by formal proofs, one of which bore his name.

"It is a lie, and yet they make the declaration. I pass over very long passages, and come to the essential part of the article. They tell the story of the circumstances under which the prosecution of M. Dreyfus in 1894 was undertaken, the discovery of the *bordereau*, and then they come to this matter which it is indispensable that I should make known to you.

They were not slow, however, in putting their hands on a document of exceptional importance, a document which later compelled the unanimous decision of the judges. In September the military *attachés* of

the German embassy addressed to their colleagues of the Italian embassy a letter in cipher.

“This is another lie. The letter was not in cipher.

This letter left the hands of its authors to pass into the hands of those for whom it was destined. But between the point of departure and the point of arrival it was prudently photographed. It was a letter in the cipher of the German embassy. About September 20 Colonel Sandherr, chief of the statistical division, communicated to General Mercier this letter, which had been deciphered. It related to the spying service of Paris, and contained this phrase: “Decidedly, that animal Dreyfus is becoming too exacting.”

“You know this document. We can speak of it. It has been referred to in an official document which has been published--the report of Major Ravary. It is the famous document that Colonel Henry and M. Gribelin claim to have seen between Colonel Picquart and M. Leblois. But it is a distorted document, and the author of this article, convinced that he would thus fix public opinion forever, did not fear to write: ‘That scoundrel Dreyfus,’ spelling the name out, when really the name Dreyfus does not appear in the document. I come to the end of the article.

As soon as the file of documents had been delivered to the military prosecuting officer, the examination began--an absolutely secret examination. Dreyfus, who had again become master of himself....

“Yes, again become master of himself, because somewhere in the article--and this is another lie--it is said that he had made confessions.

Dreyfus, who had again become master of himself, persisted throughout the trial, in spite of the overwhelming charges, in protesting his innocence. It is true that Dreyfus did not know, and perhaps does not yet know, that the minister of war was in possession of a photograph of the letter exchanged between the German and Italian military *attachés*, the

only document in which his name appeared. The letter which he had written, and which he had been careful not to sign, could be only a moral element in the case.

“The reference here is to the *bordereau*.

In fact, though two of the experts in handwriting, Charavay and Bertillon, declared that it was Dreyfus, the three others were in doubt. But there was one proof that did not admit of doubt,--the document in which Dreyfus was named. This document could settle the opinion of the court, and it was important that the traitor should not escape his punishment. But this so serious document was essentially confidential. The minister of war could not give it up in the absence of a demand from the courts. It was necessary, then, for a search to be made in the war department itself. It took place, but, in order to save the agent of the government from having to go through so many secret files, it was so placed as to be the first to come under his hand. It was stipulated, nevertheless, that, though thus regularly seized, it should not be put in as evidence. Therefore it was communicated to the judges alone in the consultation chamber. An irrefutable proof, it settled all doubts in the minds of the members of the council. They were unanimous in their decision as to the prisoner’s guilt, and as to the punishment to be inflicted upon him.

“Such is the article, in substance. Three days after its appearance, M. Demange, counsel of Dreyfus, meeting his old friend Salle, was greeted thus:

“‘Ah! my good Demange, I am very glad to see you. I am very glad to relieve myself of a secret that is on my conscience.’

“‘What do you mean?’ said Demange.

“‘Well, since it is published, I can tell you.’

“‘Published? What? What are you talking about?’

"'Why, the article in "L'Eclair"! what it says about the secret document is the truth. A few days after the verdict of the council of war I was dining with a few friends, among whom was one of the officers who had convicted Dreyfus. I said to him: "How is it that you were unanimous in your condemnation? How do you explain such a sentence, when Demange, whom I consider an honest man, tells me that there is nothing in the file, that there has not been a moment when he was not perfectly at ease regarding the innocence of his client, and that up to the last moment he was confident of an acquittal? How do you explain that?" "Oh!" answered the officer, "the reconciliation is easy. Demange had not seen what we have seen. If he had, he would think as we do. He would be convinced."'

"There you have, then, what the article in 'L'Eclair' represented, so far as the practical fact is concerned; such is the truth that is at the bottom of it. The details are all lies, but the certain point is that, at the council of war, without the knowledge of the accused or his counsel, there was a communication of one or more secret documents, and that, on the strength of these, a verdict was arrived at which could not otherwise have been obtained. Was I right, then, in saying to you that what was at first a preoccupation became in the minds of some a source of anguish? Was such a communication possible, gentlemen? I have just told you it was only too true. At first, it seemed beyond belief, but the article was so well sustained! And, the declaration of Demange coming on top of it, doubt was no longer possible. A feeling of revolt was born in disturbed consciences. It was but a germ, yet this germ was going to grow. The anguish was on the point of changing into indignation when further confirmation came in 'Le Matin's' publication of the *bordereau*, in no way resembling the writing of Dreyfus. And the indignation changed into stupefaction upon the appearance of the indictment with which you must be familiar--I mean the d'Ormescheville report, which astonished by its puerility all people who reason and think, all *savants* like M. Duclaux,

like M. Paul Meyer, like M. Grimaux, who have come here to tell you of a scientific spirit that they expected to find in such a document, and which they did not find at all.

“Since then, gentlemen, we have witnessed the daily growth of the number of men who do not believe it their duty, I do not say before the army, but before certain commanders of the army, to abdicate their liberty of judgment. These think that no institution is above the law. They are convinced that, a right having been violated, Dreyfus having been illegally convicted, he must be tried again, whether he be guilty or not,--a question which we shall discuss presently. They are convinced that, in presence of such circumstances, no one is justified in keeping silence, because it is a concern, not of an individual interest, but of civilization itself. And, if I must tell you, gentlemen, the *raison d’être* of what is called the syndicate is this. The common purpose of the syndicate, regardless of the belief that one may entertain in the innocence of Dreyfus, at which one arrives only gradually, at which you will have arrived day after tomorrow,--regardless of that, the common object of the syndicate is justice, right, the wounded ideal which we, in our turn, take in our hands, and which, in spite of all furies, is our strength and our protection. Syndicate, yes, but a syndicate of faith, a syndicate of disinterestedness, a syndicate of hope. [A voice--“For money”.] If we had paid you, perhaps you would shout in our favor.”

The Judge.--“M. Labori, do not address the public.”

M. Labori.--“*Monsieur le Président*, I ask your pardon, but I am obliged to be my own policeman. And that astonishes me, gentlemen of the jury, for the people who raise these protests fail in respect for you, a group of judges, you who have had your anxieties, but who feel the grandeur of your mission. But I know that, after a certain time, threats will only strengthen you in your resolution to judge with impartiality. So I resume,

leaving those who murmur when I speak of hope and disinterestedness to make such manifestations as they choose.

“Try, then, to explain otherwise what this man is doing here. What is he? I should lower him, and lower myself, and lower you also, in trying to represent him to you. He is not only a creative man of genius; he is, for those who are capable of understanding, for those who penetrate to the heart and substance of his works,--and his act of today is a sure proof of it,--he is a poet, in spite of all violences of form; and, as for his glory, it is not among these blind men that we must seek his measure, but throughout Europe. What had he to gain here? He had to gain a loss of time, a tempest of insults and outrages. Read the newspapers, and you will know what one gains by such an act. What moves him, then, if not the imperative necessity of acting in accordance with his convictions? Admirably conscious of the power of the pen and of the power of thought, he was determined, by a tremendous act, a violent act, if you will, to harmonize his conduct with the inmost conviction of his soul. That is what he wanted to do,--act.

“And action was necessary, gentlemen, on the morrow of the acquittal of Major Esterhazy. On the morrow of that singular prosecution, which ended in a verdict demanded from the tribune by the minister of war, who, proclaiming Dreyfus justly and legally condemned, was unwilling that another should be pronounced the author of the *bordereau*,--on the morrow of this judicial decision which fell like a second stone on the condemned man buried alive on Devil’s Island,--on the morrow of that prosecution, all who had doubted, all who had been anxious, all who had gradually arrived at certainty, all were struck with stupefaction. There had to be some one to feel enough confidence in himself, and enough authority over his fellow-citizens, to dare, in consciousness of his power, which I admire and which was not ill-founded, to proclaim loudly what many felt in secret, and to act. For it was an act, gentlemen,--that letter that burst like a terrible bomb. A revolutionary act, he called it; it was

from him that the attorney-general got the word. Revolutionary, yes, in the sphere of thought. Nothing less than a revolution in this sphere was needed to recall men's minds to common sense and truth. M. Zola has begun the revolution. It has not yet done much harm. You will finish it, gentlemen, finish it peacefully, finish it by the verdict of acquittal which I am going to ask of you, but not without first having a thorough understanding with you as to its value and significance.

"How was it received, this act of M. Emile Zola? Some, a few, saw in it a rallying-cry, and marched as at the sound of the cannon. The demoniacs, struck down by an attack so crushing, and feeling that they had no rivals in the art of insult, falsehood, and calumny, answered by deafening clamor. The majority, of good faith, but indifferent, suddenly aroused from their apathy by an act so unexpected, drew back in astonishment. Their reasoning was twofold, and I must do justice to it. They considered M. Zola's letter too violent. They mistakenly saw in it insults to the army. Dreyfus, they say, was condemned by his peers. Esterhazy was acquitted by his. Behind all stands the staff. We can never admit that an entire staff is guilty; rather admit that Dreyfus is guilty than accept the conclusion that the others are guilty. That is their argument; they have no other. But it has another branch, which is this: There are men in the cabinet whom we can trust. They know the truth. They do not ask for a revision. Therefore the Dreyfus verdict was well rendered. Therefore Dreyfus is guilty, and was justly condemned. That is their whole case.

"They forget, gentlemen, that things do not present themselves so simply; that questions generally do not take the form of a dilemma; that Dreyfus may be innocent, and yet they who condemn him may not have been knowingly responsible and really guilty of any infamy. They do not remember that their reasoning would apply to all judicial errors, from the conviction of Jesus Christ to that of Pierre Vaux, including that of Jeanne d'Arc herself. They forget that the *raison d'Etat* can be pleaded in behalf of the worst acts of government, from the massacre of St. Bartholomew

to the massacre of the hostages, including the revocation of the Edict of Nantes, the reign of terror, and the legal murder of the duc d'Enghien, also committed by a military tribunal.

"This reasoning, gentlemen, is terrible; it is cruel, false, absurd. But that is not to say that with those who reason thus I am unwilling to discuss. On the contrary, I believe them of good faith, I believe them sincere; that is enough for me. I am convinced that, when they understand the real truth, they will be with us; they will join the great number of those who are coming to us daily, because they are beginning to understand a matter upon which hitherto they have passed in ignorance. And their ignorance we can easily understand, for we see how difficult, not to say how impossible, it is for us to get at even a part of the truth here in this court. So a word at first in answer to their objections. They talk of insults to the army.

"Insults to the army? But, in the first place, what is the army? Does it consist of a few personalities, however high they may be? Is it not the entire nation, with a considerable number of officers, all of whom, whether belonging to the staff or not, are worthy of the stripes that they have won by their courage and their loyalty? And then, at their head, a small number of permanent, experienced commanders, fallible, as all men are,--and I do not insult them in saying so,--but surely worthy of the respect of all, by reason of the lofty mission with which they are invested. How, gentlemen, could Frenchmen be lacking in respect for them, especially such a Frenchman as M. Emile Zola? Is he not one of those who owe most to the French country, just as the French country owes most to them? Is he not one of those who place the highest value on French citizenship? And is he not, therefore, one of those who must have the highest respect for the personification of France in the French army itself?

“But does respect for the army mean that everything is permissible, I do not say to the army, but to a few commanders of the army? Does it mean that they form a caste apart, which, above other citizens, as M. Méline said in the chamber on January 22, 1898, must not be submitted to the jury? I am not inventing, gentlemen of the jury; here are his words, uttered in answer to M. Paschal Grousset:

“‘I understand the significance of your interruption. You say: “You have prosecuted, but you have not prosecuted everything.’” The matter in question, you will understand, was M. Zola’s letter. ‘“You have left out of the prosecution a part of the author’s charges.” Well, yes, we did not think it our duty to submit the honor of the commanders of the army to the decision of the jury.’

“And why? Is there in this country any citizen, whosoever he may be, who is indispensable to the public welfare? No. There is not even a necessary soldier. And, if, in execution of its threat, the staff were to resign on the day after your verdict of acquittal, I am convinced that in this admirable army hands would not be lacking to take up the baton of command, and assure us the same safety from foreign attack. So no vain threats. There are no necessary individuals in this country, no men who escape the jurisdiction of the jury; and M. Méline, though he is a prudent man,--M. Méline, who has the reputation of being a moderate,--launched a bold word, which perhaps betrayed the deplorable state of his mind, when he said: ‘We will not submit the honor of the commanders of the army to a jury.’ No one here wishes to wound anyone whomsoever. There is nothing in my words that can be offensive to loyalty. And, as for you, gentlemen, I can only repeat the admirable expression of M. Jaurès, much more exact than that of General de Boisdeffre when he said: ‘You are France.’ You are not France, but you are the legal conscience of France. M. Jaurès was right in saying so. It is an admirable phrase, because it expresses an admirable idea, and consequently everybody and all institutions in this country must be respectfully submissive to you.

Was I wrong, then, in saying that one may respect the army without being obliged to abdicate his judgment before certain army commanders? In our day, under the *régime* which still is, and which may remain, a *régime* of liberty, no free mind can admit that.

“And do you know why it must not be admitted, especially in this country, and at this hour when democracy has made its way? Because, if a military supremacy were to arise under these conditions, it would be the most oppressive of all, more oppressive than the *régime* of the Turks or the Tartars, for in those countries, or rather among those peoples, where an absolute military power reigns, there is a responsibility,--the responsibility of the chief to his people, to history, to his dynasty, to God sometimes (in the countries of divine right), while in a country like ours, where there is no sole and personal responsibility, military dictatorship, which would be the dictatorship, not of a man, but of a bureau or a staff, would very quickly degenerate into an anonymous oligarchy, without counterpoise, without responsibility, a hundred times more cruel than any oppression ever known. And, finishing, I say, gentlemen, that there is in France, and that tomorrow there still will be in France, something more powerful, something more respectable, than the army itself,--the law.

“Did M. Zola ever intend to say anything else? Has he insulted the army? Permit me to remind you of a passage in his letter, which cannot be reread too often.

They talk to us of the honor of the army. They want us to love it, to respect it. Ah! certainly, yes, the army which would rise at the first threat, which would defend French soil; that army is the whole people, and we have for it nothing but tenderness and respect. But it is not a question of that army, whose dignity is our special desire in our need of justice. It is the sword that is in question, the master that they may give us tomorrow. And piously kiss the sword-hilt, the god? No.

“Well, the sword is the exact symbol of that political state which I have just tried to picture to you, and I have met from the audience in this court-room, which is not, you will admit, made up by me, only manifestations of sympathy at the expression of these ideas.

“So much for the matter of insults to the army. Now for the second point. They have said to M. Zola: ‘Your letter is violent. It exceeds its purpose. To justify such language, what proofs do you offer?’

“Before answering, gentlemen, we must understand each other. As I have already said, M. Zola’s letter is an act, a resounding act, a brilliant act; but it was committed deliberately. From what everybody has known, from what everybody has seen and from what they have not seen, and also from what he knows and has been able to tell you, as well as from what he knows but has been prevented by his patriotism from telling you, he has come to a conclusion which forced itself upon his mind. And what is this conclusion? Does it fill him with a feeling of anger towards certain army commanders? No, gentlemen. That he leaves to the friends, to the actual supporters, I do not say of the army, for they insult the army, but of the staff. Listen to what ‘L’Intransigeant’ said on March 3, 1897. I quote from a letter attributed to a superior officer in active service, to ‘a person well informed,’ as they say of people to whom they wish to attribute certain infamies, to give them credit and authority. This article says:

It is monstrous to see the chief command of the army in the hands of a septuagenarian....

“The reference here is to General Saussier, and it reminds one of the opinions of Major Esterhazy.

A septuagenarian who, in peace as in war, was long ago judged at his true value,--nothing. As for Boisdeffre, stupidly tainted with a nobility which has not even the merit of being serious, he is, as you say so precisely, a

loafer, an ignoramus, full of assurance, so *rossard* that he has never had the courage to learn a word of German, wherefore the chief of staff of the army, in order to read the slightest note in this language, is obliged to summon an interpreter. How the Prussians must laugh at us! Moreover, thanks to these commanders,--like masters, like subordinates,--this staff is so singular that the superior officer at the head of the famous S. R. [*Service de Renseignements*, Service of Information]--the reference here must be to Colonel Henry--knows not a word of any foreign language. As for the generalissimo, Saussier, he was a brave captain in the old African army, who afterwards became a general and a detestable tactician, today completely foundered. From these chief commanders we may not judge of all the others,--for fortunately there are some good ones,--but we may judge of the new and terrible wasps' nest in which we should find ourselves, in case of a *coup de torchon*.

"If you continue, you will find the same language and the same expressions. Here is an unsigned article that appeared in 'L'Intransigeant' October 3, 1897.

Military justice, as lame as the other justice, but blinder and more crying. These crying injustices are revolting, and create revolt in the minds of the soldiers,--moreover, a legitimate revolt.

"And, on July 14, 1896, we find this, over the signature of M. Rochefort:

One embraces the military profession only in the hope of killing men, and, when one is not strong enough to kill those of the others, one exterminates his own. The grand belief of the idiots who have succeeded one another in the war department is that, if we were beaten in 1870, it is because our troops were insufficiently disciplined.

"And in the same newspaper, on September 7, 1897, I find this:

Passive obedience, ferocious egoism and brutality, those are the great principles that they try to beat into the hearts and brains of the soldiers. If

the army were really a great family; if it were the school of honor, dignity, and duty; if it were the democratic institution which befits the French people,--it would be invincible, and there would be no deserters from it. But the truth is that they try to make mercenaries of our soldiers, and that the proudest, the most enlightened, the most ardent, the best among them, are those who feel the most imperative need of avoiding so odious a *rôle*.

“And there is one more passage that I wish to read, also by M. Rochefort, which appeared on Friday, April 12, 1894.

The people regret to see that this famous military spirit succeeds in a very short time in reducing the finest minds to a state of atrophy. Recent verdicts rendered by councils of war show that there is a real national danger in leaving longer to judges so ill prepared for judicial functions the right of life and death over accused persons whose guilt they are not capable of passing upon.

“And, if, gentlemen, we open ‘La Libre Parole’ of November 5, 1894, we find this from the pen of M. Drumont:

Look at that ministry of war which ought to be the sanctuary of patriotism, and which is a place of perpetual scandal, a cloaca that cannot be compared to the Augean stables, for as yet no Hercules has tried to clean it. In such an establishment honor and truth ought to be embalmed, but, in reality, there is always something there that stinks.

“And, finally, gentlemen, I read to you a letter that appears in ‘L’Autorité’ of this morning under the title ‘Billot.’

PARIS, FEBRUARY 20, 1898.

Monsieur le Directeur:

You must be distressed by all the basenesses of the present hour. But once more let your voice be heard in the name of this poor France, who defends her last honor in the hands of those who betray her. A certain man is at this moment the target of public contempt. This man is the minister of war, a sinister figure, whose personality appears at the saddest hours in our history. If the Méline cabinet associates its cause with that of the minister of war, it is irrevocably lost in the esteem of the country and the army. Not a single one of the 27,000 officers would dare to defend the minister of war. You cannot imagine the contempt that his lies and empty declarations have engendered. How guilty, then, is this government that seeks out such men, knowing what they were and what they are. Every step of this man is marked by an injustice. Regular promotion no longer exists. Of the rights consecrated by the committees of classification he takes no heed. The promotion lists are modified in the office of the minister, who inserts or erases as he sees fit.

“Well, gentlemen, these are the supporters of the army. These are the patriots. I point them out to you.

“Did Emile Zola ever use such language? Undoubtedly he has spoken strongly, and, if, instead of being here in this echoing trial, we were in some parlor or some office, we might ask him perhaps to soften some corners of his letter. But he wanted it to go far; he wanted it to be heard. It has been heard, as he wished; and he was right. But at bottom what was his thought? He had arrived at the conclusion that a judicial error had been committed; that this judicial error was not criminal in its origin, but grew out of the credulity of a few: that it was confirmed by the malice and the blindness of a few others, as well as by the solidarity of brothers

in arms; and that it was finally sealed by a violation of law. Well, gentlemen, this being the case, it was necessary, in the first place, to fix the limits of our proofs. Even in the strangulation to which we have been subjected, we have been treated with some regard, made necessary, I fancy, by the processes of justice, for here, it seems, outside of the Zola case, there are two other cases,--the Dreyfus case and the Esterhazy case. Of the Esterhazy case we may say everything. Of the Dreyfus case we may say nothing. Why this distinction? Is it based on the thing judged? Ah! I confess, gentlemen, that, when I first asked myself the explanation of this singular restriction upon a trial which M. Zola wished to be so open, I said to myself: 'It is very simple; we shall be permitted to say nothing. In fact, there are decrees which prohibit all attack on the thing judged, even by demonstrating that the judges are liars. So, as we have to deal here with two things judged, the Dreyfus case and the Esterhazy case, they will strangle us in silence.' Well, they have not done it. I know not why, because, in truth, in the path upon which they have entered they had the means. But they did not dare to use them, and in this affair, as in so many others in this country, they took half-measures, partial closed doors, partial explanations, partial thing judged.

"True, gentlemen, it would not have been easy to entirely close my mouth. I should have risen just the same after the shorter trial, and made my argument, simply telling you what others have told you. If I had not been contradicted, it would have been necessary to extend the scope of the debate.

"Now, gentlemen, I want to sum up for you chronologically the facts in this case, to sum them up in spite of all the obstacles that have been placed in my path. And it is the object of my argument to try to show, by reasoning and by induction, in all cases where the light has not been complete, the necessary answers to the questions that I have been forbidden to ask,--answers that result inevitably from the study, or, to be more exact, from the silence, of our adversaries."

At this point the court interrupted M. Labori, declaring an adjournment until the following day.

FOURTEENTH DAY--FEBRUARY 22.

Resuming his argument at the point at which he had dropped it the day before, M. Labori continued as follows:

“Let us go back to the autumn of 1894. Dreyfus, who was then Captain Dreyfus, was arrested on October 14, 1894, but neither the public or his family, Mme. Dreyfus excepted, knew of his arrest. On October 29 the news leaked out in a rather indefinite way, through ‘La Libre Parole,’ and on November 1 a more exact account was given in ‘L’Eclair.’ I beg you, gentlemen, to note that the two newspapers which alone were well informed at the beginning of this case are the two newspapers that have carried on the most violent and most unjust campaign in the years that have since elapsed. ‘L’Eclair’ having given a more precise account, ‘La Libre Parole’ of November 1 published a very short article, of which I shall read to you but an extract.

“Is it true that recently a very important arrest has been made by order of the military authority? Is the individual arrested accused of spying? If the news is true, why does the military authority maintain a silence so absolute? A reply is necessary.” Such was the question that we asked on Monday, and the minister of war has carefully refrained from replying. We had been notified of the arrest on Sunday, ...

“At once we may ask by whom ‘La Libre Parole’ had been notified. I questioned General Mercier to find out to whom this indiscretion should be attributed, and whether any inquiry was made. He answered that he knew nothing about it, hinting that he attributed it to the Dreyfus family That theory cannot be accepted. The Dreyfus family knew nothing about the matter. Major du Paty de Clam, employing threats toward Mme.

Dreyfus, had forbidden her to speak; and, supposing that she had spoken, you can well imagine that she would not have carried her secrets to ‘La Libre Parole.’ Consequently, here at the beginning we find the hand of some one who is in relations both with the newspapers of which I speak and with the war offices. Who is he? Is he a superior officer or a subordinate? I do not know, but the relation is indisputable.

We had been notified of the arrest on Sunday, but, in view of the gravity of the charge, and the name and position of the guilty party, we desired to await the result of the examination. Today these reasons do not hold. Here, in fact, is what our *confrère*, “L’Eclair.” says concerning our questions: “Several newspapers have published a note of a few lines, asking if there had been an important arrest for a crime of high treason. The arrest has been kept secret. The facts, unhappily, are exact, and much more serious than the question led us to believe. An officer, not however, a superior officer, is at this moment in prison at Cherche-Midi; he has committed the most abominable crime that an officer can commit. He has betrayed his country, and for venal motives. The examination, which was conducted in secret, is finished, and the proof materially established.”

“This is an inaccuracy, perhaps a falsehood. Certainly it was the starting-point of all the stories, each more false than the other, which from that moment began to fill the columns of the newspapers, finding no contradiction and spreading error through the public opinion of the entire country. If I did not wish to save your time, gentlemen, I could read you extracts from a thousand newspapers of all parties, affirming most energetically that Dreyfus had relations with German and Italian spies which had been materially proved; that he had made suspicious journeys to Belgium or Alsace, in the course of which he was detected in the act of spying; that he broke open a vault in the war department, and took therefrom secrets of the most vital interest to the national defence; that he delivered important documents to the enemy; and that he had numerous civil accomplices.

“It must be said that the mystery which surrounded the arrest of Captain Dreyfus opened the way for all these lies, which served as a foundation for public opinion. On October 13 Dreyfus was summoned to the war department, and there invited to appear, in civil dress, on October 15. You understand why. He was to be arrested. The arrest had already been decided upon, and it was not desirable that he should be taken in uniform to Cherche-Midi between policemen. That would have aroused public opinion, and the policy of mystery had already been resolved upon.

“On the morning of October 15 Dreyfus appeared at the war department. There he was arrested by Major du Paty de Clam, after an examination which I shall refer to again hereafter. Then a search was made. Absolute silence was imposed upon Mme. Dreyfus by reference to the Iron Mask and assertions that her husband’s life depended upon it. This silence was maintained for a fortnight. Meanwhile what was happening at the prison of Cherche-Midi? I had hoped that a man who could speak to you with authority upon this point would testify here under oath; I mean Major Forzinetti. He was not allowed to testify, but, thank God! he has published in ‘Le Figaro’ over his own signature a story with which undoubtedly you are not familiar, but with which you must be made familiar, for it is nothing else than his deposition. I am going to read it to you. I am sure that he is now in this court-room. If it does not represent his thought at every point, if it is not what he would have declared under oath, he will contradict me. Here is his story:

On October 14. 1894, I received a secret enclosure from the minister of war. It made known to me that on the next day, the 15th, at 7 o’clock in the morning, a superior officer would make his appearance at the prison to convey to me a confidential communication. On the morning of the 15th....

“Note this, gentlemen. You will see the value of it in my subsequent discussion. We are at the morning of the 15th. Though Captain Dreyfus,

who was notified on the 13th to appear on the 15th, had not yet been examined, and was as yet only an object of suspicion, already they were preparing for him a prison-cell.

On the morning of the 15th Lieutenant-Colonel d'Aboville appeared in uniform, and handed me a document bearing date of the 14th, which informed me that Captain Dreyfus, of the 14th regiment of artillery, and licentiate at the staff, would be entered in the jail-book in the morning as accused of the crime of high treason, and that I would be held personally responsible for his person. Colonel d'Aboville asked me to give my word of honor that I would execute literally the orders from the department that he was about to communicate to me in writing and verbally. One of these communications ordered me to keep the prisoner in the most absolute secrecy, and to see that he had neither knife, or paper, or pen, or ink, or pencil. He was also to be treated like ordinary prisoners: but this order was cancelled, when I pointed out that it was irregular. The colonel ordered me to take such precautions as I might deem necessary to prevent the incarceration from becoming known, either in the prison or out of it. He asked me to show him the rooms set apart for officers, and designated that which Captain Dreyfus was to occupy. He cautioned me against the probable steps that the "high Jewry" would take as soon as it should become aware of the incarceration. I informed nobody, and no such step was taken in my neighborhood. I add that, throughout the prisoner's detention, I never remained a moment in his room except in the company of the principal police agent, who alone had the key.

Toward noon Captain Dreyfus, in civil dress, arrived in a cab, accompanied by Major Henry and a police agent. This superior officer handed me the order for the entry of his name on the jail-book--an order signed by the minister of war himself, and bearing date of the 14th, which proves that the arrest was ordered before the captain had been questioned. This shows also that the imprisonment was effected without the knowledge of the military governor of Paris, who was notified of it by

a superior officer of the staff sent for the purpose, I having been forbidden to notify him myself. The principal police agent of the prison (to whom I had given instructions), after having caused the name of Dreyfus to be inscribed on the register without anything to indicate who he was, escorted the captain to the room designated for him. From that time he was buried there alive. No one was allowed to see him, and his door was never opened except in my presence. A few moments after he had been placed in his room I went to see him. He was in a state of tremendous excitement. He seemed a veritable madman, with bloodshot eyes. He had upset everything in his room. I succeeded in quieting him, but not without difficulty. I had an intuition that this officer was innocent. He begged me to give him writing materials, or to write myself to the minister of war, asking a hearing for him. He told me the phases of his arrest, which were neither dignified or military.

Between the 18th and 24th of October Major du Paty de Clam came to question him, equipped with a special permit from the minister of war. Before seeing Dreyfus, he asked me if he could not enter his cell noiselessly, carrying a lamp of sufficient power to enable him to throw a flood of light upon the captain's face, whom he wished to surprise in such a way as to throw him off his guard. I answered that it was not possible. He submitted him to two examinations, and each time dictated to him parts of phrases from the incriminating document, with a view of establishing a comparison of handwritings.

"I beg you to remember these facts, which are the less disputable since the file contains an official letter written at that time by Major Forzinetti, in which he tells his superiors of the terrible agitation of the prisoner,--an agitation bordering on mental alienation.

During this time Captain Dreyfus's excitement continued to be very great. From the corridor one could hear him groaning and crying, speaking in a loud voice, and protesting his innocence. He threw himself

against the furniture and against the walls, and seemed unconscious of the injuries that he was inflicting upon himself. He had not a moment's rest, and, when, exhausted by suffering and fatigue, he threw himself upon the bed in his clothing, his sleep was haunted by horrible nightmares. He gave such starts that he sometimes fell out of bed. During these nine days of real agony he took nothing but *bouillon* and sweetened wine, refusing all other nourishment.

On the morning of the 24th his mental condition, bordering on madness, seemed to me so serious that, anxious to cover my responsibility, I informed the minister of it, as well as the governor of Paris. In the afternoon, in answer to a summons, I went to General de Boisdeffre, whom I followed to the minister of war. The general having asked my opinion, I answered without hesitation: "They are on a wrong track. This officer is not guilty." Such was my conviction, and it has been only strengthened since. Entering the minister's office alone, the general came out again a few moments later, apparently very much annoyed, to say to me; "The minister is just starting for his niece's wedding, and gives me *carte blanche*. Try to manage Dreyfus for me until his return. Then he will see to the matter." I was led to think that General de Boisdeffre had not been aware of the arrest, or did not approve it. He ordered me to have the captain secretly visited by the prison physician, who prescribed quieting potions and continual watch.

Starting from the 27th, Major du Paty de Clam came almost daily to submit him to new examinations and comparisons of handwriting, the sole purpose of which was to obtain a confession, which Dreyfus never would make. Up to the day when this unfortunate was handed over to the reporter of the council of war, he knew nothing more than that he was accused of the crime of high treason. The examination was long and detailed, and, while it was in progress, Dreyfus had so little expectation that he would be put on trial, and still less that he would be convicted, that he said several times: "What compensation shall I ask? I will apply

for the cross, and give my resignation. I told Major du Paty that I would do so, and he has embodied the statement in his report to the minister. He could find no proof against me,--for there was none,--any more than could the reporter-magistrate, who confines himself to inferences and suppositions, without making any precise assertions."

A few moments before appearing before his judges, he said: "I hope that my martyrdom is nearing its end, and that I shall soon be in the arms of my family." Unfortunately it was to be otherwise. After the verdict, Dreyfus was taken back to his room, where I awaited him. At sight of me he cried out, sobbing: "My only crime is that I was born a Jew. To this point has my life of labor led me. Why did I enter the war school? Why did I not hand in my resignation, as my family so desired me to do?" Such was his despair that, fearing a fatal ending, I had to redouble my vigilance. The next day his counsel came to see him. M. Demange, entering his room, approached him with open arms, and, in tears, said to him, as he pressed him to his breast: "My child, your condemnation is the greatest infamy of the century." I was completely upset.

From that day Dreyfus, who all this time had been without news from his family,--for so far he had not been allowed to write to them,--was authorized to correspond with them under the eye of the commissioner of the government, to whom all letters sent or received were delivered. I witnessed the only two authorized interviews that he had with his wife and his mother-in-law. They were very touching.

As soon as the appeal was taken, Major du Paty came again, with a special permit from the minister for free communication with Dreyfus. After making inquiries concerning the state of mind of the condemned man, he went to him, telling the principal agent to remain within call in case of need. In this last interview, as appears from a letter written immediately by Dreyfus to the minister of war, Major du Paty endeavored to obtain a confession of guilt, or, at least, a confession of an

impudent act of bribery. Dreyfus answered that he had never bribed anyone,--that he was innocent.

On January 4, 1895, I was relieved of my heavy responsibility. After shaking hands with Captain Dreyfus, I gave him over to the *gendarmes*, who took him, handcuffed, to the military school, where, proclaiming his innocence, he underwent his degradation,--a torture more terrible than death,--and was then sent into exile. My mission was an extremely sad and painful one, having lived on terms of intimacy with this unfortunate for three months, my formal orders being to be present at all his meals and watch him narrowly, in order that no written communication from without might reach him, hidden in his food. During all the long years that, by a choice which has honored me, I have been at the head of various penitentiary establishments, I have had much experience with prisoners, and I do not fear to declare openly that a terrible error has been committed. I have never considered Captain Dreyfus as a traitor to his country, to his uniform. My immediate superiors knew my opinion from the first. I declared it in presence of high official and political personages, as well as before numerous officers of all grades, journalists, and men of letters. Moreover, the government knew my opinion, for, on the eve of the degradation, the head of a bureau in the interior department came to me, sent by his chief, M. Dupuy, to ask me for information concerning Dreyfus. I answered to the same effect. This official must have repeated it to his superiors. Now, I declare that up to November 5 last I had never received from any of my superiors any order or hint to keep silent, and that I have steadily proclaimed the innocence of Dreyfus, who is the victim either of one of those fatalities which are inexplicable and impenetrable, or else of an unfathomable conspiracy, deliberately concocted.

“What I desired to make known to you, gentlemen, was not only the personal impression of Major Forzinetti,--who, since this campaign entered upon its acute stage, has been relieved of his position, but who,

until then, had held it, though his superiors knew his opinion,--but also the singular, bizarre, and mysterious processes to which they resorted during this examination.

“A secret examination, a romantic examination, followed by closed doors, closed doors declared under circumstances which I am going to point out to you by showing you how M. Demange was interrupted during the public hearing, doors closed in spite of the protests of the press, which was of one voice in demanding publicity. Picture to yourselves now the falsehoods that the press circulated, the mystery that hovered over the affair, the semi-revelations that, from one direction and another, reveal this prison in the Rue de Cherche-Midi as one of those fantastic prisons in which go on I know not what frightful and mysterious things. People necessarily came to the conclusion that Dreyfus had been caught in direct relations with an ambassador, or with an ambassador’s secretary, or a military *attaché*. This was the starting-point of the convictions against which now all argument is powerless, because, from the first, thanks to all these lies, there has been effected in many sincere minds one of those crystallizations which have the character of permanency. To justify so much mystery two things were necessary: first, absolute respect for the law; second, a complete knowledge of the case by all who played a part in it,--examining magistrates, minister’s counsel, prisoner, and judges. I spoke to you yesterday of the arguments of those honest people who say: ‘We cannot believe that the judges wilfully erred.’ Upon what does this argument rest? Upon the conviction that the judges rendered their verdict in perfect conformity to the law, and in full knowledge of the cause. Is not this the basis today of the sentiments of those who talk to us of the thing judged? Would the simple argument that Captain Dreyfus is a Jew be accepted by anyone? I do not believe it. Yesterday I spoke severely of anti-Semitism, because I consider it a doctrine which one should have the courage to combat. Yet I do not offer a single one of the anti-Semites the insult of believing that

they would accept the argument: ‘Captain Dreyfus is a Jew; therefore his conviction was justified, whether he was innocent or guilty.’ Then I am right in saying that that which constitutes the strength of my honest adversaries is the double idea that everything took place in accordance with law, and that everybody concerned was in full possession of the facts. Well, gentlemen, nothing of all this is true. The basis of these honest convictions has no real existence. Saying nothing at present of the violation of law, the gravity of the facts was not established, their materiality was not proved. Pressing visits of Dreyfus to Belgium or Germany,--none. Relations with an ambassador, or with an ambassador’s secretary, or even with a military *attaché*, directly proven,--none. For the present, I am obliged to confine myself to this. We shall come to the rest later. But I must add that, if there was in the department a photograph of a document that represented a letter exchanged between two military *attachés* of the Triple Alliance,--a letter which they tried later to use as a document in the Dreyfus trial,--this photograph was in the war department eight months before the arrest of Dreyfus, eight months before they thought of him. It does not apply to Dreyfus, as I shall show you presently. Relations of Dreyfus with the enemy, civil accomplices? Nothing of the sort; and I speak here according to the indictment, on the strength of the d’Ormescheville report, to which alone they have a right to appeal. There is a single document, the *bordereau*, whose origin is not declared, but is said by General Gonse to tell against the accused, though they refuse to put him in a position to contradict it. This writing and the expert opinions upon it,--opinions which I shall discuss, but which for the moment I refer to only as contradictory,--these comprise the entire evidence communicated to the defence. Outside of these, the government knows nothing. One man alone, General Mercier, who may be a brave soldier, but who surely knows more of military tactics than of great cases like this, took everything upon himself. For the absent documents he substituted his impression, his arbitrary impression, the result of a naive confidence, of an incredible credulity, in the puerile processes of the

examination, processes which are nothing but the fruit of the imagination--honest, I admit, but really childish--of his subordinates. In using the word childish, do I go too far, gentlemen? What, then, is to be thought of that dictation from the *bordereau* which was made to Captain Dreyfus at the moment of his arrest?"

Here M. Labori read the passage from the d'Ormescheville indictment, describing the dictation from the *bordereau* to Dreyfus by M. du Paty de Clam, who notes the agitation of the accused. Then he continued:

"I have a right to say that these are puerile methods of judicial examination.

"There is the accusation! So far, there is no question of the secret document. Now for the proof of my statement that General Mercier substituted his arbitrary impression for absent documents. Does he speak of other documents to the cabinet? Were any other charges made known to M. Guérin or to M. Dupuy, who was then a cabinet minister? No. They had nothing but the minister's word to determine them to follow him in the path leading to the dishonor and civil death of an officer. Listen to an interview with M. Guérin, the authenticity of which will not be disputed,--an interview reported by M. Marcel Hutin in 'Le Gaulois.' In presence of the jury the cabinet ministers shelter themselves behind professional secrecy. Not so in the press, and it is so much the better. Hear, then, what they said before this trial. M. Guérin, says the author of the article, explained that M. Charles Dupuy and himself were the only cabinet ministers whom General Mercier made familiar with the case. Says the former keeper of the seals:

Let me tell you how the Dreyfus case was brought to my knowledge in 1894. There were three of us in the cabinet who were informed of the examination at the beginning. After a cabinet meeting held in the office of the minister of war, General Mercier, the minister of war, asked me to go to the office of the president of the cabinet. The three being assembled

in M. Dupuy's office, General Mercier told us that very important documents concerning the national defence had been communicated by a staff officer to a foreign power, and he gave the name of the suspected officer, Captain Dreyfus. The belief of the minister of war was based, in the first place, on the nature of the documents concerned, of which only Captain Dreyfus could have had knowledge. They were locked up in the fourth bureau, said our colleague, with which Captain Dreyfus was connected, and he alone could have communicated them.

"On this first point, gentlemen, let us try to connect all the complex incidents of this trial with each of the points that I argue. You remember the reply made by Colonel Picquart, and also by General Gonse and General de Pellieux, to the questions that I put to them. Now let us continue.

Furthermore, the general told me that he had had experts examine the letter which accompanied these documents, and that they had given an opinion that it was in the writing of Captain Dreyfus. Finally, our colleague told us about the dictation from the famous *bordereau*. When General Mercier had told this story, which, you can imagine, made a great impression upon us, he turned to me, and said: "I desired, my dear colleague, to relate these facts in your presence, in order to ask your advice. I do not wish to rest my opinion solely on the proofs that have been gathered. I want you to name a counter-expert, so that complete light may be shed on the authenticity of this important document." I made haste to send for M. Baudoin, president of the civil court of the Seine, who suggested M. Bertillon.

"You see, gentlemen, whether I was right in saying, after M. Bertillon's testimony: 'The accusation, there you have it!' For, indeed, it is M. Bertillon who determines the prosecution, because it is to him that they apply for a final expert opinion.

The minister of war told us that it was through one of his agents that this document, found in a waste-basket, had been communicated to him. The cabinet was not informed of the phases of the matter, until after the arrest of the guilty man.

“Were you aware, *Monsieur le Ministre*, of another document incriminating Dreyfus, outside of the *bordereau*?”

No, never were any secret documents mentioned to us. I can say to you that none of my colleagues were informed of the communication of secret documents to the council of war without the knowledge of the accused and his counsel. Some time ago I endeavored to recall exactly, in the presence of my friend and former colleague, Poincaré, everything that then took place. I asked him if his recollections agreed with mine, and I found myself entirely corroborated. A single thing strikes me. Why has there been no frank denial of the secret communication of documents, which, indeed, would have constituted closed doors within closed doors?

“And what does M. Dupuy, the president of the cabinet, say to ‘Le Gaulois’? This:

Never did I know of any document incriminating the condemned man, except the *bordereau*, and I believe that my colleagues in the cabinet are in the same position as myself. If any secret documents were communicated to the council of war, I say frankly that I can only regret it as absolutely contrary to the law and to the rights of defence.

“What I wish you now to notice, gentlemen, is that, at the time when the arrest of Dreyfus was about to be determined upon, there was no secret document, no charge except the *bordereau* and the dictation scene; and that even of these not the entire cabinet, but only M. Dupuy and M. Guérin, had been informed by the minister of war, proving, as I have just said, that General Mercier took everything upon himself.

“I know very well that, since, there has been mention of a secret document. I know very well that a ridiculous document has been produced,--ridiculous by the confession of those who for a long time pretended to make use of it, since today they find it so inadequate that they thrust uselessly into this trial still later documents, which they describe as absolute proofs. We shall see what they are worth. But this ridiculous document is that of which they have a photograph, and which contains the words: ‘That scoundrel D----.’ It is a letter addressed by one military *attaché* to another, which was photographed *en route*, and has this postscript: ‘That scoundrel D---- is becoming too exacting.’ Let it not be said that this document has no value. Let it not be said that, if it is not a proof, there are others. It is the document upon which, from the point of view of pretended guilt, they have lived for years. We have seen it everywhere, pointed out as of the highest importance,--in the office of Colonel Picquart shown to M. Leblois, in the pages of ‘L’Eclair.’ Oh! if it were only an article from ‘L’Eclair,’ one might say: ‘It is a newspaper invention.’ But Major Ravary has referred to this document in his public report. It is the document that was in the possession of that ideal veiled lady. It is ‘the liberating document.’ It is the document for which the minister of war gave Major Esterhazy a receipt. Major Esterhazy returned this document to the minister under cover of the staff, and therefore it must have the value that I attribute to it. It is the important document. Oh! I know very well that they have invented others since. When the document was invented, there was mention of others. They do not lie, these officers, but they equivocate, consciously or not; in telling only a part of the truth, in not telling the whole truth, they equivocate. There are other documents in the secret file, yes, but they have no importance, because they relate as much to one as to another. M. Picquart has told us that in the secret file there is a document which applies rather to Esterhazy than to Dreyfus. What does that mean? Simply that there are documents concerning spying, which have been placed in the file because they belong there, but which are no more applicable to Dreyfus

than to anybody else. And the proof that all these other documents are especially inapplicable is that, when this one no longer seemed sufficient after having been submitted to discussion, they produced another; and we have heard the declaration of General de Pellieux, which was the culminating-point of this trial, and which was intended to change its course, but which, when we have shown its real significance, will be seen to be only an ephemeral incident.

“Only it was not until after the prosecution, gentlemen, that importance was attributed to this document. With General Mercier himself it seems to have been only an artifice, as is proved by the fact that he, who had no right to distrust his colleagues, said nothing about it to them when he was preparing the case.

“And then, in itself, from the judicial standpoint, what can such a document amount to? D----, what does that mean? Really, gentlemen, since this document was in the war department eight months before the prosecution of Dreyfus, and no one had dreamed of applying it to him, must not one have been really hypnotized over the name, or else weak-minded, to see nothing but Dreyfus in this initial? And then, why was no importance attached to it at the beginning? Though the name Dreyfus had been in this document, it might have been the work of a forger. You know that there have been forgeries in this case. When Major Esterhazy talks of forgery, he is not disputed. His statement is accepted because *he* makes it. But there may be other forgeries, emanating from other hands and applying to other persons. And, even though this document were authentic, and however overwhelming it might be in its significance, it could have no value whatever until it had been discussed *pro* and *con*,--until it had been shown to the accused and his counsel, who perhaps could overturn it with a word.

“Again, is it permissible to disdain the official declarations of certain foreign governments regarding relations with Captain Dreyfus?

[Murmurs of protest.] I expected these murmurs, and I answer that, if we had wished, we could have called foreigners to this bar; if they are not here, it is because we did not wish to call them."

The Judge.--"I hasten to say that we would not have listened to them."

M. Labori.--"Very likely, *Monsieur le Président*. That would have been another question of law, to be discussed after the others. But it is certain that we considered that in such an affair the light should be produced between Frenchmen, because it is important that the foreigner should be on the side of neither party, in order that tomorrow, if the threatened war should become a reality, we might all join hands to face the foe, of whom we ask nothing. But, so much said, is it permissible, as an honest adversary of the foreigner, to neglect declarations as official as those made in the committee of the reichstag and at the Italian tribune?"

The Judge.--"No, pass on."

M. Labori.--“I pass on, _Monsieur le Président_. But I do not think there is anything in my words that can be attacked by anybody.”

The Judge.--“Pass on, pass on.”

M. Labori.--“Continuing on this point, I say that the foreigner has no sort of reason to defend traitors. It is contrary to diplomatic usage. Of course a country does not betray its spies; but it has no reason to defend them when they are caught. Consequently it must be admitted that declarations such as those which I have referred to, if not decisive, must at least be attentively considered, and weighed in the balance. And for that reason I say to you that nothing at all is left of the document referring to ‘That scoundrel D----.’

“Moreover, gentlemen, this document seemed of no value to those who made use of it. There was no mention of it in the d’Ormescheville report; no question of it in the charges against Dreyfus.

“You know, gentlemen, the source of the document. That matter I have already explained, but I must return to it for a little. Not simply one article appeared in ‘L’Eclair’ in September, 1896. A whole campaign was carried on, and the article of September 15 was itself preceded by an article of September 10, violent against ex-Captain Dreyfus to the last degree. Listen to it.

For some hours it was believed that Dreyfus, the traitor, had escaped. A dispatch has reassured us. He is still in confinement. How long will his captivity last? Undoubtedly, it is only temporary. Occult intelligences are

at work to free him. This time there has been no escape, but it is clear that there was a conspiracy. The report started by a foreign newspaper was not a simple canard. It was published deliberately, and it rests on a certain fact. We need no other proof than the emotion which it caused in certain official circles. Whether they confess it or not, they are still concerning themselves regarding this report, in spite of the formal denial that has come from Devil's Island. An investigation has been opened, and is being carried on with the greatest secrecy. The false news was either a premature announcement of a fact that was to have been accomplished, or it was a part of a plan for defence of the traitor, shrewdly organized by his friends. The family is the soul of this agitation,--the family and its accomplices. For there have been civil accomplices. Perhaps it is time to say so, and to unmask them.

"You see the spirit of this article. Is it attributable to the friends or the family of Dreyfus? I have already said that that cannot be maintained. And this is the proper time to say a word of the communication of the secret file to M. Leblois by Colonel Picquart in September or October, 1896. Do you know what I think about that? I think it a petty matter, uselessly and ridiculously magnified. I think that, when Adjutant Gribelin and Colonel Henry come here in good faith to say that they witnessed this thing, we are in presence of a veritable optical illusion."

M. Labori then recalled the contradictions in the testimony of M. Gribelin and Colonel Henry, and showed that the pretended visit of M. Leblois to the war department could not have occurred, as he was not in Paris. Consequently it could not have been through him that the article reached "L'Eclair."

"So 'L'Eclair's' article of September 15, 1896, must have originated with the staff. Who gave it out? That it is impossible to ascertain, but it is to be remembered that, at various times in this campaign, Major Esterhazy has been warned of what was going on at the staff office, and we may inquire

whether the person who conveyed these warnings is not the person who communicated the article to ‘L’Eclair.’ We have the more reason to be disturbed about this, because there has been no investigation, in spite of Colonel Picquart’s demand for one.

“And then, gentlemen, what have we to say of all this stage-setting of which you know, this romantic examination and melodramatic arrest of Captain Dreyfus in an office arranged with mirrors on the walls, as is stated in M. du Paty de Clam’s report,--mirrors arranged for the purpose of surprising the play of his features? What shall we say of the scene of dictation, of the threats uttered to Mme. Dreyfus, of the dark lantern by the aid of which, as in the novels of Ponson du Terrail, they expected to surprise the secret of this guilty man’s conscience? I do not dare to say that all this had but one object, but I do say that it had but one result,--that of misleading public opinion. Do you say that these methods were adopted in sincerity? I admit it. Has not M. Zola himself admitted it? Listen to what he said.

I accuse Lieutenant-Colonel du Paty de Clam of having been the diabolical workman of a judicial error,--unconsciously, I am willing to believe,--and of having then defended his calamitous work for three years by the most preposterous and most guilty machinations.

I accuse General Mercier of having made himself an accomplice, at least through weakness of mind, in one of the greatest iniquities of the century.

“Good faith, gentlemen, is admitted; but where have these men of good faith been led by their credulity? One trembles at the thought of all these puerile details, especially that scene of dictation from the *bordereau*. At first I did not believe it to be true. It seemed to me to pass the bounds of imagination. I was not convinced, until it was affirmed in the interview with M. Guérin and in the official report of M. d’Ormescheville. What are we to think of these judicial methods? I appeal to all the criminologists here. They say that Dreyfus’s hand trembled. Perhaps it

did not tremble, but, even if it did, what does that prove? Fancy, gentlemen, the tone in which Colonel du Paty de Clam, who has been before you and whom you undoubtedly remember, said: 'You tremble, wretch. Then you are guilty.' Fancy that! Who would not have trembled? What does it prove? If it proves anything, it proves the emptiness of the charges. Do not forget, gentlemen, that at that moment all had been done. The cell at Cherche-Midi was ready. The order of arrest had been signed, M. Cochefert, of the police, was in the office of Colonel du Paty de Clam, and they did not hesitate to set in motion this romantic and melodramatic machinery. Their evidence was so slight that they had to resort to a melodramatic incident to supply the place of truth.

"Does it astonish you, then, that the council of war, after deliberation, was on the point of acquittal? Oh! gentlemen, I do not need the echoes that have reached my ears to convince me of it. We say that the countersign went forth; we say that a verdict was rendered in obedience to orders; but we do not suspect the honesty of the members of the council of war. If they obeyed orders, it was because they believed that they were obeying just orders. I admit that, had they known the order to be unjust and irregular, they would not have obeyed it. But, from the very fact that the order had been given, they at first concluded that it was just. Nevertheless, when the evidence was before them, and they saw that there was no proof of guilt, they were going to acquit, I do not doubt. They were going to acquit, because they had nothing but the *bordereau* before them; because the *bordereau* was the only document involved at the beginning of the trial; because nothing was left but the *bordereau* at the end of the trial, just as today there is nothing but the *bordereau*.

"I must demonstrate this to you, gentlemen, step by step. So you will pardon me for reading another document which seems to me indispensable. I borrow from 'L'Autorité'--for I prefer to borrow from our enemies--the story of the public proceedings of the council of war of 1894. The account is indisputable, and, were it to be questioned, I have

here also the account published by ‘La Libre Parole,’ which confirms it at every point.

The presiding judge orders the call of witnesses to begin. Then the representative of the government rises.

“By virtue,” he says, “of Article 113 of the code of military justice, which says that, if publicity appears dangerous to good order or to public morals, the council may order the trial to proceed behind closed doors, I move that the doors be closed. You know the documents that are included in the file. I do not need to insist; I know that it will be enough to appeal to your patriotism.”

M. Demange asks the floor.

The Judge.--“In giving the floor to the counsel, I ask him to confine himself to the question of closed doors, with which alone we are now concerned.”

The counsel then begins the reading of his motion, in which, after examining the legal texts permitting the ordering of closed doors, he declares that, since the legislator had in view no special case, it is necessary, whenever the question of closing the doors shall be raised, to inquire into the circumstances of the case, in order to ascertain whether any of them are of such a nature as to make a public trial dangerous to good morals or to good order. And he continues thus:

“In fact, from the point of view of the charge here preferred, whereas the only document” ...

But the judge abruptly stops him, and says in an imperious tone:

“I remind the counsel of my pressing invitation to make no reference to any document here involved.”

M. Demange.--“I have the floor to read my motion formulating my opinion regarding closed doors. Under these circumstances, and in my remarks in support of my motion, I shall divulge no documents, but it seems to me necessary to point out” ...

The Judge.--“I do not think that it is necessary to point out a single document. Otherwise, the demand of the representative of the government would be entirely illusory.”

But M. Demange insists:

“I offer a motion. I ask the council to examine certain documents. I reveal nothing of the contents of these documents. I confine myself to my right to specify the facts and circumstances concerning which the members of the council must be satisfied before deciding to close the doors. You will see that I shall reveal nothing.”

And he resumes: “Whereas the only document” ...

The Judge.--“I cannot allow you to continue thus. You cannot speak of the only document.”

M. Brisset, the representative of the government.--“On a question of closing the doors the defence can offer observations only. It is not allowed to offer motions.”

M. Demange.--“I had asked to be given a record of the refusal to allow me to offer a motion.”

The Judge.--“I give you the record. You can offer your observations, and say what you like, but you must not touch the substance of the question.”

M. Demange.--“How can I demonstrate that publicity is not dangerous, if I cannot refer to the material proofs?”

The Judge.--“You have no right to do so.”

M. Demange.--“But the interest of the defence requires me to develop my motion.”

“Gentlemen, when I read that for the first time, I did not know that I was reading a phrase of which we should hear an echo in this court-room.

M. Brisset.--“There are other interests at stake in this trial than

M. Brisset.--“There are other interests at stake in this trial than those of the defence and of the prosecution. Moreover, the judge has the file of documents. He will tell these gentlemen of what they consist.”

M. Demange.--“True, the presiding judge knows these documents, and I regret that all the members of the council are not familiar with them. I desire to show that there is no matter of fact here to furnish a sufficient ground for closed doors.”

The Judge.--“There is a decree of the court of appeals in 1883 which declares that closed doors may be ordered without consultation of the accused, if higher interests require it. Therefore I do not wish you to touch upon the substance of the issue.”

M. Demange.--“Yes or no, is my motion accepted?”

M. Brisset.--“File your motion without reading it.”

M. Demange.--“I ask for a record of the filing of my motion, and of the refusal to allow me to read it.”

M. Brisset.--“But you have been doing that for the last half-hour.”

M. Demange.--“I have examined only the question of right.”

The Judge.--“That is sufficient.”

M. Demange.--“I have read only a part.”

M. Brisset.--“It is the principal part.”

M. Demange.--“How do you know, since I have not read the whole? My motion is filed. Now I have a right to speak in support of it. I offer two observations.”

And M. Demange proceeds to maintain that, if it is true that the court of appeals has decided that a decree is not nullified by the simple fact that the accused was not consulted concerning the question of closing the doors, it is no less true that the accused must be heard when, either in person or through his counsel, he asks to offer observations or motions. M. Demange quotes three decrees in support of this view.

“You are,” he adds, “the sole judges of the question of closing the doors. You decide according to your conscience, from an examination of the facts and documents.”

The Judge.--“You must not speak of the documents.”

M. Demange.--“A decree has declared that the court must consider the circumstances of the case.”

The Judge.--“That is what I deny, for then your argument begins.”

M. Demange.--“No, *Monsieur le Président*: I have a right to say that in every case there are moral and material elements. Here I must put them in evidence. I say that the moral elements, like the previous conduct of the accused and his motives, cannot concern order.”

The Judge.--“You are now making an argument.”

M. Demange.--“So far as the material elements are concerned, order is not endangered, if I ask the counsel to refer to the documents which I simply indicate. The report contains the official record of the document” ...

The Judge.--“There I stop you. Otherwise the demand for the closing of the doors becomes illusory.”

M. Brisset.--“These are the tactics of the defence.”

The Judge.--“In view of the demand of the defence, the council will retire for deliberation.”

M. Demange.--“One word more. If we ask publicity, let it be well understood that we do not do so from any belief that your decision will be governed by publicity. We know that you will decide according to your conscience, and that your impartiality will not be affected by a closing of the doors. But no one will contradict me, if I declare that for the last seven weeks the honor of an officer of the French army has been exposed to all sorts of rumors.”

At these words the presiding judge rises abruptly and says:

“By virtue of my discretionary power, I order that the council now retire.”

M. Demange.--“I ask a record of the interruption to which my remarks are thus subjected.”

“Yes, I give you the record,” said the judge, as he withdrew.

And the council retired amid much excitement.

“You see, gentlemen, that everything was done to make the darkness complete. I do not say that the members of the council of war are to be suspected of bad faith. I do not say that, knowing Dreyfus to be innocent, they were determined to convict him at any rate. But I do say that, having entered upon a certain path, a little lightly and almost unconsciously, these men of good faith worked upon themselves by a phenomenon of auto-suggestion which it is very easy to understand. In this respect

nothing is more characteristic than the exhibition that M. Bertillon made of himself here. So convinced that he had become as deaf as a stone to the truth, he said: ‘Though I should be shown a hundred officers in the French army who could have written the *bordereau*, I would declare nevertheless that Dreyfus wrote it, because I have the proof.’

“I add, gentlemen, that it was with the best faith in the world that Colonel Maurel, who presided over the council of war, exhibited the brutality and rudeness of which I have just given you the proof, unaware that he was thus rushing into error perhaps, and at any rate into the illegality that was to come.

“Such, gentlemen, was the position of the Dreyfus case at the opening of the trial before the council of war. Do not think that the trial added anything to the charges. The minister of war, speaking from the tribune of the chamber, has referred to the fact that twenty-seven officers were called as witnesses. In the first place, it is to be noted that these twenty-seven officers included witnesses in favor of Dreyfus as well as witnesses against him. But, for or against, it is now plain that their evidence amounted to nothing. If there existed any serious facts regarding this matter of spying; if there existed between Dreyfus and any foreigner designated by name, between Dreyfus and specified spying agencies, between Dreyfus and definite international agencies, suspicious and intimate relations; if there had been any suspicious journeys or any guilty connections,--they would have been proclaimed before this. Perhaps they would not have been spoken of to M. Trarieux or to M. Scheurer-Kestner, and, when the latter went to see his old friend General Billot, perhaps his old friend would not have taken him into his confidence. But it would have been printed baldly in ‘Le Jour,’ in ‘L’Echo de Paris,’ in ‘L’Eclair,’ which are the recipients of the confidential declarations of the staff. And, if they had not done that, they certainly would have proclaimed them here; and General de Pellieux, if he had been in possession of serious proofs of an earlier date than that of

the conviction, would not have been reduced to the introduction into this trial of pretended proofs of a later date, of no more significance than the others.

“Such, then, was the position of the prosecution at the beginning of the trial before the council of war. And, before approaching the capital fact that led to the condemnation,--I mean the communication to the council of one or more secret documents,--I desire to say a word of a certain method that has been employed on several occasions during the last few months to close the mouths of those who champion Dreyfus’s cause. I refer to the confessions said to have been made by him to Captain Lebrun-Renault, on the day of his degradation. If you had been allowed to hear testimony on this matter, you would know what these confessions amount to. You would have seen Captain Lebrun-Renault at this bar. If he had been the first witness to be heard on this point, perhaps they would have allowed him to say that he had received confessions; after which they would have closed the mouths of any witnesses that might have come to contradict him, on the ground that they were talking of the Dreyfus case, and we should have been prohibited from asking any questions. He did not come, but be sure that, if he had come, he would have told a story of pretended confessions. Only, if I had been allowed to question him, I should have asked: ‘At what date did you record these confessions?’ And, if I am not greatly mistaken, he would have answered me that he recorded them at a very recent date,--November, 1897. Then I would have answered him, gentlemen, by a succession of witnesses. We should have seen at this bar M. Clisson, who, in ‘Le Figaro,’ on the day after the degradation, told a story in which, though he had received the confidences of M. Lebrun-Renault, he did not say a word of any confession. His story would have been confirmed by M. Dumont and M. Fontbrune; and finally we should have called to the stand various other persons, notably the baron de Vaux and Mme. Chapelon. I speak of Mme. Chapelon, because in her case no sort of doubt is possible. She

gave an interview to ‘L’Aurore,’ which appeared in that journal on January 25, 1898. That interview concludes thus:

“Do you assert that Captain Lebrun-Renault has always declared that ex-Captain Dreyfus made him no confession?”

“I assert it on my honor.”

And solemnly Mme. Chapelon added, as we took our departure: ‘I swear it.’

“Would Mme. Chapelon have come here to maintain her declaration under oath? There is reason to doubt it, since she afterward went to the office of ‘L’Aurore’ to declare that she was anxious, that threats had been made to her, and that, yielding to these threats, she would not testify. Here, indeed, is the account given by M. Philippe Dubois, which I read from ‘Le Temps’ of February 12, 1898.

M. Dubois was summoned regarding the pretended confessions of Dreyfus. The judge having refused to put to Major Forzinetti the question relating to the confessions, M. Labori abandoned the hearing of all the witnesses who were to testify on this point. M. Dubois says that he desired to tell the court that a certain Mme. Chapelon, whose husband was intimately connected with M. Lebrun-Renault, had declared to one of his collaborators on ‘L’Aurore’ that, not once only, but a hundred times, Captain Lebrun-Renault had said to his associates that he never had received any important confidence from the ex-captain. “L’Aurore” having reproduced these declarations, M. Dubois received a visit from Mme. Chapelon, who expressed a fear that she might lose her situation, and that her son might not obtain the scholarship at Chaptal which he was seeking. Mme. Chapelon was taken into the office of M. Clemenceau. In his presence and in the presence of M. Gohier, she confirmed the remarks that had been attributed to her by “L’Aurore,” and again expressed her

fears, adding that, to save her situation, she would refuse to speak before the assize court.

“If Mme. Chapelon had not come, we should have heard MM. Dubois and Gohier, in whose presence she made her declaration. Since then, an incident has occurred between Major Forzinetti and Captain Lebrun-Renault, of which you undoubtedly know through the newspapers, and which seems to me sufficiently serious to make it indispensable that I recall it to you. The story is told in ‘Le Temps’ of February 12, 1898, in the following language:

M. Dubois, one of the editors of “L’Aurore,” who was summoned as a witness in the Zola trial, relates an incident that occurred yesterday afternoon in the witnesses’ corridor between Major Forzinetti and Captain Lebrun-Renault. “During the last recess,” says M. Dubois, “Captain Lebrun-Renault was walking up and down the room, when, in my presence, Major Forzinetti approached him and said:

‘A newspaper pretends that you have declared to a deputy, whose name I do not remember, that you have never said anything regarding Dreyfus. Now, you know very well that, when, six months ago, I asked you a precise question, you told me that Dreyfus had never made any confession to you.’

“Visibly embarrassed, Captain Lebrun-Renault sought to evade the question, but Major Forzinetti followed him up.

“‘Come, let me refresh your memory. You even added that you had been very much annoyed by this matter, and that, in consequence of the newspaper stories, you had been summoned before the minister of war, and then before the president of the republic.’

“As Captain Lebrun-Renault still did not answer, but tried to escape, Major Forzinetti seized his cloak, and shouted:

“‘If you used the language that is attributed to you, you are an infamous liar.’

“The witnesses of this scene intervened. General Gonse, who was present, said to M. Forzinetti:

“‘In these things we get too much excited. Come, Major, calm yourself.’

“And that was all. Captain Lebrun-Renault went into the room assigned to the witnesses for the prosecution, and General Gonse shook hands with the former superintendent of Cherche-Midi.”

This morning we asked Major Forzinetti ...

“And it is because of this concluding paragraph that I read the extract.

This morning we asked Major Forzinetti if the story in “L’Aurore” was true. “Absolutely,” he answered. “I add that there is no trace of any confession on the part of Dreyfus in the report addressed, according to custom, by the captain to his corps commander, concerning his mission as a chief of escort, entrusted to him on the day of degradation. If there is any report from Captain Lebrun-Renault in which such confessions are mentioned, it was made afterward.”

“That, gentlemen, is the point that I desired to establish. If any confessions exist, or, rather, any record of pretended confessions, this record was made long afterward. But we may judge of this matter, not by the declarations of any witnesses whatsoever, but by the attitude of the government, and by that of the prime minister himself. You remember, gentlemen, that a few weeks ago certain members of the Left invited the government to publish these confessions. Whereupon the government published this singular note, officially communicated to the newspapers.

Several journals ask the minister of war to publish the declarations made to Captain Lebrun-Renault by Dreyfus on the day of the execution of the sentence of the council of war. Were the government to publish these, it

would call in question, and seem to throw doubt upon, the authority of the thing judged. We are in a position to know, moreover, that the government thinks it has no right to make such a communication, for reasons analogous to those which determined the council of 1894 to order closed doors.

“This note, gentlemen, was followed by an interpellation. M. Godefroy Cavaignac insisted that the government should communicate the document, and the attitude taken by the president is very interesting. Answering M. Cavaignac, M. Méline said:

We are asked the reasons why the government thinks that it may not publish the declaration of Captain Lebrun-Renault, received on the day of the execution of the Dreyfus trial. I admit--and everyone knows it--that there is such a declaration. It seems to me that the note of L’Agence Havas, concerning which M. Cavaignac questions me, said so with sufficient clearness. The first reason why the government thinks that it should not repeat this declaration from the tribune is that the chamber, the parliament, the government, have so far steadily refused--and rightly, in my view--to discuss the matter. From the first we have declared that this affair was of a judicial nature ...

“And when an affair is of a judicial nature, you know the pretence that they make is that it is of a political nature, and that considerations of national defence do not allow the bringing out of the light.

From the first we have declared that this affair was of a judicial nature, and must preserve this character; that the public powers, in handing it over to parliamentary discussion, would completely change its nature, and effect a veritable confusion of powers. Yet to such a discussion M. Cavaignac invites us today. He has proved it by trying to enter into the substance of the matter, and by reading certain pamphlets relating to the case. It is not to be doubted that, if the declaration of Captain Lebrun-Renault were read from the tribune, it would be discussed, for,

everything is discussed in this case. The discussion once opened, you could not stop it, and we should soon be involved in a debate concerning the question of revision. The tendency would be to encourage the belief that, without this document, the verdict could not stand. Now we have always proclaimed,--and we repeat it,--that the verdict is sufficient unto itself. It is the legal truth. Nobody has a right to discuss it. This said, I give the last reasons, which are but supplementary to the others, for they are not needed. We consider that the publication would involve serious embarrassments, and the same reasons that determined the judges to order closed doors forbid us to publish this document, the significance of which, however, I do not wish to exaggerate.

“Well, gentlemen, I ask you if we can be content with such reasons. What is, then, this excessive respect for form? The thing judged, the thing judged, even illegally judged? Would they thus appeal to form, if, by a word, by a decisive document, they could close the mouths of those whom they accuse of agitating the public by a pernicious campaign? The government, gentlemen, is not bound to respect the thing judged. It is its duty, when it can, to quiet the public conscience. Then, if M. Lebrun-Renault’s declaration has any value, what is the meaning of the government’s reserve? The truth is that it has no value, and I shall tell you why.

“I do not look at the matter solely from the standpoint of the evidence that M. Lebrun-Renault would have given, and of the contradictions with which we should have met him. I take the ground that the attitude of Dreyfus throughout is a protest against these pretended confessions. And here pardon me for reading once more. My longest quotations come in this first part of the argument; and, when we shall have finished with them, we shall go on faster; but they are indispensable to enable you to travel this long road, step by step, as it has been travelled by all who have arrived at our opinion.

“There is a scene, gentlemen, which it is necessary for you to review,--the degradation. I know none of more grandeur, none that, from a moral point of view, could have greater influence in a trial like this. Again from ‘L’Autorité’ I borrow the story,--a journal that entertains a hostility towards Dreyfus that amounts to hatred. I might read you also ‘La Libre Parole’s’ version; it is almost the same thing. If you listen as judges, you will see how things can be distorted by prejudice and passion. You will see how this man’s proclamations of his innocence, which tell me that he is innocent, are received as indications of cynicism, and are met by a clamor of wrath and hatred. I want you to see that, gentlemen; and do not forget that I read the story as told by an enemy.

The School clock strikes the first stroke of the hour of nine. General Darras lifts his sword and utters the command, repeated from company to company: “Carry arms!”

The troops execute the movement. Absolute silence follows. Hearts cease to beat, and all eyes are directed toward the right-hand corner of the square, where Dreyfus has been confined in a small building. Soon a little group appears. It consists of Alfred Dreyfus, surrounded by four artillerymen, accompanied by a lieutenant of the republican guard. Between the forms of the artillerymen may be seen very clearly the gilt stripes and glittering sword of the captain, and one may distinguish at a distance the black sword-knot at the hilt of the sword. Dreyfus walks with a firm step.

“See how erect the scoundrel is,” they say.

The group starts toward General Darras, in front of whom is the clerk of the council of war, M. Vallecalle. A clamor goes up from the crowd.

But the group stops. Again there is silence, this time tragic. The cannoneers accompanying Dreyfus step back a little; the condemned man appears, detached from the group. The clerk salutes the general in

military fashion, and, turning to Dreyfus, reads in a very distinct voice the sentence condemning him to exile and imprisonment in a fortified spot, and to military degradation. Then the clerk turns to the general again, and makes the military salute. Dreyfus has listened in silence. Then is heard the voice of General Darras, and, although there is a touch of emotion in it, this phrase is distinctly heard:

“Dreyfus, you are unworthy to bear arms. In the name of the French people, we degrade you.”

Then Dreyfus is seen to raise both his arms, and, holding his head high, cry in a loud voice, in which there is not the slightest trace of tremor:

“I am innocent. I swear that I am innocent. Long live France!”

“Death to him!” is the immense shout that goes up from the crowd. But immediately the noise subsides. The adjutant entrusted with the sad mission of taking off his stripes has laid hand upon Dreyfus, and already the first stripes, which had been loosened in advance, have been torn off by him and thrown upon the ground. Again Dreyfus protests against his condemnation, and his cries reach the crowd very distinctly.

“On the head of my wife and the heads of my children I swear that I am innocent. I swear it. Long live France!”

Meanwhile the adjutant has very swiftly torn the bands from his cap, the stripes from his sleeves, the buttons from his dolman, the numbers from his collar, and from his pantaloons the red band which the condemned man has worn since he entered the Polytechnic school. There remains the sword. The adjutant draws it, and breaks it across his knee. A snapping sound, and the two pieces lie with the rest upon the ground. Then the sword-belt is detached, and the scabbard falls in its turn.

It is finished. These seconds have seemed a century. Never was there an impression of acuter anguish. And again, clear, without sign of emotion, the voice of the condemned man rises: “You degrade an innocent man.”

Now he has to pass before his former comrades and subordinates. For any other it would have been a frightful torture.

“You are listening to his enemies, gentlemen of the jury.

Dreyfus, however, does not seem embarrassed. He strides over what were the insignia of his office, which two *gendarmes* will presently pick up, and places himself before the four cannoneers, who lead him before General Darras. The little group, with the two officers of the republican guard at the head, starts toward the band placed before the prison vehicle, and begins to march along the line of troops, at a distance of about a yard. Still Dreyfus walks with head erect. The public shout “Death to him!” Soon he nears the railing; the crowd has a better view of him; the shouts increase. Thousands of lungs call for the death of the wretch, who shouts again: “I am innocent. Long live France!” The crowd does not understand, but it has seen Dreyfus turn toward it and shout. A storm of hisses answers him; then a clamor that traverses the vast court-yard like a tempest. “Death to him! Death to him!” And outside there is a terrible swaying of the dark mass, and the agents have the greatest difficulty in preventing the people from rushing upon the Military School and taking the place by storm, in order to do swifter and more rational justice to the infamy of Dreyfus.

Dreyfus continues his march. He reaches the group of journalists.

“You will say to entire France,” he says, “that I am innocent.”

“Silence, wretch!” answer some, while others shout: “Coward! Traitor! Judas!”

Under the insult the abject personage straightens up. He casts at us a glance of ferocious hatred.

“You have no right to insult me.”

A clear voice comes from the group, answering:

“You know well that you are not innocent.”

“Long live France! Dirty Jew!” they shout again, and Dreyfus goes on his way.

His garments have a pitiful look. In place of the stripes hang long bits of thread, and the cap has lost its shape. Dreyfus straightens up again, but he has now passed only half the line of troops, and it is evident that the continual shouts of the crowd and the various incidents of the parade are beginning to tell upon him. Though the head of the wretch is turned insolently toward the troops, whom he seems to defy, his legs are beginning to weaken, and his gait seems heavier. The group makes slow progress. Now it passes before the “Blues.” The tour of the square is finished. Dreyfus is handed over to the two *gendarmes* who picked up his stripes and the remnants of his sword. They put him in the prison vehicle. The coachman whips up his horses and the wagon starts off, surrounded by a detachment of republican guards, preceded by two with drawn revolvers. The parade has lasted just ten minutes.

After the parade Dreyfus was taken to the anthropometric department. The operation of measuring lasted another ten minutes. From beginning to end the condemned man was perfectly calm, and maintained an absolute silence. Then several photographs were taken, after which he was returned to his cell, where he again protested his innocence.

“Such, gentlemen, was the attitude of Dreyfus. You are to judge of it for yourselves. It is tragic to reread such a recital after an interval of three years, and under the present dramatic circumstances, but it was necessary

for you to hear it. And after the degradation? After and before, rather? Let me read you the letters that he wrote to the minister of war and to his counsel.

Monsieur le Ministre:

I have received by your orders the visit of Major du Paty de Clam, to whom I have again declared that I am innocent, and have never been guilty of the slightest imprudence. I am condemned. I have no pardon to ask. But, in the name of my honor, which, I hope, will one day be restored, it is my duty to beg you to continue your investigations. After I am gone, let the search go on. That is the only favor that I ask.

“And here is the letter that he wrote to M. Demange on the eve of his degradation:

JANUARY 3, 1895.

Dear Master:

I have just been notified that tomorrow I must undergo the most terrible affront that can be administered to a soldier. I was expecting it; I had prepared myself for it; yet the blow is terrible. In spite of everything, I hoped up to the last moment that some providential chance would lead to the discovery of the person really guilty. I shall march to this frightful torture worse than death, with head high, without blushing. To say that my heart will not be frightfully tortured when they tear from me the insignia of the honor that I have gained by the sweat of my brow would be to lie. I would have preferred death a thousand times. But you dear master, have pointed out to me my duty, and I cannot fail in it, whatever the tortures that await me. You have taught me to hope. You have persuaded me that an innocent man cannot remain forever condemned. You have given me faith. Thank you again, dear master, for all that you have done for an innocent man.

Tomorrow I shall be transferred to La Santé. My happiness would be great if you could come there to give me the consolation of your warm and eloquent voice, and revive my broken heart. I rely always on you, and on all my family, to unravel this frightful mystery. Wherever I go, your memory will follow me. It will be the star from which I shall expect my happiness,--that is, my full and entire rehabilitation. Accept, dear master, the expression of my respectful sympathy.

A. DREYFUS.

P. S.--I just learn that the degradation will not take place until Saturday. I send this letter just the same.

“And then this second letter, written also to M. Demange, a few hours after the degradation:

PRISON DE LA SANTÉ, SATURDAY.

Dear Master:

I have kept the promise that I had made you. An innocent man, I have faced the most frightful martyrdom that can be inflicted upon a soldier. I have felt the contempt of the crowd around me. I have suffered the most terrible torture imaginable. How much happier I should have been in the grave! There all would have been over; nothing would have reached my ears; there would have been perfect calmness, and all my sufferings would have been forgotten.

But, alas! duty forbade, as you so clearly showed me. I am forced to live, forced to undergo martyrdom for long weeks yet, in order to arrive at a discovery of the truth, at the rehabilitation of my name. Alas! when will it all be over? When shall I be happy again? I rely on you, dear master. I tremble yet at the thought of all that I have endured today, of all the sufferings that still await me. Sustain me, dear master, with your warm and eloquent words. Bring this martyrdom to an end. Let them send me as soon as possible to my place of exile, where I shall wait patiently, in company with my wife.

“You see, gentlemen, that he hoped for the company of his wife.

Let the light be shed on this mournful affair, and let my honor be restored. For the present, that is the only favor that I ask. If doubts are entertained, if any believe in my innocence, I ask but one thing,--the society of my wife; then I will wait till all who love me have found a solution of this dreadful mystery. But let it be done as quickly as possible, for my strength is nearing its end. It is really too tragic, too cruel, to be innocent, and yet to be convicted of a crime so terrible.

Pardon this disconnected style. In my physical and moral depression, I am not in full possession of my ideas. My heart has bled too much today. For God's sake, then, dear master, let my unmerited torture be abridged. Meantime you will seek, and it is my firm conviction that you will find. Believe me always your devoted and unfortunate

A. DREYFUS.

"Well, gentlemen, for all men who have hearts, these letters have greater weight than all the declarations of a M. Lebrun-Renault.

"There is in the law an article of which there has been no mention here,--Article 377 of the code of criminal examination. It provides that in capital cases (and is not this of the nature of a capital case, when they condemn a man to an exile so absolute that his wife cannot even see his handwriting?)--it provides that those who are condemned to death can have until the last moment to make confession. The article says. 'If the condemned man wishes to make a declaration, it shall be received by one of the judges at the place of execution, in the presence of a clerk.'

"Well, why were not such forms observed, if the confessions were to have a value?"

The Judge.--"M. Labori, you know that this article applies only to those who are condemned to death."

M. Labori.--"Agreed, *Monsieur le Président*. I have not finished, and I am glad of your interruption, for you will see that I have an answer. It is certain, at any rate, that the law has made such a provision in capital cases, because people condemned to death are the only ones who cannot come back. As for others, their confessions cannot be used against them, unless they have been submitted to them and signed. To these the question can always be put: 'Do you admit that you have made confessions?' Put this question to Dreyfus, and you will see what reply

he will make. He will be asked this question during the revision that is sure to come, and we shall hear his answer.

“There has been no case, gentlemen, where greater efforts were made to obtain confessions from an accused man,--a new proof that they had no evidence against him, for, when evidence is overwhelming, confessions are not solicited. But, when the evidence against a man is made up of things as ridiculous as the scene of the dictation from the *bordereau*, they will go to the point of fraud to extract a confession. I say that, if they had had the good fortune to obtain serious confessions, they would not have failed to get the prisoner’s signature thereto. I have in my hands some fragments of the examination to which Dreyfus was submitted at the last hour before the prosecution. Well, gentlemen, listen; and listen also any jurists, any magistrates, who may be here. On October 29, 1894, Major du Paty de Clam appeared in Dreyfus’s cell, and asked him these questions.

“Do you admit that what you have just written strangely resembles the writing of the *bordereau*?”

Captain Dreyfus.--“Yes, there are similarities in the details; but, as a whole, there is no resemblance. I declare that I never wrote it. I now understand very well how this document could have given rise to the suspicions of which I am the object. But on this subject I should like to be heard by the minister of war.”

“On October 30 Major du Paty de Clam appeared again.

“You asked, during your last examination, to be heard by the minister of war, in order that you might propose to him that you be sent away for a year, no matter where, under the eye of the police, while a thorough investigation should be carried on in the war department.”

Captain Dreyfus.--“Yes.”

Major du Paty de Clam.--“I show you the reports of experts who declare that the incriminated document is in your hand. What have you to answer?”

Captain Dreyfus.--“I again declare that I never wrote it.”

“And now, gentlemen, pay all your attention to this:

Major du Paty de Clam.--“The minister is ready to receive you, if you have anything to say in the direction of confession.”

Captain Dreyfus.--“I tell you again that I am innocent, and that I have nothing to confess. It is impossible for me within the four walls of a prison to arrive at an explanation of this frightful enigma. But, if I may be allowed to work with the police, all my fortune and all my life shall be devoted to the unravelling of this mystery.”

“Well, that is what they did to get confessions. I say boldly that they went to the point of fraud, for they said to this man, after reminding him of his last words: ‘You ask to be sent away under police supervision; you wish to explain yourself to the minister; he will receive you if you confess.’ That meant: ‘Perhaps he will comply with your request.’ It was a trap. Dreyfus met it by repeating his declaration: ‘I will not confess; I have nothing to confess, though I should not see the minister.’ And this is the man against whom they would produce today confessions said to have been received by Captain Lebrun-Renault,--confessions whose exactness I dispute. The president of the cabinet is a prudent man, when he says that these confessions, if published, would be debated, because everything is debated in this affair,--and, I add, because everything in this affair is debatable. Of such material is the edifice constructed that we have to bear on our shoulders,--an edifice of hypocrisy on the part of those highest in place, who are the most guilty. Let them remember that, in history, the most humiliating name on the pillory is that of Pontius Pilate.”

The usual hour of adjournment having arrived, the conclusion of M. Labori's argument was postponed until the following day.

FIFTEENTH DAY--FEBRUARY 23.

The Judge.--“M. Labori, you have the floor to continue your argument.”

M. Labori.--“I have shown you the value of all the lies scattered through the trial. I have endeavored also to establish the value of the famous secret document. Before entering into the heart of the discussion, it remains for me to speak to you of the pretended proofs--absolute this time, they declare--of which General de Pellieux and General de Boisdeffre have spoken at one of the later sessions. No more importance attaches to this proof than to the rest, as I shall prove to you irrefutably, though I have not the document before my eyes. I would not have complained of General de Pellieux’s sensational declaration, if I had been permitted, not to answer him, but to question the witnesses. But I was not permitted, and that is the saddest incident of this trial,--an incident which threatened for a moment to turn aside the course of the trial by a species of moral violence practised upon the defence. We asked ourselves what we should do, and then we said to ourselves that, whatever might happen, it was necessary to go to the end,--sadly, but courageously. If we could have asked General de Pellieux and General de Boisdeffre to explain themselves more in detail, the proof of the emptiness of their statements would have been made on the spot. We should have asked the original of the pretended documents. Now I am going to prove to you that, while one of the two documents, the visiting-card, is authentic, the note that accompanied it is a forgery.

“What are these two documents? There is, first, the visiting-card of a military *attaché*;--I will name him, if I am obliged to;--it is authentic. It makes a *rendezvous* with another military *attaché*. Only, at the bottom of this visiting-card, there is a borrowed name,--no matter what; call it

Claude, if you like,--whereas the visiting-card is that of M. de X----. We will say that the *rendezvous* is signed ‘Claude’; then, beside this card, there is a note, which says: ‘We have nothing in common with this Jew.’ Or perhaps this: ‘There is to be an interpellation concerning the Dreyfus case. It is always understood, of course, that, even *vis-à-vis* of our governments, we have never had dealings with this Jewry,’ signed ‘Claude,’ like the card.

“It is in a counterfeited handwriting, a note not authenticated in any way, the card being a puerile device for lending an appearance of truth to the note. But, gentlemen, I ask you: Is it likely, is it possible, that two military *attachés* would feel any necessity of recommending to each other the policy of silence concerning this matter? Why? Who is going to question them? To whom must they render accounts? Have not their governments known the whole truth about this matter ever since 1894? *A propos* of what do they thus write in 1896? And why add to this anonymous note a card, and an authentic card, upon which an insignificant *rendezvous* is made? It was not difficult to procure such a card. You can pick up the card of a military *attaché*--or of an ambassador, for that matter--anywhere. Would it not have been an easy matter for a police spy to procure it? Among the police spies there are sometimes sharpers. Policemen, you know, are not the finest flower of humanity. I refer, not to their chiefs, but to the subordinates who necessarily make a trade of treason. Do you not suppose that, when a public trouble like this comes up, they are too glad to find an opportunity of making money out of anybody? There are police spies--and, if the department of foreign affairs wants more complete information, I will furnish it,--there are police spies who imitate, who forge, the handwriting of military *attachés*. What has the forger done? He has placed upon the card of the military *attaché* the false signature ‘Claude,’ and then, imitating the writing or not imitating it, he has affixed the name ‘Claude’ to the anonymous paper. That, gentlemen, is the whole swindle.

“Is it likely that military *attachés* would write on such a question, after the famous history of the *bordereau*, which is said to have been found in a waste-basket in 1894? Whether it was so found or not, it was a warning to military *attachés*.

“And at what moment is this said to have been written? In November, 1896, on the return from the grand manœuvres which they attended,--a time, when, as the entire diplomatic world knows, the three military *attachés* of the Triple Alliance were seeing one another every day, to come to a common agreement upon the reports to be sent by each to his government.

“Was not Colonel Picquart,--from whom I do not get these facts--was not Colonel Picquart justified, then, in saying at this bar, not that his superiors had committed a forgery, not that they had dishonestly made use of a forgery, but that the document to which they appealed in good faith is a forgery?

“If these documents had had any value, do you believe that Colonel Picquart would have been sent on a mission in November, 1896? Do you believe that the minister of war and the president of the cabinet would have been silent regarding them, when the country was so profoundly stirred? If they had done so, gentlemen, and if the document was a serious one, they would have been the greatest of wretches. They would have allowed the anguish to continue, when they might have put a stop to it. They did not do so, because the document was not serious; because, shrewd political men as they are, accustomed to deal with forgeries and intrigues, they gauged its significance at once. This brave General de Pellieux has acted in good faith in the matter, but he was mistaken.

“The attorney-general forces us to plead here, in order to secure our acquittal, that the verdict of the council of war was rendered in obedience to orders. I will come to that. But right here let me ask what General de Pellieux and General de Boisdeffre, with the countenance of the court,

and with the best faith in the world, have asked of you here, if not a verdict in obedience to orders? What was their mission in this court, if not to repeat the *coup* of the secret document? I use the familiar word, because there is none that better expresses my thought.

“And now, gentlemen, that the ground is cleared, let us come back to the basis of the accusation, the *bordereau*, the letter of 1894. In the first place, I must point out that the charge was incomplete, because the origin of the document was not established. You have heard all the experts say that expert examination in handwriting signifies nothing in itself; it is to be considered only in connection with the full knowledge of the facts in a given case. Well, gentlemen, what is more important in a trial of this character than to know the source of such a paper as the *bordereau*, to know where it was seized? Is not such knowledge indispensable, in order to enable the accused to establish, perhaps, that the *bordereau*, seized where it was, could not have emanated from him, because he had been in no sort of relations with the persons on whose premises it was found, and in no way connected with the place where it was found? A man is not to be confronted with a document, unless it be said to him: ‘This document comes from such a spot; it was addressed to such a person, with whom you are in relations.’ Otherwise, a terrible blunder may be committed, as all the experts have told you. Now listen to the report of Major d’Ormescheville.

The basis of the accusation against Captain Dreyfus is a letter-missive written on onion-skin paper, not signed or dated, which is in the file, and which establishes the fact that confidential military documents have been delivered to an agent of a foreign power. General Gonse, sub-chief of general staff, into whose hands this letter came, delivered it on October 15 last to Major du Paty de Clam, delegated October 14, 1894, by the minister of war, as a judicial officer of police to conduct an examination concerning Captain Dreyfus. General Gonse declared to the aforesaid judicial officer of police that the letter had been addressed to a foreign

power, and that it had reached his hands, but that, by the formal orders of the minister of war, ...

“Remember that this minister of war was General Mercier.

But that, by the formal orders of the minister of war, he was prevented from saying by what means the document had come into his possession.

“I know what the answer will be. It will be the eternal pretext of national security. But how was that concerned in view of the fact that the doors were closed? I say to the audacious apostles of the *raison d’Etat*, which might have had its justification under Louis XIV or under Napoleon, but which has no justification today,--I answer to these archaic apostles of an idea henceforth destroyed: If you invoke the *raison d’Etat*, invoke it to the end, but do not try people. If, General Mercier, you were sure of the guilt of the traitor, and if you felt sufficient firmness of heart to assume the responsibility of prosecution under conditions so lamentable, it was not even necessary to carry out the prosecution. You should have struck this man on your own responsibility, ruined him definitively, plunged him into I know not what abyss or what dungeon, that he might never more have been heard of; but you should not have given us the spectacle of a lamentable and audacious judicial comedy.

“But let us go on, gentlemen. The question, here, then, is one of writing, pure and simple; that is the charge. Since then, a fact of great importance has come to light; writing identical with that of the *bordereau* has been discovered. We will not ask at this moment in whose hand this document has been written? The very subtle distinction of the experts has not escaped you. The writing of a document may be the writing of a certain person, and yet the document may not be of this person’s hand, because it may be forged or traced. There may be room for discussion as to whether the *bordereau* was forged, as to whether it was traced, but there is no room for discussion as to the identity of handwritings, and the proof is that Major Esterhazy admitted it from the first day, even before he was

denounced. And it is an interesting fact in this case that, on the eve of every new development, from whatever direction, Major Esterhazy foretold it, and, even before the documents were published, he announced a plot woven by a certain Colonel X or Y, which was intended to ruin him, and in the course of which would be produced a writing frightfully like his own. Then, gentlemen, there is no doubt. I do not say that the *bordereau* is of the hand of Major Esterhazy. I will come to that later. I say the writing of the *bordereau*, is the writing of Major Esterhazy. Well, confining myself to that for the moment, there is a contradiction between this and the conclusions of the experts in 1894. We know very well that, if the *bordereau* is in a handwriting identical with that of Major Esterhazy, it is not the writing of Dreyfus. The hypothesis of a tracing by Dreyfus is inadmissible. If Dreyfus has imitated any handwriting, it is, M. Bertillon tells us, his own. Never has it been supposed that he imitated Major Esterhazy's handwriting, and, if he had done so, it would have been with some design. And then, being accused, he would have denounced Major Esterhazy, or made it known, by some more or less ingenious method, that the writing was that of Major Esterhazy. Gentlemen, I am going now to make a remark which, so far as I know, has not been made before, and which seems to me to be of considerable interest. I read first from the report of the examination of 1894.

Every interrogatory to which the accused was submitted before the judicial officer of police is full of the persistent denials and protests of Captain Dreyfus regarding the crime charged. At first Captain Dreyfus said that he seemed to recognize vaguely in the incriminated document the writing of an officer employed in the staff offices. Later he withdrew this allegation, which, moreover, was bound to fall of itself, in view of the complete dissimilarity between the writing of the officer mentioned and that of the incriminated document.

“Consequently you see that it occurred to Dreyfus, crushed under the weight of this undecipherable enigma, to say: ‘The *bordereau* is not my work, but the writing resembles certain other handwritings.’ He designated some one. This some one was not the author of the *bordereau*. He did not designate Major Esterhazy. Now, if he had traced the handwriting of Major Esterhazy, he would have attributed to Major Esterhazy the authorship of the document. But he said nothing of the kind. Consequently, whatever may be the truth as to the hand that traced the *bordereau*, and as to the circumstances under which it was traced, one thing is certain,--that, given the handwriting of Major Esterhazy, the *bordereau* cannot be in the handwriting of Dreyfus, and that it could not have been traced by Dreyfus, since it has never been pretended that Dreyfus traced any handwriting but his own. So, concerning the *bordereau*, I am perfectly easy. Whatever its source, it did not come from Dreyfus.

“The council of war of 1894, which was not acquainted with Major Esterhazy’s handwriting, and to which it had not been submitted, did not have before it those elements of information that we have today. It had nothing before it but a simple question of handwriting; and you understand what I mean by those words, since I have shown you that they knew nothing of the *bordereau*,--that its origin had not been revealed to the judges. Well, never would any court have condemned a man on this handwriting alone.

“I have among my documents some very interesting and curious ones. First, a treatise on handwriting by M. Bertillon. It had been my intention, before I realized that my argument would assume such proportions, to read you the whole of this treatise, but, desiring to spare your time, I will read only the beginning.

When our criminologists are questioned regarding the way in which expert testimony is generally conducted in France, they either avoid the

question, or take refuge in generalities. If you only knew, they say, how unimportant the matter is, and how little belief we have in the pretended science of the handwriting experts. This scepticism, however, does not prevent them from obeying the instructions of the law to take and follow the advice of appointed experts. Among the members of the bar this insufficiency of belief becomes atheism, and there is no end to the jokes and legends which you will hear at the Palace regarding the handwriting experts, who, if we may believe the lawyers, know less about their specialty than the first-comer. Let us add, moreover, that with the exception of the recent aid supplied by photography and the microscope, the art of the expert does not seem to have taken a forward step since Raveneau, the expert of the time of Louis XIV. Consequently it is not astonishing if public opinion, in spite of its proneness to allow itself to be imposed upon by specialists of all sorts, shares the incredulity concerning handwriting which has been consecrated by centuries.

And yet the comparison of handwritings, considered as one of the elements of proof by writing,--first of proofs according to the code,--cannot be systematically set aside. Expert examination of handwriting is a decisive weapon in the hands of the defence, where the presumption of innocence carries with it the right of acquittal, but, in the hands of the prosecution, where nothing less than certainty will suffice, it constitutes only an indispensable precaution, one of those numerous verifications to which every thesis must be submitted.

“I should like, gentlemen, to read the whole article. It appeared in ‘La Revue Scientifique’ of December 18, 1897, and I assure you that it had seemed to me of great value from the standpoint of my discussion, before I had witnessed these confrontations of experts, which, as a living picture, are more powerful than any reading. I had brought also an article by M. des Houx,--I have told you that I would borrow weapons only from our enemies,--an article entitled ‘The Graphologists,’ which is often read in the assize court, and which sums up in a delightfully humorous

way some of the characteristics of the experts. This article, too, I should have liked to read you in full, but let this amusing bit suffice.

Once an expert was discussing before the presiding judge Bérard des Glasjeux the similarity in writing between an anonymous document and other documents introduced for comparison.

“The writing of the anonymous documents,” said he, “in no way resembles that of the other documents, but in one corner of the paper there is a marginal note in pencil. This is clearly in the hand of the accused. There is no doubt about it.”

“Then,” said the judge, “I am the forger. I am the author of the marginal note.”

The Attorney-General.--“What expert was it who said that?”

M. Labori.--“*Mon Dieu*, Monsieur Attorney-General, his name is not given. But the anecdote is famous. My *confrère*, M. Hild, who had a case here some time ago, cited it as a classic, and I add that it was welcomed as a classic by the honorable organ of the public ministry.”

The Attorney-General.--“It was one of yours. Then keep him.”

M. Labori.--“One of ours? Let us say, then, that one expert is as good as another; that is all I ask. For my part, I have no need for any of these experts, and I assure you that, in a trial of this character, it is always a joy to provoke any remark whatever from an adversary, especially when it is his habit to be as sparing of his words as you are.

“To continue, gentlemen. I say, then, that, having nothing but this writing to go upon, conviction was impossible, especially as there were two of the five experts who did not attribute the writing to Dreyfus; and I may add that the first expert consulted, who was no other than he who is considered of the highest authority in his science, M. Gobert, expert of the Bank of France, declared, when the *bordereau* was submitted to him,

that it was not in the handwriting of Dreyfus, whereupon the accusers, instead of seeking another traitor, sought another expert, and found him.

“Then, things presenting themselves as they did, acquittal was about to follow, because the members of the council of war, though susceptible of being influenced by the words of a superior, could not, as honest men, convict upon such evidence. Then, gentlemen, there intervened this fact, of which we have already spoken, but which now must be recalled and stated more precisely,--this fact which in itself alone would justify any wrath in a good citizen and the revolt of any conscience,--the fact that, outside of the trial, without the knowledge of the accused or his counsel, and by a violation of one of the most elementary and sacred rules, a document, or documents, as you please, was placed under the eyes of the members of the council. Supposing that they were not so placed,--though they were, as I shall show you,--even had a man’s word guaranteed the existence of such documents before the president of the council of war, who is bound to believe the words of his superior,--even such a declaration would have been enough to secure a conviction illegally and irregularly.

“But the documents were communicated, gentlemen. The fact is established. Let us summarize the proofs.

“In the first place, there is the article that appeared in ‘L’Eclair’ September 15, 1896, which was reproduced everywhere and never contradicted. Then there was a pamphlet spread by thousands of copies, written by Bernard Lazare, in answer to the article, and this pamphlet also has never been contradicted. Several times, and especially on January 9, 1897, ‘L’Echo de Paris’ has spoken, not only of a secret document, but of a secret file of documents, concerning which it has given details, saying that it was called the B file, in contrast to the A file, or judicial file. Then there is the Ravary report, in which this passage occurs:

One evening, when Lieutenant-Colonel Henry, on returning to Paris, suddenly entered M. Picquart's office, he found M. Leblois, the lawyer, who paid the colonel long and frequent visits, sitting near the desk and searching with him the secret file. A photograph bearing the words 'That scoundrel D----' had been taken from the file and spread upon the desk.

"The existence is official, and you understand, gentlemen, that its simple existence suffices, for the whole country is opposed to any discussion of this matter. Why? For no other reason than this,--that it has been told that there is a secret file. It has been told only that, and that has sufficed to close all mouths, eyes, and ears, so that nobody wishes to see or hear anything. Consequently, from the simple fact that the secret file is thus publicly confessed, it weighs on the consciences of the judges of 1894, it has weighed on the consciences of the judges of 1898, and here again, be it said in passing, is what we may call a verdict rendered in obedience to orders.

"But this is not enough, gentlemen. 'Le Siècle,' of January 14, 1898, published on its first page a very long article, with all possible developments, as to the existence of the secret document. The article has not been contradicted. Better still, there has been an interpellation in the chamber. M. Jaurès, on January 24, 1898, quoted the passage that I have just read from the Ravary report, and then commented upon it as follows:

Well, gentlemen, when such a doubt is raised, when such a question is put before the public conscience, I find it unworthy of all, to whatever party we may belong, unworthy of France herself, that this question should not be met by an explicit and decisive declaration. I ask the government: Yes or no, were the members of the council of war that passed upon the Dreyfus case confronted with documents tending to establish or confirm the guilt of the accused, which had not been communicated to the accused and his counsel?

“Now listen, gentlemen, to the reply of M. Jules Méline, president of the cabinet.

I answer you that we are unwilling to discuss this matter from the tribune, and that I am unwilling to serve your designs.

“Then, a few moments later, M. Méline added:

Only one word, gentlemen, to say that I have already answered those points in the remarks of M. Jaurès upon which it is permissible for the government to make answer. I refuse to follow him upon the ground where he has just placed himself, because the government, I repeat, has no right to discuss from the tribune a regularly-rendered verdict.

“Is that, gentlemen, the answer of a government careful of the public interest, having no mysterious infamy to conceal? ‘Refuse to discuss the case from the tribune,’ when, to quiet the anxiety of all, and perhaps to close my mouth and prevent me from standing at this bar, it would have been enough to say: ‘No, no secret documents were communicated.’

“I go farther, and declare that the president of the cabinet was bound to say this. He said, in the closing lines of his answer, that the verdict had been regularly rendered. Well, it is not true. It had not been regularly rendered. It had not been, because there had been a communication of secret documents. The president of the cabinet, as an honest man after his own fashion, was incapable of so violating the truth as to say that no such communication had been made.

“Then, gentlemen, we have the testimony of a man respected by all, M. Salle, who has appeared at this bar, and whose eloquent silence has been completed by the declarations of M. Demange. We have the interview of M. Demange in ‘Le Matin,’ which he has confirmed in this court. And we have, finally, and above all, the answer, or the silence, as you prefer, of General Mercier. The truth is that General Mercier, interpret his act as you please, is incapable, as a loyal soldier and an honest man, of dodging

a responsibility by a lie. In doing what he has done,--and I frankly reprove his conduct,--he did what he thought he had a right to do, and even today I have no fear that he will retract or contradict. But it is well understood that the proof is complete, that the secret document was communicated. Then, gentlemen, we may ask ourselves what mean all the declarations of the president of the cabinet, of the minister of war, of the generals, and of the council of war of 1898, that Dreyfus was legally and justly convicted? I have tried to prove to you that it is not exact to say that he was justly convicted. As for the statement that he was legally convicted, it is a lie.

“And all this, gentlemen, is the work of General Mercier, for he takes everything upon himself. He has such confidence in his light that, fearing an acquittal when the council of war was about to begin its deliberations, he intervened with his personal authority, with his word and his documents,--at the very least with his word,--and thus he tore from the council the verdict which he may believe to be just, but which is none the less illegal, and consequently iniquitous. Is this, then, justice? And remember that the matter is especially serious, in view of the fact that the court was a military one. When declarations of the same sort are made here, I am not disturbed, because you are independent men. But reflect, then, what the word of a minister of war must mean to military judges, whatever their good faith. The superior pledges his word, and they take it. But what an abyss of iniquity! If, again, such things were to occur amid the storms of war, it would be a different thing. What then matters one man’s life, or a little more or less of justice? But these things took place in a state of peace, when the country was perfectly secure. Or, again, if our army were an army of mercenaries, soldiers only, accepting the responsibilities of the military trade, which in that case is only a trade, perhaps then I would bow. But this is a matter of the national army; a matter that concerns all the young men of the nation, who are liable to have to appear before a military tribunal; a matter that concerns your

sons, gentlemen. [Murmurs of protest.] I should much like to know who interrupts."

The Judge.--"Permit me; I am forced to repeat what I have already said at previous sessions,--if these manifestations continue, I shall be forced to clear the court-room. There must be no manifestation, either in favor of the accused or against them."

M. Labori.--"Yes, gentlemen, your sons, innocent or guilty, are liable to be summoned before a military tribunal. You see that we introduce no venom into the debate. You see that the rights of the nation, the liberty of all, civilization itself, is at stake; and, if the country, when it shall know the truth and its full significance, does not revolt in indignation, I shall be unable to understand it.

"That, gentlemen, is why it is necessary that those who understand and measure the gravity of this affair should take the floor, why it is necessary that all men of good will, all true liberals, those who believe in the innocence of Dreyfus and those who do not, those who know and those who do not know, should unite in a sort of sacred phalanx to protest in the name of eternal morality; and that is what M. Zola has done.

"In spite of closed doors, gentlemen, and by the great mass of Frenchmen who could not know at what price the verdict had been secured, Dreyfus might have been forgotten. But there was a little fireside in mourning, where memory remained, and with memory hope. This fireside was that of the Dreyfus family, in regard to which so many calumnies have been spread; and, since this court refused to hear M. Lalance, let me read you what he has just said and published in the newspapers. I read from 'Le Journal des Débats.'

The Dreyfus family consists of four brothers,--Jacques, Léon, Mathieu, and Alfred. They are closely united,--one soul in four bodies. In 1872 Alsatians were called upon to choose their nationality. Those who

desired to remain Frenchmen had to make a declaration and leave the country. The three younger so chose, and left. The eldest, Jacques, who was past the age of military service, and who, moreover, had served during the war in the Legion of Alsace-Lorraine, did not so choose, and was declared a German. He sacrificed himself, in order to be able, without fear of expulsion, to manage the important manufacturing establishment which constituted the family estate. But he promised himself that, if he had any sons, they should all be Frenchmen. The German law, in fact, permits a father to take out a permit of emigration for a son who has reached the age of seventeen. This son loses his German nationality, and cannot reenter the country until he is forty-five years old. Jacques Dreyfus had six sons. In 1894 the two elder were preparing for the Polytechnic school and Saint Cyr. After the trial they had to go away; their career was broken. Two other brothers were in the Belfort school. They were driven out. What was the father to do, knowing that his young brother had been unjustly and illegally condemned? Was he to change his name, as other Dreyfuses have done? Should he abandon his projects, and resolve to have his sons serve in the German army for a year, that they might then reenter the paternal house, and live in a city where the family was respected, and where everybody pitied and esteemed it? Had he done that, no one would have thrown a stone at him. In 1895 and 1896 his third and fourth sons reached the age of seventeen. He said to them: ‘My children, you are now to leave your father’s house, never more to come back to it. Go to that country where your name is cursed and despised. It is your duty. Go.’ And finally, in 1897, the father left his house, his business, and all his friends, and went to establish himself at Belfort, the city of which they wanted to make a fortress. He demanded French naturalization for himself and his two younger sons.

“There you have a document to oppose to the floods of calumny and falsehood. In this family there were two members whose convictions

could not be shaken, M. Mathieu Dreyfus and Mme. Dreyfus, whose fidelity is perhaps the most striking evidence of the innocence of her husband, for she, indeed, must know the truth. Mme. Dreyfus had lived beside this man; she knew his daily life; she saw his attitude throughout the trial; she knew the absence of proof; she knew what you yourselves know now, gentlemen. And she had seen the perseverance and firmness of her husband in ascending this Calvary; his courage at the moment of degradation; his attitude, always the same, even up to the present moment. I should like to read you many of his letters, but, to save time, I will read only two,--almost the latest. One is not exactly the next to the last, but the other is the last, and I think it is indispensable that you should hear this cry, always the same, as strong as ever, in spite of the prolongation of the torture. I read you a letter from the Iles du Salut, dated September 4, 1897.

Dear Lucie:

I have just received the July mail. You tell me again that you are certain of complete light. This certainly is in my soul. It is inspired by the rights that every man has to ask it, when he wants but one thing,--the truth. As long as I shall have the strength to live in a situation as inhuman as it is undeserved, I shall write you to animate you with my indomitable will. Moreover, the late letters that I have written you are my moral testament, so to speak. In these I spoke to you first of our affection; I confessed also my physical and mental deterioration; but I pointed out to you no less energetically your duty. The grandeur of soul that we have all shown should make us neither weak or vainglorious. On the contrary, it should ally itself to a determination to go on to the end, until all France shall know the truth and the whole truth. To be sure, sometimes the wound bleeds too freely, and the heart revolts. Sometimes, exhausted as I am, I sink under the heavy blows, and then I am but a poor human creature in agony and suffering. But my unconquered soul rises again, vibrating with grief, energy, and implacable will, in view of that which to us is the most

precious thing in the world, our honor and that of our children. And I straighten up once more to utter to all the thrilling appeal of a man who asks only justice in order to kindle in you all the ardent fire that animates my soul, and that will be extinguished only with my life.

I live only on my fever, proud when I have passed through a long day of twenty-four hours. As for you, you have not to consider what they say or what they think. It is for you to do your duty inflexibly, and to insist no less inflexibly on your right, the right of justice and truth. If in this horrible affair there are other interests than ours, which we have never failed to recognize, there are also the imprescriptible rights of justice and truth. There is the duty of all to put an end to a situation so atrocious, so undeserved. Then I can wish for us both and for all only that this frightful, horrible, and unmerited martyrdom may come to an end.

What can I add to express again my profound affection for you, for our children, for your dear parents, for all our dear brothers and sisters, for all who suffer through this long and frightful martyrdom? It is useless to tell you in detail of myself and all my petty matters. I do it sometimes in spite of myself, for the heart has irresistible revolts. Bitterness rises to the lips when one sees everything that makes life noble and beautiful misunderstood. Certainly, if it were a question only of my own person, long ago would I have sought in the peace of the grave forgetfulness of what I have seen, of what I have heard, of what I continue to see every day. I have continued to live in order to sustain you all with my indomitable will; for it was no longer a question of my life, it was a question of my honor, of the honor of us all, of the lives of our children. I have endured everything without bending, without lowering my head; I repress every day my feelings of revolt, calling always for the truth, without weariness and without pride. I wish, nevertheless, for both of us, my poor friend, and for all, that our efforts may soon end, and that the day of justice may dawn at last for all who have been so long awaiting it. Every time that I write to you, I find it almost impossible to drop my pen,

not because of what I have to say to you, but because thus I part with you again for so long a time, living only in your thought, in the thought of the children, in the thought of you all. Nevertheless, I conclude by embracing you as well as our dear children, your dear parents, and all our dear brothers and sisters, pressing you in my arms with all my strength, and repeating to you, with an energy that nothing can shake and as long as I shall retain a breath of life: Courage! courage and determination!

"In addition, I read to you some short extracts from the last letter, received at Paris, and dated December 25, 1897.

My dear Lucie:

More than ever I have tragic movements, in which my brain weakens. That is why I desire to write to you, not to speak to you of myself, but to give you again the counsel that I believe I owe to you. All through this month I have continued my numerous and warm appeals for you and for our children. I desire that this frightful martyrdom may come to an end, that we may at last emerge from the terrible nightmare in which we have so long been living. But what I cannot doubt, and what I have no right to doubt, is that all possible aid will be extended to you that this work of justice and reparation may be accomplished. In short, my darling, what I would like to say to you, in a supreme effort in which I wholly put aside my own person, is that you should maintain your right energetically, for it is frightful to see so many human beings suffer thus, and to think of our unhappy children growing up. But with this should be mingled no irritating question, no question of persons. I wish I could press you in my arms with all the strength of my love, and I beg you to embrace long and tenderly for me my dear and adored children, my dear parents, all my dear brothers and sisters, with a thousand kisses more.

"And beneath are these tragic words, which I must read to you, for they add to the horror:

Read in accordance with orders, the Chief of the Penitentiary Administration.

“It should have been added, ‘copied in accordance with orders,’ for of the authenticity of these letters you can have no doubt, since they are copied in the hand of an employee of the administration. The handwriting of Dreyfus himself does not reach his wife.

“I wish I could read you also, as I intended, a letter from M. Gabriel Monod, for it is an admirable psychological document, a testimonial of the respect in which the writer holds the Dreyfus family, an expert study of handwritings. But I must not detain you.

“It is absolutely necessary, however, that I should read to you an article from ‘Le Jour,’ our most implacable opponent, and an article from the pen of M. Paul de Cassagnac, who this morning in his paper does not exactly shower compliments upon us. ‘Le Jour’ and ‘L’Autorité’ were the instigators of the campaign that is now going on. The article from ‘Le Jour’ that I shall read to you appeared September 11, 1896, over the signature of Adolphe Possien.

Since the Dreyfus question has come up again, and since the discussion now begun can end only in a series of inquiries, we desire to contribute our share to the search for the causes that brought about the arrest and conviction of the prisoner of Devil’s Island. It is known that the doors were closed during the trial, and that during the preliminary incarceration nothing of what the prisoner did or said transpired. Furthermore, little was known of the motives that determined General Mercier to order the arrest of Dreyfus. It is known that the ex-captain was accused of having been in relations with a neighboring power, and of having delivered to it documents concerning the national defence. But what was the nature of these documents? No official communication has made that known; so that at the present hour it seems to be rather generally believed that it was a matter of the general mobilization time-table. Now, that is false, just as

it is false in the last degree that the ex-captain was questioned by General de Boisdeffre or by General Gonse.

“I stop here to make an observation that I might have made elsewhere. It has been said in many places that Dreyfus denounced to the enemy the French officers who went on a mission to Germany. It has been said that he denounced Captain Degouy. Now, Captain Degouy’s brother, M. Paul Degouy, has come to this bar to say to me: ‘My brother is not with you in this matter. He is of those who believe that his superiors could not have taken the course that they have in the absence of striking proofs. Nevertheless, I authorize you to say, in my name and in the name of my brother, that never, and for all sorts of reasons which I need not develop, has Dreyfus been suspected of having denounced him.’ I add, in passing, that there have been many other lies told as false as this one, and, when we shall have contradicted them all, you will still find, three months or three years hence, people to tell you that Dreyfus denounced Captain Degouy, etc.

The only person who was ever in communication with Captain Dreyfus after his imprisonment was Major du Paty de Clam, who, after this, affair, was promoted to the office of lieutenant-colonel. The document on the strength of which Dreyfus was condemned is an unsigned *bordereau*, containing no information confidential in its significance. Furthermore, of the five experts to whom this document was submitted, only two, MM. Charavay and Bertillon, recognized the ex-officer’s handwriting, while three others, one of whom was M. Gobert, the expert of the Bank of France, did not recognize it.

“This is an error. There were three experts who recognized it, and two who did not.

It has been said that this document was found, torn up, in the waste-basket of a military *attaché* of a great neighboring power, from which it was taken by an agent in our pay. Later it was pretended that this

was not the case at all. It has been said since that the document was found in the war department itself.

To be brief, thanks to the exaggerated discretion of the government, a double current of opinion set in regarding the Dreyfus case. In a matter as delicate as this, since his treason reawakened all the anti-Semitic passions, and since it was a reminder of the fact that another Jew, Cornelius Herz, had shown dishonor wherever he had passed, Dreyfus should have been tried as his counsel demanded. If this was impossible, at least it was necessary to avoid useless petty mysteries, and to declare frankly everything that was not compromising to the interests of the national defence. Thus acting, they would have avoided the discussions which, though put to sleep for a moment, were bound to reawaken. No honest man would then have been found to make an appeal of pity in favor of one who perhaps is not guilty. It is with the greatest impartiality that I have made an inquiry into the events that brought about the arrest of Dreyfus, and the events that followed, up to the time of his embarkation for Devil's Island. I do not pretend to prove his innocence; my purpose is to establish that his guilt is not demonstrated.

"Let me ask, in passing, how the innocence of any man can be demonstrated, except by demonstrating that his guilt is not established. Is not innocence a negative thing? If you, gentlemen, were to ask me to prove that you are neither thieves or traitors, I should be quite incapable of it. All that I could say would be that there is no evidence against you, and that consequently it is impossible to demonstrate your guilt. Therefore all those who are shouting for proof are indulging in mere childish clamor.

"Now I read to you what M. de Cassagnac wrote on September 14, 1896:

Our *confrère*, "Le Jour," pretends, not to prove the innocence of Dreyfus, but to show that his guilt is not demonstrated. This is already too much. Not that we reproach our *confrère* for pursuing such a demonstration, but

that this demonstration is impossible. Like most of our fellow-citizens, we believe Dreyfus guilty, but, like our *confrère*, we are not sure of it. And, like our *confrère* also, we have the courage to say so, since we cannot be suspected of being favorable to the Jews, whom we combat here as persistently as we combat the Free Masons. The real question is: Can there be any doubt as to the guilt of Dreyfus? Now, thanks to the stupidity and the cowardice of the government of the republic, this question, far from being closed, remains perpetually open. Why? Because the government did not dare to conduct the trial in the open, so that public opinion might be settled.

Now, nothing is more contrary to justice than obscurity. It is only truth that has no fear of the blinding daylight. We are the implacable adversaries of every verdict rendered in the depths of a cave, whether it emanates from Sainte Vehme, from the King of the Mountain, or from the council of war. And we are so, because a verdict so rendered can never be revised.

But, you will tell me, those who declared Captain Dreyfus guilty were French officers, the incarnation of honor and of patriotism. It is true. Only, whatever my esteem and respect for French officers, I must point out that they are not more enlightened or more honorable than their brothers, cousins, and friends who, as jurors, distribute justice in the assize courts in the name of the French people. The very recent Cauvin case, and many others, have sadly demonstrated that error is a human thing, and that judicial errors are already much too frequent, now that the machinery of justice is illuminated by all possible torches. I add that it is only the publicity of a trial that makes a revision possible, and that there can be no revision of any trial of which we know nothing but the brutal result. That is shocking to good sense and equity, and my illustrious friend, the lawyer Demange, was absolutely right when he insisted on a public trial. Juries are often mistaken, and it is by no means proved that councils of war are fallible, especially as it is now said, and without

contradiction, that Dreyfus was condemned on the strength of a document which but two out of five experts found to be in his handwriting. Moreover, we know the value and the weight of expert testimony regarding handwriting. Nothing is more uncertain, and sometimes more grotesque.

So that nobody in the world except the judges and the prosecuting attorney can know exactly why and on what Dreyfus was convicted. Unhappily, they are bound by professional secrecy, and so I do not see how our *confrère*, "Le Jour," will be able to give any interest to its investigation.

Yes, traitors are abominable beings, who should be pitilessly shot like wild beasts; but, for the very reason that the punishment incurred is the more frightful and the more deserved, and carries with it no pity, it should not have been possible for the cowardice of the government with reference to Germany to have left us in a horrible doubt which authorizes us to ask ourselves sometimes if really there is not on Devil's Island a human being undergoing in innocence a superhuman torture. Such doubt is a frightful thing, and it will continue, because publicity of trial furnishes the only basis for a revision. Now there is no revision. There is no appeal from a sentence wrapped in artificial and deliberate darkness.

"That is what M. de Cassagnac said, and, when he wrote it, he did not know what you have learned during the last fortnight. You see, then, the source of the campaign to which Colonel Picquart alluded in one of his letters to General Gonse. It is not the article in 'L'Eclair,' for those letters appeared before September 15. It is these articles that I have just read you; the Dreyfusian campaign, there you have it. The article in 'L'Eclair,' in which the name of Dreyfus was falsely written in full, was simply an infamy resorted to to stop that campaign.

"But, whatever the energy and the devotion of the men who undertook this work, it would have come to nothing, if in the staff which has played

so prominent a part in the case there had not been found an admirable man,--a soldier, he too, like the others. He has been treated shamefully. Insults have been heaped upon him here which seem to me unworthy of the eminent soldiers whence they came. But the purity of his soul has enabled him to rise above interests, above mere *esprit de corps*, to the more elevated regions of the ideal and of humanity. I refer to Colonel Picquart. He has remained calm; he has remained silent. He has not violated the iron countersign which he, as a soldier, respects. But I know well that, from the broader and more general standpoint of humanity, he will come out of this case increased in stature. I must say a word to you, gentlemen, of his military antecedents and his life. He is now in command of the Fourth Algerian; he is forty-three years of age; at thirty-two he was in command of a battalion; he left the war school a breveted officer; he is a knight of the legion of honor; he was formerly a professor in the war school; he was chief of the third bureau of the staff office, then chief of the bureau of information, and, finally, in April, 1896, was made a lieutenant-colonel. And a fact that makes it vain for his superior officers to try to ruin him is that he was especially appointed, and is the youngest lieutenant-colonel in the French army. Moreover, gentlemen, Colonel Picquart was delegated by his superiors to follow the Dreyfus trial before the council of war of 1894. That will tell you whether he knows the case or not. He too,--at least, I imagine so,--believed in the guilt of Dreyfus. But after the departure of Dreyfus what has been picturesquely called the 'flights'--that is, the disappearances, the departures, the thefts of documents--continued. Then, gentlemen, his suspicion was aroused.

"In May, 1896, or, at any rate, in the spring of 1896, he discovered the famous dispatch that has been mentioned here. Certain agents bring to the war department--and here, if I commit errors of detail, it will be due solely to the fact that complete explanations have not been given at this bar; if my errors should now provoke them, I should congratulate myself

upon it, and accept the corrections,--certain agents bring to the war department cornucopias or packages containing fragments of papers, taken wherever documents coming from the enemy are liable to be found, papers some of which are without interest, but others of which are of value, mixed up by the agents, who take them *en masse* and deliver them to one of their superiors, who sorts them, in order to find out if there is anything of value among them. The important point is the origin of these packages. What gives them their value is their source, the fact that they are taken on territory where everything that is found, really or fictitiously, has a special value. Before Colonel Picquart became chief of the information service, as we have been given to understand, these packages were handed to Colonel Henry, then major, who, in turn, after sorting them, transmitted them, because he did not know foreign languages, to Captain Lauth, now major. When Colonel Picquart became chief of the bureau, he changed his method of procedure. He asked that these packages be given to him. It was his right. Colonel Sandherr died of general paralysis. He had already been a victim of it for sometime, when Colonel Picquart succeeded him. Colonel Picquart was chosen for this eminent post because they had the fullest confidence in him. And, if he took it upon himself to conduct the services a little more strictly than had been the custom, it was because he intended to give it the closest personal attention.

“You know, gentlemen, what happened in this special matter of the dispatch, addressed to Major Esterhazy. One day a package of documents was handed to Colonel Picquart, and, some days after, Colonel Picquart gave this dispatch to Major Lauth that he might reassemble the fifty-nine or sixty pieces into which it was torn. It was very natural that this document should be given to Major Lauth, for operations of this character were one of his duties.

“What was this dispatch, and what was its value? In itself--and this is a very important point--it had no value at all. Here is the text, with which

you are as yet unfamiliar. The document was publicly read during the Esterhazy trial.

I await, first of all, an explanation more detailed than that which you gave me the other day regarding the question at issue. Consequently I beg you to give it to me in writing, in order that I may judge whether I should continue my relations with the R establishment or not.

“This little document, taken from the mails, is of value only on condition that its source is the same as that of the documents in the package of which I have just spoken, that source being a foreign embassy, an enemy’s territory. Coming from that source, the document at once takes on a special importance, for it shows that the embassy in question is in relations with the person to whom it is addressed.”

The Judge.--“Make no reference to that.”

M. Labori.--“_Monsieur le Président_, all this has been told at length in the newspapers.”

The Judge.--“It cannot be very useful in your argument.”

M. Labori.--“I do not see why we should not explain ourselves on a matter with which everybody is familiar, and which the jurors ought to understand, in order to be able to judge with a full knowledge of the cause. Therefore I resume my argument. The dispatch is valuable only because it awakened the suspicion of the chief of the service of information, who said to himself: the place whence this dispatch comes is in correspondence with Major Esterhazy. Then Colonel Picquart began an investigation, at first a moral investigation, as he has told you, the results of which he has made known to you; then an investigation of another order, an investigation concerning handwriting. At that moment was he thinking of the Dreyfus case? Not at all. That was buried. It had nothing to do with this new matter. He began his investigation concerning handwriting, because it is customary to do so, whenever any trace of spying is observed. Then he went to find M. Bertillon, who said to him: ‘This time the forgers have attained identity.’ And thus, gentlemen, Colonel Picquart was confronted with the undeniable resemblance between the *bordereau* and Major Esterhazy’s writing. He spoke to his superiors about the matter, and I have a right to say, in view of his correspondence with General Gonse, that they encouraged him. Since then, they have made him the object of the most odious attacks. But these attacks have a single source, which is enough to ruin them at their foundation. That source is the major whom the army prefers to him, whom the army opposes to him, to whom it extends ovations while Colonel Picquart is put in a fortress--Major Esterhazy.

“Do you ask for proof that he was the source of these attacks? ‘La Libre Parole’ published on November 15, 1897, an article entitled ‘The Conspiracy,’ in which no name was mentioned, but in which everything was related in advance, and in which the *rôle* of Colonel Picquart was presented by Major Esterhazy, the author of the article, as it was presented afterward without change by Major Ravary himself before the council of war of 1898. You certainly did not fail to notice that, when the question of the famous searches of Major Esterhazy’s premises, and the circumstances under which they were made, came up here, General de Pellieux, summoned here by us, was obliged to say: ‘But I accepted the story of Major Esterhazy.’ Consequently no investigation on this point, no verification, no contradiction of any sort. The accuser of Colonel Picquart, he whose word they take, is he whom Colonel Picquart denounced, whether wrongly or rightly, as a traitor. And, if we examine the matter closely, gentlemen, what remains of the attacks upon Colonel Picquart? I have already done justice to that concerning the pretended communication of the secret file to M. Leblois. I have shown you that here the contradictions were such that it is absolutely impossible to accept the fact as having occurred in November, 1896. Indeed, Colonel Picquart addressed himself to M. Leblois in 1897, and he did so because he was threatened, as you know. For in June, 1897, he received from Colonel Henry a letter which I may now qualify as a threatening letter. At that time Colonel Picquart, who was on a mission, precisely for what reason he did not know, returned to Paris, and sought the advice, not of the first lawyer that he met, but of a lawyer who had been his friend from childhood. And it was in the course of conversations with this lawyer that, too reserved, too prudent,--I say it to you very respectfully, Colonel Picquart,--he made known to M. Leblois the reasons why he was attacked, and placed in his hands the documents that constituted his defence--that is, not only the two letters from General Gonse which you know, and his two replies, but another and later correspondence, of

which we are not yet in possession, Colonel Picquart being unwilling to give it up, because of his excessive reserve and discretion.

“And then M. Leblois does this thing,--some may blame him for it, but, for my part, I salute him,--agitated by what he had learned, and without Colonel Picquart’s consent, he went to M. Scheurer-Kestner, who was no other than the vice-president of the senate, and in whom he had the most absolute confidence, and said to him: ‘Here is what I have learned through certain special events and circumstances.’

“Now we come to the complaint of the searching of Major Esterhazy’s premises. The only thing done was this. A police agent presented himself twice at Major Esterhazy’s under a pretext of looking at an apartment to let. He brought back a visiting-card of no importance, which Colonel Picquart told him to return; and he noticed that a considerable quantity of papers had been burned in the chimney. Here, in the first place, it is necessary to notice that Major Esterhazy is detected in flagrant inaccuracies of statement. He had declared that his apartments had been robbed several times under extremely serious circumstances, which he related before the council of war. I wish to call your attention to what Major Esterhazy said in his public examination in January, 1898.”

M. Labori then read the Esterhazy examination, in which, in answer to General de Luxer, he spoke of the robberies, and attributed them to Mathieu Dreyfus.

“Well, at what time did these searches take place? It was when Colonel Picquart was in Paris,--that is, before November, 1896. Was there any question at that time of M. Mathieu Dreyfus, who did not make his denunciation until November, 1897, a year later? Was there then any question of suspicion attaching to Major Esterhazy? Nothing of the kind was spoken of. But we know that, when the *bordereau* appeared in ‘Le Matin’ on November 10, 1896, Major Esterhazy was seen in a condition of extraordinary excitement. Why did he consider himself in danger? How could he then attribute the searches made in 1896 to Mathieu Dreyfus? He adds: ‘I could not believe that a French officer could go to such excesses.’ I ask you, gentlemen, if robbers were to visit your houses, or had visited them before this trial, would you attribute the robberies to Mathieu Dreyfus? Certainly not. Consequently it must have escaped the president of the council of war when Major Esterhazy said: ‘The first time I attributed it to servants, but afterward I attributed it to Mathieu Dreyfus.’ I should have liked to press him on this point at this bar. You remember that I asked him if he had not been robbed, and what he had to say thereupon. He took refuge in a policy of silence, the value and the prudence of which you can now understand. And at any rate, the fact remains that the charges made against Colonel Picquart in the Ravary report are nothing but the exact and faithful reproduction of the

accusations of Major Esterhazy. General de Pellieux himself was obliged to admit it.

“But how did Colonel Picquart act? They have told you that he acted without a warrant. Without a warrant? Why, he had a permanent warrant. It is like saying that the prefect of police, when he proceeds to certain operations made necessary by the public safety, acts without a warrant. Do not his very functions confer a warrant upon him?

“You know how Colonel Picquart’s superiors were made familiar with his investigations. You remember that I asked General de Pellieux if he considered that a chief of the information service could conduct it usefully without the right to resort to such measures. He answered: ‘No, absolutely no; but he must have a warrant.’ Well, gentlemen, the proof that Colonel Picquart acted in a regular manner is that in the months of October and November, 1896, everybody at the staff offices was aware of the situation, as the Ravary report shows. No one in the bureau of information, M. Ravary tells us, was unaware that, on Colonel Picquart’s orders, Major Esterhazy’s correspondence had been seized in the mails, and that for many months; nor was anyone unaware that he had employed an agent to search without a legal warrant the premises of the accused during his absence. Well, gentlemen, of two things one: either this was irregular, and in that case it was necessary there and then to criticise Colonel Picquart’s attitude, and not cover him with congratulations and kindly words in the correspondence that was then going on between him and General Gonse; or else it must be confessed that it was not until later, and from the necessities of the situation, that they perceived the irregularity of the steps which were then known to the superiors and approved by all. Here again, then, as soon as we look and discuss, there is nothing left.

“Now for the two points in the testimony of Major Lauth that require an answer. You remember that Major Lauth explained to you that Colonel

Picquart at a certain moment asked him if he recognized the handwriting of the dispatch. Well, gentlemen, that is not denied. I have explained to you that the dispatch gained importance only from its source. Obviously then, this importance was enhanced, if that evidence of its origin which consisted in its discovery in the packages brought by the agents was confirmed by the further discovery of an identity between the writing of the dispatch and that of a certain person. One of the witnesses here has explained that generally it is not the chief of the information service, who, in spying cases, is summoned as a witness before the council of war, but one of his subordinates. Thus, in 1894, if I am well informed, Colonel Sandherr did not testify, but one of his subordinates. And it is very probable, that, if the prosecution had continued in the way in which Colonel Picquart expected, Major Lauth would have been called upon to testify. So Colonel Picquart asked Major Lauth whether he knows the writing or not. Major Lauth answered: 'No.' And there the matter rested, very naturally. Consequently, there is nothing here of which we have to take note. There remains but one question, upon which it may be said that two officers are squarely in contradiction,--the question of the post-office stamps, which, it is said, Colonel Picquart desired to have placed upon the dispatch. Exactly, what does Major Lauth say? He says that Colonel Picquart said to him: 'Do you think the post-office would put a stamp on this?' Now, were those words uttered, gentlemen? For my part, I consider Major Lauth a very honest man, and, consequently I cannot consider his statement unworthy of belief. But what I know well is that, if these words were really spoken--and they may well not have been, because sometimes, when one has a certain idea, this idea, especially in its later developments, makes one hear things that he really did not hear, and that were never said [Murmurs of protest]. I am not addressing people who do not understand that here I am explaining mental operations with which everybody is familiar, and that I do not go at all outside the bounds of probability. But, admitting that these words were uttered, it is sufficient for me to say that, even then, they have absolutely no significance.

“We come now to the correspondence with General Gonse, which shows that Colonel Picquart, in all his proceedings, was followed, authorized, and encouraged by his superiors. You recall the constant interest that General Gonse has taken in this trial. The purpose of that interest was to make it known that he was familiar with the operations of Colonel Picquart in the Esterhazy case, but that he has steadily refused to examine and consider the Dreyfus case. I asked General Gonse how he explained this passage in his first letter:

To the continuation of the inquiry from the standpoint of the handwritings there is the grave objection that it compels us to take new people into our confidence under bad conditions, and it seems to me better to wait until we are more firmly settled in our opinions, before going further in this rather delicate path.

“The investigation, then, had been begun, and was now to be abandoned, not because it would yield uncertain results, but because it would necessitate the consultation of new experts and the taking of third persons into confidence. The meaning of this is that it was the *bordereau* that was in question; that the *bordereau* had left its closet; that consequently the Dreyfus case was open; and that it was with full knowledge of this that General Gonse encouraged Colonel Picquart, to whom he wrote in the most kindly terms: ‘I shake your hand most affectionately, my dear Picquart.’ And then, gentlemen, you remember that admirable letter from Colonel Picquart, in which he seems to have foreseen all the unfortunate events of which this country is now a victim.

I believe that I have done all that was necessary to give ourselves the opportunity of initiative. If too much time is lost, that initiative will be taken by others, which, to say nothing of higher considerations, will not leave us in a pleasant position.... There will be a sad and useless crisis, which we could avoid by doing justice in season.

“And General Gonse replies:

At the point at which you have arrived in your investigation there is no question, of course, of avoiding the light, but we must ascertain what course should be taken in order to arrive at a manifestation of the truth.

“Consequently, you see, the light is not to be stopped. General Gonse says in so many words that there is no question of avoiding it. Now, what do these letters prove? In the presence of reasonable men like yourselves, it is not necessary to ask things to prove more than they do prove, but it is necessary to ask them to prove all that they prove. I will not say that General Gonse was then convinced of the guilt of Esterhazy and the innocence of Dreyfus, but I say that the Dreyfus case was open, that the Esterhazy case seemed to him to be inseparably connected with the Dreyfus case because of the handwritings, and that he was much disturbed, and felt that it was necessary to get at the light, which, moreover, could not be prevented. In short, gentlemen, this correspondence proves three things of equally great importance: (1) that there was never any confession serious enough to convince honorable people; (2) that the secret file is of no value so far as its bearing on Dreyfus is concerned, for otherwise General Gonse would not have said to Colonel Picquart: ‘Prudence, prudence,’ adding. ‘You are not lacking in that virtue, so my mind is easy,’ for, if there had been a secret file containing a document overwhelming to Dreyfus, General Gonse would have said to Colonel Picquart: ‘My dear friend, you are mad; so don’t disturb yourself; you know that we have the proof’; (3) that Colonel Picquart acted with the knowledge and encouragement of his superiors.

“Well, gentlemen, what was it that changed all this? What dealt the terrible blow that dragged this country so far from the truth, and into the storms by which it is now shaken? Was it the ridiculous documents that reached the war department on the eve of the Castelin interpellation? I have done justice to those. And I add that, in such a case, they would have shown them to Colonel Picquart first of all, saying: ‘My dear Picquart, you see that it is necessary to stop.’ Then it was not those

documents that produced the change of mind. But I know what did produce it. It was the Castelin interpellation, and nothing else. I have called your attention to the beginning of the campaign by ‘Le Jour’ and ‘L’Autorité.’ Well, those for whom the Dreyfus case is a matter not to be touched, for whom a revision would involve too heavy responsibilities to be accepted without resistance, all these said to themselves: ‘Ah! there is going to be an interpellation; the country is going to be stirred up; the mouths of the traitor’s friends must be closed.’

“For a moment, gentlemen, it was the intention of the war department to let the light shine. But, when the interpellation was announced, it failed in courage. That is the truth. And so, when M. Castelin asked for information concerning the pretended escape of the traitor and the campaign that was beginning, General Billot ascended the tribune and pronounced for the first time these words, which were the beginning of the events which you are now witnessing.

Gentlemen, the question submitted to the chamber by the honorable M. Castelin is serious. It concerns the justice of the country and the security of the State. This sad affair two years ago was the subject of a verdict brought about by one of my predecessors in the war department. Justice was then done. The examination, the trial, and the verdict took place in conformity with the rules of military procedure. The council of war, regularly constituted, deliberated regularly, and, in full knowledge of the cause, rendered a unanimous verdict. The council of revision unanimously rejected the appeal. The thing, then, is judged, and it is allowable for no one to question it. Since the conviction, all precautions have been taken to prevent any attempt at escape. But the higher reasons which in 1894 necessitated a closing of the doors have lost nothing of their gravity. So the government appeals to the patriotism of the chamber for the avoidance of a discussion which may prevent many embarrassments, and, at any rate, for a closing of the discussion as soon as possible.

“Well, gentlemen, note this reply of General Billot. It is the heart of the question, and it is here that begins the fault, or, if you prefer, the error, of the government. It is easy to accuse law-abiding citizens of inciting odious campaigns in their country; but, if we go back to the sources, it is easy to see where the responsibility lies, and here I have put my finger upon it. We are told confidently of the wrong done by the defenders of the traitor in not demanding either a revision or a nullification of the verdict of 1894. Nullification? Why, it is the business of the minister of justice to demand that. Listen to article 441 of the code of criminal examination, applicable in military matters.

When, upon the exhibition of a formal order given to him by the minister of justice, the prosecuting attorney before the court of appeals shall denounce in the criminal branch of that court judicial acts, decrees, or verdicts contrary to the law, these acts, decrees, or verdicts may be annulled, and the police officials or the judge prosecuted, if there is occasion, in the manner provided in Chapter 3 of Title 4 of the present book.

“Well, the secret document, gentlemen, was known in September, 1896. The article in ‘L’Eclair’ appeared September 15; the Castellin interpellation was heard on November 16; a petition from Mme. Dreyfus was laid before the chamber, and is still unanswered, as is also a letter from M. Demange to the president of the chamber on the same subject. Now, what was the government’s duty when this question first arose? Unquestionably to deny the secret document from the tribune, if it had not been communicated; and, if it had been, to declare that the procedure was in contempt of all law, and should lead to the nullification of the verdict. That is what a free government would have done.

“Now I wish to say a word of the difficulty of procuring the documents mentioned in the *bordereau*, upon which so much stress has been laid in order to exculpate Major Esterhazy. I will not dwell on the Madagascar

note, which was of February, 1894, and not of August, as has been said, and which consequently was not the important note of which General Gonse spoke. I wish to emphasize only one point, because it is the only one which, in the absence of the questions that I was not permitted to ask, has not been made perfectly clear by the confrontations of the witnesses, and which yet has a considerable significance. General de Pellieux spoke to you of the piece 120 and its hydraulic check. I believe it is the first item mentioned in the *bordereau*. This check, said General Gonse, is important. I asked him at what date it figured in the military regulations, and at what date the official regulation had been known to the army. General Gonse answered that he was unable to give information on that point. Well, gentlemen, the truth is this. The official regulations concerning siege pieces were put on sale at the house of Berger-Lebrault & Co., military book-sellers, and they bear the date--do not smile, gentlemen, remembering that the *bordereau* was written in 1894,--they bear the date 1889. On page 21 you will find mention of the hydraulic check. ‘The purpose of the hydraulic check,’ it says, ‘is to limit the recoil of the piece.’ In 1895 a new check was adopted for the piece 120, and this new check, as appears from the official regulations bearing date of 1895, is not known as a hydraulic check, but as the hydro-pneumatic check. Either the author of the *bordereau*, speculating on the innocence of foreigners, sent them in 1894 a note on the hydraulic check of the piece 120, which had been a public matter since 1889, and then really it is not worth while to say that Major Esterhazy could not have procured it; or else he sent them in 1894 a note on the hydro-pneumatic check, and then--there is no doubt about it,--he could not have been an artilleryman.

“You have been spoken to also concerning the *troupes de couverture*. Well, there are cards on sale in the most official manner, which appear annually, and which show in the clearest way the distribution of the troops of the entire French army for the current year. I do not know at all what the author of the *bordereau* sent, and General Gonse knows no

better than I do. When he sends a document like the firing manual, he is very careful to say that it is a document difficult to procure, and he says it in a French that seems a little singular to one who remembers the French that Dreyfus writes in his letters. But, when he gives notes, he says nothing. So I infer that these notes are without interest and without importance.

“Furthermore, the impossibilities were no less great for Dreyfus. For instance, it is impossible that a staff officer should speak of the firing manual in the way in which it is spoken of in the *bordereau*. They say the writer must have been an artilleryman. Well, that is not my opinion, for all the officers will tell you that there is not one of them who would refuse to lend his manual to an officer of infantry, especially if the request were made by a superior officer. General Mercier himself, in an interview, has declared that the documents have not the importance that is attributed to them; and it is true that they have not, for a firing manual that is new in April or in August is no longer new in November or December. The foreign military *attachés* see these things at the grand manœuvres, and get all the information that they want.”

After reviewing rapidly the testimony of the experts, the charges against Esterhazy, his letters to Mme. de Boulancy, and his sorry reputation in the army, M. Labori concluded his argument as follows:

“I desire to place myself, gentlemen, exclusively on the ground chosen by the minister of war, and on that ground we find that in 1894, the charge against Dreyfus being about to fall to the ground for want of proof, a man who was not a dictator, but simply an ephemeral cabinet minister in a democracy where the law alone is sovereign, dared to take it upon himself to judge one of his officers and hand him over to a court-martial, not for trial, but for a veritable execution. We find that, since then, nothing has been left undone in order to cover up this illegality. We find that men interested in deceiving themselves have

heaped inexact declarations upon incomplete declarations. We find that all the power of the government has been employed in enveloping the affair in darkness, even compelling the members of the council of war, whatever their loyalty, to give to the trial which they conducted the appearance of a judicial farce.

“Well, all this, gentlemen, was bound to fill sincere men with indignation, and the letter of M. Emile Zola was nothing but the cry of the public conscience. He has rallied around him the grandest and most illustrious men in France. Do not be embarrassed, gentlemen, by the sophism with which they try to blind you, in telling you that the honor of the army is at stake. It is not at stake. It does not follow that the entire army is involved, because some have shown too much zeal and haste, and others too much credulity; because there has been a serious forgetfulness of right, on the part of one, or of several; What is really of interest to the French army, gentlemen, is that it should not be burdened in history by an irreparable iniquity.

“Gentlemen of the jury, by your verdict of acquittal set an example of firmness. You feel unmistakably that this man is the honor of France. Zola struck, France strikes herself. And, in conclusion, I have but one word to say. Let your verdict signify several things: first, ‘Long live the army!’ I too cry ‘Long live the army!’ but also ‘Long live the republic!’ and ‘Long live France!’ That is, gentlemen, ‘Long live the right! Long live the eternal ideal!’”

Speech of M. Georges Clemenceau.

M. Labori was followed by M. Georges Clemenceau, representing the _gérant_ of “L’Aurore.” He spoke as follows:

“Gentlemen of the jury, we are nearing the end of this exciting trial. After the magnificent summing-up of the young orator, whom we all have applauded, I have no demonstration to add, and I should reproach myself for keeping you here longer, were it not absolutely necessary. M. Labori has told you the story of a great tragedy. Far away a man is in confinement who perhaps is the worst criminal conceivable, and who perhaps is a martyr, a victim of human fallibility. All the powers that are established to secure justice M. Labori has pictured to you in combination against justice. And he has appealed to you for the revision of a great trial. Yes, it is a great drama that has been developed in your presence. You, the judges, have seen the actors appear at this bar, and, after you shall have judged, you, in turn, will be judged by the public opinion of France. It was to obtain the verdict of that public opinion that M. Emile Zola voluntarily committed the act that brings him before you. After having reviewed with M. Zola all the phases of this drama, there remains still one thing to be done,--to try to free our minds from all impressions, and to inquire what we have thought and felt in order to determine our judgment.

“To that end, gentlemen, would it not be well first to go back to the state of mind in which all Frenchmen, without exception, were when ex-Captain Dreyfus was convicted unanimously by a council of war. And, if you will permit me, I will begin my brief explanations by reading an article of mine with which I am confronted today, and which I wrote

on the morrow of the conviction of Dreyfus. It seems to me that at that time all Frenchmen must have thought as I did, and, when I shall have shown that, I will inquire how a minority of Frenchmen have arrived at a different opinion. Here, gentlemen, is what I wrote on the day after the conviction of Dreyfus. The article is entitled ‘The Traitor.’

Unanimously a council of war has declared Captain Alfred Dreyfus guilty of treason. The crime is so frightful that there has been an effort to entertain doubt to the very last moment. That a man brought up in the religion of the flag, a soldier honored with the protection of the secrets of the national defence, should betray,--frightful word,--should deliver to the foreigner all that can help him in his preparations for a new invasion,--that seemed impossible. How could a man be found to do such a thing? How can a human being so disgrace himself that he can expect only to be spat upon by those whom he has served? Such a man must have no relatives, no wife, no child, no love of anything, no tie of humanity, or even of animality,--for the animal in the herd instinctively defends his own. He must have been an unclean soul, an abject heart. Nobody wanted to believe it. Every chance for doubt was eagerly seized. Then they caviled; they calculated all the chances of error; they constructed romances on the bits of information that reached the public ear. They wanted complete light. They protested in advance against closed doors.

In such trials, it must be admitted, publicity, with the comments that it involves, is liable to aggravate the evil that treason does. The liberty to say everything, undeterred by any consideration of public order, may even be of advantage to the defence.

“You see, gentlemen, that I then recognized that there are circumstances when closed doors may be necessary. I have not changed my opinion. I said that closed doors might even be favorable to the defence, for then the defence would have the liberty to say everything; but on one

condition,--that all the documents should be submitted to it. You know that that condition was not fulfilled. I continue.

Consequently those who had most earnestly called for a public trial accepted without protest the statement of the president of the council of war that there are interests higher than all personal interests.

The trial lasted four days. The accused was defended by one of the first lawyers at the Paris bar. By the unanimous decision of his judges, Alfred Dreyfus has been sentenced to the maximum penalty. Such a decree is not rendered without a poignant examination of conscience, and, if any doubt could have remained for the benefit of the accused, we should surely have found a trace of it in the sentence. But the judge has said: Death! But for Article 5 of the constitution of 1848, which abolished the death penalty for political offences, Dreyfus would be shot tomorrow.

Here a formidable question arises.

Can the crime of Dreyfus be likened to a political crime? I answer boldly, No. Men entertaining different conceptions of the interests of the common country may struggle with all their might for a monarchy or for a republic, for despotism or for liberty; they may struggle against each other; they may kill each other; but they are not to be confounded with the public enemy who betrays the very thing that each of them pretends to defend. How is it that jurists have been able to establish an identity between two acts which contradict each other? I do not know, and I do not congratulate them on their discovery.

Undoubtedly I am as firmly opposed as ever to the death penalty. But the public can never be made to understand why, a few weeks ago, an unfortunate boy of twenty was shot for having thrown a button from his cloak at the head of the president of the council of war, whereas the traitor Dreyfus soon will start for L'Ile Nou, where the garden of Candide awaits him. Yesterday, at Bordeaux, the soldier Brevert appeared before

the council of war of la Gironde for having broken certain articles in the barracks. At the trial he threw his cap at the representative of the government. Death. And for the man who helps the enemy to invade his country, who summons the Bavarians of Bazeilles to fresh massacres, who paves the way for incendiaries, and land-stealers, and executioners of the country, a peaceful life given up to the joys of cocoanut-tree cultivation. There is nothing so revolting.

Truly, I wish that the death penalty might disappear from our codes. But who does not understand that the military code will of necessity be its last asylum? As long as armies shall exist, it probably will be difficult to govern them otherwise than by a law of violence. But, if, in the scale of punishments, the death penalty is the last degree, it seems to me that it must be reserved for the greatest crime, which, without any doubt, is treason. To kill a dazed unfortunate who insults his judges is madness when we allow a tranquil life to the traitor. Since unfortunately there are beings who are capable of treason, this crime must be made to appear in the eyes of all as the most execrable that can be committed. Unhappily, in our present state of mind, the sinister incident which has so deeply stirred opinion is for many but a pretext for declamation. It is so convenient to put the trumpet to the mouth and assume the attitudes of a disheveled patriot, while having treasures of indulgence for generals who indulge openly in anti-patriotic language. We were not capable of shooting Bazaine. A marshal of France who had the highest duties toward the army of which he was the commander-in-chief pardoned the traitor, and relieved him of the penalty of degradation, after which they allowed him to escape. What excuse had he,--an army commander who had betrayed his army to the enemy? Strange patriotism that permitted this scandal. No less strange the tolerance that recently protected the abominable language used by another army commander in talking to two reporters.

Alfred Dreyfus is a traitor, and I offer no soldier the insult of putting him on a level with this wretch. But what weakness in regard to the high

officer; and what severity toward a mere act of insolence before the council of war. Strike the traitor, but let the discipline be equal for all. To tolerate disorder in high places would end in the same result as treason. The privilege of some causes the revolt of others. That the army may be united and strong, there must be one law for all. That was formerly one of the promises of the republic. We await its realization.

“Gentlemen, I told you just now that I believe that I then expressed the sentiments which animated all Frenchmen; and yet, when today they confront me with this article, I pretend that it contains my complete justification. What! We are to be suspected of desiring to outrage the army, when, on the day when it declared its verdict, we showed confidence in its justice? Yes, a council of war unanimously decided that a man was guilty of treason. How could Frenchmen, on the day of the verdict, knowing nothing of the facts, doubt that the council had done its duty?

“But, after the long, laborious, and luminous argument of M. Labori, have we not occasion to ask whether, since the day when I wrote this article, serious events have not occurred? These events M. Labori had put before you. He has discussed them, and it now seems to me impossible that your minds should not be flooded with a light almost complete. For, gentlemen, I confess that my ambition, since French opinion was unanimous on the day of the verdict, is that French opinion may be unanimous also in admitting that the most honest judges may have been mistaken, seeing that they are men.

“Yes, gentlemen, many events have taken place since 1894. Did we then know the *bordereau*? Did we know the secret document of ‘L’Eclair’? Did I know of them when I wrote the article that I have just read? Did I know that a secret document had been communicated to the judges in the council-chamber? I do not know, gentlemen, whether M. Labori has sufficiently insisted on this idea, but it is of a nature to so strike the

opinion of all men, without exception, that I ask myself how we can help arriving at a unanimous opinion concerning it.

“You are told that a document was communicated in the council-chamber. Do you realize what that means? It means that we judge a man, condemn him, brand him, dishonor his name forever, that of his wife, that of his children, that of his father, the names of all whom he loves, on the strength of a document that has not been shown to him. Gentlemen, who among you would not revolt at the thought of being condemned under such conditions? Who among you would not cry out to us to ask justice, if, dragged before the courts of his country after a mere pretence at examination, after a purely formal trial, his honor and his life were to be passed upon by judges assembled in his absence to condemn him on the strength of a document with which he had not been made acquainted? Is there one of us that would willingly submit to such a verdict? If that is true, gentlemen, I say that it devolves upon all of us to see that such a trial should be reviewed. I do not care to consider at this moment whether or not there are any reasons for presuming innocence. I have listened to M. Labori’s argument, and I do not conceal from you the fact that I am now inclined to think that there are strong reasons for believing Dreyfus innocent. I cannot affirm it absolutely; I have not the authority. And you, gentlemen, have not to pronounce upon the innocence of Dreyfus. All that you say is that there has been a verdict which was not rendered legally. In this case, in truth, form is of more importance than substance. When the right of a single individual is injured, the right of all is in peril,--the right of the nation itself. We love our country. That love no one monopolizes. But our country is not simply the territory on which we live. It is the home of right and justice, to which all men are attached, however different their opinions, be they friends or enemies. It is the common hearth of all, a guarantee of security, of equal justice for all. You cannot conceive of country without justice. The governors who represent it, the judges, the soldiers, however loyal they

may be, are liable to err, and the whole question here is whether in this instance they have committed an error.

“When I wrote the article which I have read to you, I knew nothing of the secret document first spoken of by ‘L’Eclair.’ I was unacquainted with the *bordereau* reproduced by ‘Le Matin’; I had not heard the testimony of M. Salle, or its confirmation by M. Demange; I had been furnished no key to the reticence of General Mercier; I had not been informed of the prejudices of Colonel Sandherr against the Jews. [Murmurs of protest.] I am surprised to hear these protests. I have no desire to say anything that can wound anybody. A man came to this bar who, I regret to say, left the court-room amid the silence of all. I wish that he had been hailed with our unanimous applause. I refer to M. Lalance, former protesting deputy in the reichstag, who carried into the German assembly the protests of French patriotism. He came here to tell us that Colonel Sandherr, whom I never had the honor to know, and against whom I have absolutely nothing to say, had prejudices against the Jews,--prejudices which he shares with a very great number of very honest people. Therefore I have no intention of outraging Colonel Sandherr. I simply cite the testimony of a witness.”

The Judge.--“M. Clemenceau, will you turn toward the jury?”

M. Clemenceau.--“I beg you to excuse me, *Monsieur le Président*; I do so willingly. M. Lalance told us that in Alsace patriotic Jews voted for the protesting bishops, which honors them. He told us that at a military manifestation--at Bussang, I believe--a Jew wept, and that Colonel Sandherr, on his attention being called to it, remarked: ‘I distrust those tears.’ Now, it was Colonel Sandherr who prepared the Dreyfus trial.

“I had no knowledge of the accusation against Major Esterhazy founded on this frightful similarity of handwriting; I had no knowledge of the indictment of Dreyfus; I did not know of the discovery by Colonel Picquart of a dispatch found in the basket where the *bordereau* was

found, torn as the *bordereau* was torn, without a stamp as the *bordereau* was without a stamp, and which yet was deemed of no force against Major Esterhazy, while against Dreyfus so much was made of the *bordereau*. And yet, gentlemen, this dispatch contains the name of Major Esterhazy in full.

“I had no knowledge of the first investigation made by General de Pellieux, which was concluded without any expert examination of handwritings, General de Pellieux alleging that M. Mathieu Dreyfus offered no proofs, although the only proof possible was to be looked for in the expert examination of handwritings. I had no knowledge of the examination conducted by Major Ravary. I did not know that Colonel Picquart had insisted in vain that an inquiry should be opened with a view to ascertaining who conveyed to ‘L’Eclair’ the information concerning the secret document. I did not know that Colonel Picquart had asked an investigation concerning the Speranza and Blanche forgeries, and that this investigation was refused, so that he was finally obliged to carry the matter into the civil courts. I did not know, and I could not know, that the proceeding instigated against a man accused of treason by the chief of the bureau of information was going to be turned into a proceeding against this chief of the bureau of information. I could not foresee that a man of the importance of General de Pellieux would come to tell us that the closing of the doors was useless. I could not suppose that the archives of the minister of war were so kept that the retention of a file of documents by M. Teyssonnière could pass unnoticed. I did not know that men would be struck on the threshold of this palace for shouting ‘Long live the republic!’ And there were many other things of which I was unaware. How could I have divined that a secret document, the document which they did not dare to show to M. Demange, the document that General Billot refused to show to his old friend, M. Scheurer-Kestner, could be stolen from the most secret drawer of the minister of war, and carried about Paris in the hands of a veiled lady,

finally falling into the hands of a man suspected of treason? How could I have believed that a man suspected of treason, or even any man whomsoever, you, or I, or anybody, could present himself with impunity at the war offices, in possession of a secret document of which the chief of the bureau of information was supposed to have sole care? And, finally, how could I believe, when they tell us that we insult the army, that I should witness here the extension of a welcome to the only man who, beyond the possibility of dispute, has insulted France and the army, Major Esterhazy? It matters little that he denies a letter whose authenticity will be proved later. I take those which he admits. They are sufficient, and they prove beyond a doubt that Major Esterhazy, who still wears the uniform--I know not why--is an abominable insulter of France and of the army. I could not suspect that I should hear, as he left this court-room, cries of 'Long live Esterhazy!' and 'Long live the army!' Shall I offend honorable officers here present, if I say to them that it is high time to distinguish the army from Major Esterhazy?

"M. Labori just now shouted: 'Long live the army!' Why should we not shout: 'Long live the army!' when three-fourths of us here, lawyers or not, are soldiers. Yes, Long live the army! but by what aberration of mind, when a man speaks of the French army as Major Esterhazy has spoken of it, do the people dare to associate the two cries: 'Long live Esterhazy!' and 'Long live the army!'

"But, gentlemen, we have seen a still more unexpected spectacle. Two eminent commanders of the French army, General de Pellieux and General de Boisdeffre, have come here, and, perhaps without fully realizing what it means, have used threatening language. The attorney-general, in his summing-up, recalling the fact that M. Zola had said that the council of war had condemned in obedience to orders, asked: 'Where are the orders? Show us the orders.' Well, I show them to you, Monsieur Attorney-General. They have come to this bar in uniform, and have said: 'I order you to convict M. Emile Zola.' And I do not

suppose that M. Emile Zola thought for a moment that some one appeared before the council of war and said to the judges: I order you to condemn Dreyfus. I order you to acquit Esterhazy. There are different ways of saying a thing, and the state of mind of the speaker, and the state of mind of those to whom he speaks, create circumstances that must be taken into consideration. General de Pellieux, addressing the jurors directly, said to them; 'Gentlemen, the crime--' he did not say the word, but that was certainly what he meant,--'the crime of M. Emile Zola consists in taking away from the soldiers their confidence in their commanders.' Assuming an approaching war, he said to you: 'Without this confidence we lead your children to butchery.' What directer threat could they have used? And the next day General de Boisdeffre stood at this bar, and told you that, if you ventured to acquit M. Emile Zola, he would not remain at the head of the staff. That manifestation was anti-military in the first degree, for you did not appoint General de Boisdeffre, and it is not for you to receive his resignation. General de Boisdeffre is a commander, but a subordinate commander. We know nothing of his military capacities; until we know more, we are bound to assume them to be good, and we have not to decide his fate. That is a matter between him and the minister of war, or parliament. Thus, to prove that no orders were given to the council of war, they have publicly dictated orders to this jury.

"Well, since the first suspicions to which the publication of the *bordereau* gave rise, since the secret document spoken of by 'L'Eclair,' since the indictments, and down to these last manifestations of the staff, have you not seen the light continually increasing regarding the Dreyfus case? For my part, as I told you, I at first thought Dreyfus guilty, *a priori*, without knowing anything about it; and I have nothing to eliminate from the expressions of my article. I even confess to you that I was much slower to harbor doubt than certain men who are not to be suspected of not loving the army. Articles from the pen of M. Paul de Cassagnac,

written in 1896, have been read to you, which more than hint that the verdict needs revision. M. de Cassagnac wrote several articles; I read them; they did not convince me; I remained silent; and not until the very late events, not until the day when I went to see M. Scheurer-Kestner, will you find a line from me in reference to the Dreyfus case.

“I went to see M. Scheurer-Kestner under circumstances which I have publicly related. Although he is an old friend of mine, I was absolutely ignorant of the fact that he was taking an interest in the Dreyfus case. He had never said a word to me about it. When I learned through the newspapers that he was in possession of special information concerning it, and that he believed in the innocence of Dreyfus, I went to see him. He did not mention the name of Major Esterhazy; he showed me handwritings. I am not an expert, and these writings did not convince me at once. I said so the next day in my newspaper, and I continued to believe that Dreyfus was a traitor. I did more. I asked ‘L’Aurore’ to insert extracts from articles that had appeared in ‘L’Intransigeant’ containing arguments against Dreyfus. I said: ‘The truth must be known. Let us not hesitate to give the arguments for and against.’ You see, then, that I was slow in making up my mind. I should have only to show you the sequence of my articles to convince you that I long resisted the idea that Dreyfus could be innocent. But how was it possible to resist always, when the light was growing brighter every day, and when all the powers established for the doing of justice were combining to deny justice?

“Gentlemen, I know that it has been said that this is a Jewish movement, and that many who do not say it think it. Well, what are the facts appearing from the testimony given at this bar as to the origin of the movement in favor of, Dreyfus? I do not refer to his family, which believes in his innocence, and which naturally would move heaven and earth to prove it. But who were the first, outside of the Dreyfus family, to give body to this thought? Gentlemen, you know that it was in the army that doubt was given birth. It was Colonel Picquart, whom I did not know

until I saw him here, and who seems to me worthy of all respect, and for whom I am glad to testify my sincere affection,--it was Colonel Picquart who designated Major Esterhazy. It was Colonel Picquart who first conceived doubt."

M. Zola.--“And he is an anti-Semite.”

M. Clemenceau.--“M. Zola tells me that he is an anti-Semite. I did not know it, and it does not matter. It was Colonel Picquart who submitted his doubts to his superior, General Gonse, and it is out of the scruples of those two men, expressed in the letters with which you are now familiar, that the whole matter which brings us here today has grown.

“Now, gentlemen, what is the question before us? For my part, I consider it at once most simple and most complex. Most simple, for it is a question of legality, a question whether the law which is the guarantee of all of us, the law which protects us against the temptations of judges, the law which protects us against exterior passions, the law which safeguards all of us from the highest to the lowest,--it is a question whether the guarantees which this law furnishes have been observed in the case of Dreyfus. No, they have not. And that is all I want to know. I do not examine the presumptions of innocence, which are enormous, especially now that the present trial has shed full light upon them. I consider only the question of legality. And, the question being so simple, why has it aroused so many passions against it? It is because justice, while undoubtedly the most beautiful ideal to sing and to celebrate, is also the most difficult to realize.

“The social organization is theoretically admirable. The people send to parliament men whose mission it is to represent their will. This will is formulated under the forms of law. The judges apply it, the police execute it. But it comes about that men invested with public power suffer themselves, because they are men, because they are weak, to be abused by the idea that they are more or less necessary men. Having some power, they want more. They confuse their own interests, individually

and as a body, with the general interest, and, when it is pointed out to them that they have made an error, their first impulse is to resist *en masse*. Their entire profession is at stake.

"May I be permitted this respectful criticism? They say to us: 'You insult the army.' No, we do not insult the army. The army exists only through the law. We desire it to be great through the law, for we have duties toward it. But it has duties toward us, and there must be an understanding between military and civil society on the very ground of law and justice. Gentlemen, France for twenty-five years has been carrying on a double enterprise, which seems contradictory. We are a vanquished nation,--gloriously vanquished, it is true, but vanquished none the less,--and it has been our thought to re-establish the power of France. That is a matter of necessity. It must be, because there is no civil law, there is no means of doing right and justice, if we are not, in the first place, masters in our own house. And our second thought has been that of ridding ourselves of all personal despotisms, of every vestige of oligarchy, and founding in our own country a democracy of liberty and justice.

"Then the question arose whether these two views are not contradictory. The principle of civil society is right, liberty, justice. The principle of military society is discipline, countersign, obedience. And, as each is led by the consciousness of the utility of his function to try to encroach upon his neighbor, military society, which has force at its disposal, tends to encroach on civil authority, and to look upon civil society sometimes from a somewhat lofty standpoint. It is a wrong. Soldiers have no *raison d'être* except as defenders of the principle which civil society represents. A reconciliation between these two institutions is necessary. The professional army no longer exists. The universal army, the army of all, must be penetrated with the ideas of all, with the universal ideas of right, since it is made up of the universality of citizens. If, absorbed by the thought of defence, which is of the first legitimacy, civil society were to

rush into military servitude, we should still have a soil to defend, it is true; but the moral country would be lost, because, abandoning the ideas of justice and liberty, we should have abandoned all that has been done hitherto in this world by the glory and renown of France. These two societies must come to an understanding. Military society must enjoy all its rights, in order to do all its duties. Civil society, conscious of its duties toward the country and the army, must maintain its rights inflexibly, not only in the higher interest of the principle which it represents, but to insure a maximum of efficiency in the military institution. Yes, indeed, the army must be strong, but, as the abnegation of some and the absolute command of others are destined to fuse in one immense effort of life and death for the defence of the territory, it is necessary that civil society, by the superiority of its principle, should preserve its full power of control.

“Gentlemen, you belong to the army. At what moment will the army be most admirable? At the moment when, running to the frontier, it will have all our heart and all our hope. Suppose that a hundred thousand Frenchmen fall in the first battles. Ninety thousand of these will be men who today are not wearing the uniform, and only ten thousand of them will be men who call themselves soldiers. Will these men lie in two heaps? Will it be said that there is one honor belonging to the ten thousand military men, and another belonging to the ninety thousand civilians? No. There is but one honor for all, the honor that consists in the fulfillment of the supreme duty, total duty toward the country. Then let us not abuse a word which no longer has the significance that it had in the days of professional armies. The honor of the army today is the honor of all. The army has but one honor,--that it is potent for the national defence, that in peace it is always respectful of the law.

“General de Pellieux asked us for confidence the other day. And, while he spoke, I reflected that, during the twenty-five years of the empire, we had full confidence in the commanders of the army. We never criticised them, we never controlled them. The men whom I saw start were full of

confidence. You know to what disasters they ran. M. Zola has been reproached for having written ‘La Débâcle.’ Alas! gentlemen,--and I say it very low,--if he wrote it, it was because before him there had been men of war to organize it and to bring it about. It is a return of that that is to be avoided, and patriotism does not consist in admiring, whether or no, everything that is done in the army, but in submitting the army to the discipline of the law. When General de Boisdeffre came to this bar, after General de Pellieux, to use toward this jury language that was threatening, he revealed to you what must have taken place before the council of war, and from what we have seen of the trial in the open day we may judge of the trial behind closed doors. The language of General Billot at the tribune was clear enough. It was the equivalent of an order; and did not Colonel Picquart say, to explain the insufficiency of the Ravary report: ‘General de Pellieux had concluded that there was no ground for a prosecution; Major Ravary could not do otherwise than come to the conclusion of his superior?’ It is not necessary to conclude therefrom that the generals have wilfully failed in their duty. Nothing more than their own words is necessary to show us how, without intending it, without realizing it, they have stepped aside from the clear path of right and justice. General de Boisdeffre would have proved it superabundantly, if that had been necessary. He was asked for the proof, or, rather, he was not asked for it, for we were not allowed to ask it, but at the bottom of our hearts we wanted it revealed. If he had brought a decisive proof that would have compelled everybody to bow, for my part, I swear to you, I would have left this court-room with a sense of relief. But what sort of proof did they bring us? A document later by two years than the Dreyfus verdict. What sort of justice is it, gentlemen, that discovers proofs of a just verdict two years after the verdict was rendered, and which produces, as convincing, documents that were never submitted to the accused? That is the philosophy of these closed doors. Behind them everything was known, even the secret documents, known to all except to him whom these documents were to condemn. They hide

from us documents the revelation of which they say would be harmful to the national defence, and these documents, which they refuse to M. Scheurer-Kestner and to the chamber, traverse the highways in Major Esterhazy's pocket. M. Méline, to whom Jaurès said: 'Yes or no, did you communicate secret documents?' replied to him: 'We will answer you elsewhere.' Elsewhere is here, and here they have not answered us, for I cannot consider as an answer the assertion that two years after the verdict they discovered a proof against the prisoner. M. Labori has told you that this document is a forgery. I tell you that, even if it is true, it is the first duty of all of us to see that this document is submitted to Dreyfus, whether he is a traitor or not,--to Dreyfus and to his lawyer; and, if you say that, because he is a Jew, he is not to be tried as others are tried, I tell you that the day will come when you will be similarly treated because you are a Protestant or a Freethinker. This is a denial of the French idea born of the Revolution, the idea of liberty for all, the idea of tolerance for all, the idea of equality of guarantees, equality of rights, equality of justice. If you once condemn a man without the forms of justice, some day the forms of justice will be abrogated by others to your harm. How justly the historians have cried out against the abominable law of the 22d of Prairial, made by Robespierre to rid himself of his enemies! All thinkers have handed over to the execration of mankind this abominable law that abolished the right of defence. It is odious, it is infamous; but at least it allowed the prisoner to know the charge against him. Why do you not do as much, you in times which are not of revolutionary violence, in peace, in tranquillity, when all the machinery of the public powers is operating freely? Yes, we condemn a man, a French officer, for he is a French officer, and not of the least distinguished, belonging to a family which has given proofs of patriotism. I do not know the Dreyfus family. I only reproduce the testimony of M. Lalance, which M. Labori has read to you.

“Even if Dreyfus is a traitor, I do not see what interest we can have in refusing to honor people who are not responsible for the crime committed, and who have given manifest proofs of love for the French country. I cannot suffer the error of one to become a burden on all. If Dreyfus is guilty, let him be punished as severely as you will. You have my article, in which I say that I ask no pity for him. But, if he has brothers, children, parents, who have behaved themselves as good Frenchmen, I hold it a point of honor to do them justice. It is the misfortune of the times, in which all passions are furiously unchained, that we will not listen to the voice of reason; that we insult each other, that we accuse each other. You have even seen here officers who are old comrades, who tomorrow will vie with each other in deeds of valor and self-sacrifice, if the country is threatened,--you have seen them accuse each other, defy each other, and exchange retorts as if they were sword-thrusts. Tomorrow Colonel Picquart will cross swords with a companion in arms whom at the bottom of his heart perhaps he loves. And we, who do not wear the uniform, who are Frenchmen all the same, and who intend also that France shall be effectively defended, what do we do? A few of us assert that perhaps a judicial error has been committed. Then goes up a great cry from the crowd: ‘Traitor! Scoundrel! Renegade! Agent of the Jews!’ And these are Frenchmen, gentlemen, who think to serve France by pointing her out as a den of people who sell themselves; these are Frenchmen, to whom it never occurs to suppose that their fellow-citizens are capable of French generosity. They hurl insults, they betray hatred, and it is thus that they pretend to serve the country.

“Gentlemen, if our enemies do not understand us, it is our duty to ourselves and to our country to understand them, in order that the prevailing obscurity may be dissipated. For my part, I consider that the worst treason, perhaps because it is the most common, is treason to the French spirit, that spirit of tolerance and justice which has made us

beloved by the peoples of the earth. Even if France were to disappear tomorrow, we should leave behind us one thing eternal, the sentiments of liberty and human justice that France unchained upon the world in 1789. Gentlemen, when the hour of insults is past, when they have finished outraging us, it will be necessary to reply. And then what will they offer us? The thing judged. Gentlemen, look above your heads. See that Christ upon the cross. There is the thing judged, and it has been put above the judge's head that the sight of it may not disturb him. It ought to be placed at the other end of the room, in order that, before rendering his verdict, the judge might have before his eyes the greatest example of a judicial error, held up for the shame of humanity. Oh! I am not one of the worshippers of Christ, in the sense in which many among you are, perhaps. But, after all, perhaps I love him more, and certainly I respect him more than do many of those who preach massacre in the name of the religion of love.

"They also tell us of the honor of the army. On that point I have answered, but I wanted to cite to you, so odious are these words of treason, and so revolting is it to me to see them flung so freely about,--I wanted to cite to you the case of Marshal Bazaine. He was really a traitor, was he not? He betrayed French soldiers by hundreds of thousands, at the critical moment when it depended upon him to change the fortune of our arms and save his country. I wish to indulge in no declamation here, but I declare, and I defy any man to rise to contradict me, that Bazaine committed the greatest act of treason known to the world. Condemned to military degradation and to death, they spared him both. Tell me, do you think that the responsibility of commanders is greater than the responsibility of soldiers? Yes, undoubtedly. Well, if this responsibility is greater, why every day do they punish simple soldiers so pitilessly, and why do they pardon the traitor *par excellence*, the traitor who had no excuse, the traitor whose outstretched hand France awaited on the day of her supreme disaster. To what *régime* did they submit him? Let me read

you a few words from a pamphlet by M. Marchi, keeper of the prison of the Sainte Marguerite Islands. Here are his instructions:

You will treat the prisoner with the greatest regard; in short, at Sainte Marguerite one must be a man of the world, and not a jailer.

“M. Marchi arrives at Sainte Marguerite. The temporary superintendent makes him familiar with the service, and informs him, among other things, that, supposing it to be his duty to watch the condemned man whenever he went to walk upon the terrace, Lieutenant-Colonel Valley went to Paris to protest against the conduct of the keeper, wherefore the keeper had been reprimanded? It would take too long to tell you of all the instructions. Suffice it to know that cabinet ministers wrote to Bazaine, that they addressed him as Monsieur the Marshal, and that there was a question of pensioning him. Boats were allowed to come to the edge of the terrace, whence he conversed with visitors. On the eve of his escape he had obtained permission to go out with a guardian. Well, really, when I compare this tolerance, which is an outrage upon France and upon the army, with the hatred unchained against the prisoner on Devil’s Island; when I remember that an artillery officer named Triponé, who had not only delivered documents, but had delivered the Bourges detonator, of which we were the only possessors in Europe, by the complicity of the sub-officer Fessler, to the house of Armstrong, which then gave the benefit of it to Germany; when I see that Triponé was sentenced to five years in prison, and was pardoned after two years and a half, though his crime was certainly not less than that of Dreyfus,--I say that there is no equality of punishment between these Christians and this Jew.

“Again, there is another fact. Adjutant Chatelain, who is now in New Caledonia, perhaps is farming there and raising cattle; his crime, if I remember rightly, consisted in the sale of certain documents to Italy. He was not less guilty than Dreyfus. But what a difference in treatment! They talk of equality before the law. It is a phrase. We await the reality.

They tell us that we have violated the law. I maintain, on the contrary, that we appear here in the interest of the law, and I say that we were unable to do otherwise. For the rectification of a judicial error application was made to the war department, to the executive power. You know how General Billot received the application; he refused to act. M. Trarieux applied to M. Méline; M. Scheurer-Kestner did the same; M. Méline would not even talk with them. In the senate, discussion, leading to nothing. In the chamber, discussion, leading to nothing. And similarly with the council of war, with the investigation by General de Pellieux, with the investigation by Major Ravary. Now, when all the powers that are the organs of the law fail in their legal duty, what was left for those who, like M. Zola, have undertaken the work of justice from which the powers of justice shrank? M. Zola's idea is an appeal to the people, an appeal to the people represented by twelve jurors whom he does not know, whose opinions none of us know, to pass upon his act, and say whether they will allow him to bring out the light. If he must be struck, he is very proud to be struck for this confession of justice and truth.

"If the jury gives him its aid, the pacification of minds may be accomplished, and the agitation of this day finished by the legal reparation due to all who have been deprived of the guarantees of the law. Without truth, M. Zola can do nothing; he is powerless; he will be baffled on every hand. With a bit of the truth, M. Zola is invincible. It is for the jurors to answer to the appeal of truth.

"I have said that the government is fallible. The jurors also have no higher light. They are men. They do their best. They have the advantage of being for a time unbiased by *esprit de corps*, and of being able thus, in perfect liberty of mind, to act in accordance with that need of superior justice which we all feel. We are before you, gentlemen. Shortly you will pass judgment. I hope that you may not be governed by the argument which now controls too many minds. How many Frenchmen there are who say: 'Possibly Dreyfus was condemned illegally, but he was

condemned justly, and that is sufficient; so let us say no more about it.' Sophism of the *raison d'Etat*, which has done us so much harm,--which hampered the magnificent movement of the French revolution by the guillotine and all sorts of violence. Ah! we have torn down the Bastille. Every 14th of July we dance to celebrate the abolition of the *raison d'Etat*. But a Bastille still remains within us, and, when we question ourselves, an illegality committed to the detriment of others seems to us acceptable, and we say, and we think, that this may be a little evil for a great good. Profound error. An illegality is a form of iniquity, since the law is guarantee of justice.

"Gentlemen, all the generals together have no right to say that the illegality which comes from a certain form of justice, since it is a denial of it; all the magistrates together,--have no right to say that illegality can be justice, because the law is nothing but the guarantee of justice. To do justice outside of the law no one has either the right or the power. If you wish to render the supreme service to the country under the present circumstances, establish the supremacy of the law, the supremacy of justice. Cause to disappear from our souls that respect for the *raison d'Etat* so absurd in a democracy. With Louis XIV, with Napoleon, with men who hold a people in their hands and govern according to their good pleasure, the *raison d'Etat* is intelligible. In a democracy the *raison d'Etat* is only a contradiction, a vestige of the past. 'France is a high moral person,' said Gambetta. I do not deny it, monarchy or republic. But I say that the tradition of the *raison d'Etat* has had its day, and that the hour has come for us to attach ourselves to the modern idea of liberty and justice. After the original duty of defence of the soil, nothing can be more urgent than to establish among us a *régime* of liberty and justice, which shall be in accordance with the ambition of our fathers, an example to all civilized nations.

"At the present hour, I admit, the problem presents itself to you in a bitter and sorrowful form. Oh! it is very sorrowful to sincere people to find

themselves in hostility with brave soldiers who intended to do well, who wished to do well, and who, thinking to do well, have not done well. That happens to civilians not in uniform; that happens to civilians in uniform,--for soldiers are nothing else.

“From this point of view you are at a turning-point in our history, and you must submit military society to the control of the civil law, or abandon to it our most precious conquests. We have not to pass upon General de Boisdeffre or upon General de Pellieux. They will explain themselves to their superiors. It is not our affair. They have nothing to ask of us. But, however painful it may be to find ourselves for a day in conflict with them, take your course, since no danger can result, unless you yourselves abandon the cause of the law of justice which you represent. Thus you will render us the grand service, the inestimable service, of extinguishing at the beginning the religious war that threatens to dishonor this country. [Murmurs of protest.]

“Since you protest, so much the better. I am willing to believe that it is your intention to renew the wars of religion; but, when I see in France, in our France of Algeria, a pillaging of warehouses; when I see it boasted in the newspapers that safes have been thrown into the sea, and that contracts have been torn up; when I see that Jews, while going to get bread for their families, have been massacred,--I have a right to say that religious warfare offered no other aspect in the middle ages; and I say that the jurors of today, in rendering a verdict in favor of liberty and justice for all, even for Jews, will signify their intention of putting an end to these excesses by saying to those who have committed these barbarities: ‘In the name of the French people, you shall go no farther.’

“Gentlemen, we are the law; we are toleration; we are the defenders of the army, for we do not separate justice from patriotism, and the army will not be strong, it will not be respected, unless it derives its power from respect for the law. I add that we are the defenders of the army,

when we ask you to drive Esterhazy from it. You have driven out Picquart, and kept Esterhazy. And, gentlemen of the jury, since there has been reference to your children, tell me who would like to belong to the same battalion that Esterhazy belongs to? Tell me if you will trust this officer to lead your children against the enemy? I need only ask the question. No one will dare reply.

“Gentlemen, we have known terrible shocks in this century. We have experienced all glories and all disasters. We are now confronted with the unknown, between all fears and all hopes. Seize the occasion, as we have seized it, and determine your destinies. It is an august thing, this judgment of the people upon itself. It is a terrible thing also, this decision by the people of its future. Your verdict, gentlemen, will not decide our fates as much as your own. We appear before you. You appear before history.”

It was six o’clock when M. Clemenceau took his seat and Attorney-General Van Cassel rose to reply.

“I am obliged to place the question before you anew. M. Zola has declared that the council of war condemned in obedience to orders. Has he given the slightest proof of this? He has not even attempted it. For twelve days we have heard nothing here but insults to the army; and now, for the last two days, in order that they might be tolerated here, they have done nothing but repeat that the staff is made up of brave generals, and that the council of war rendered its verdict in good faith. The insulters have been forced to hide themselves behind the army, shouting: ‘Long live the army!’”

To this address M. Labori made rejoinder. Facing the audience, which was crying “Enough! enough! Down with Labori!” he said:

“This last incident was necessary, in order to show the two parties to this debate,--those, on the one hand, who plead for justice and right, and

those who shout ‘Enough!’ when, in the name of the accused, the counsel takes the floor, as is his right.”

Then, turning to the attorney-general, he continued:

“You call me an insulter of the army; for it was at me that your words were aimed, since it was I who spoke for two days. I am not of those who are accustomed to such attacks, and I am not of those who are disposed to submit to them. I do not accept this insult that rises to me from your seat, Monsieur Attorney-General, however high your position. From the standpoint of talent you and I are equals. You have no lesson to give me. I refuse you the right, and I say that you rose to utter these brief words because you knew that they would let loose a manifestation which you had a right to expect from a hall packed against us.”

Then, turning to the jury, he concluded:

“There are two ways of understanding right, gentlemen of the jury. The question before you is this: Is Zola guilty? Let these clamors dictate to you, gentlemen, the duty of firmness that is incumbent upon you. You are the sovereign arbiters. You are higher than the army, higher than the judicial power. You are the justice of the people, which only the judgment of history will judge. If you have the courage, declare Zola guilty of having struggled against all hatreds in behalf of right, justice, and liberty.”

The session was then suspended, and the jury retired for deliberation. After thirty-five minutes, it returned. The court came in again. Then the foreman of the jury rose and said:

“On my honor and my conscience the declaration of the jury is: as concerns Perrenx, *yes*, by a majority vote. As concerns Zola, *yes*, by a majority vote.”

Then the air was filled with cries of ‘Long live the army! Long live France! Down with the insulters! To the door with Jews! Death to Zola!’ amid which Zola sadly cried: ‘These people are cannibals.’

The court then retired to deliberate upon the sentence. Returning a few minutes later, it condemned M. Perrenx, the *gérant* of “L’Aurore,” to an imprisonment of four months and the payment of a fine of three thousand francs; upon M. Emile Zola it inflicted the maximum penalty of one year’s imprisonment and a fine of three thousand francs.

The trial thus being ended, the court adjourned; but a day or two later the council for the accused appealed from the verdict to the higher court.