Appendix 16: Letter from Esterhazy to the President of the Republic, 5 November 1897

Mr President,

Please excuse me for troubling you once again, but I fear that the War Minister may not have transmitted my last letters to you, and I insist that you should be well informed about the situation. It is, moreover, the last time that I shall address myself to the public authorities. The woman who warned me of the horrible plot hatched against me has given me, among others, a document that offers me protection since it proves the villainy of Dreyfus. It is also a danger for my country because if it is published along with the facsimile of handwriting, France will either be forced into humiliation or into war…

You who are above the futile party quarrels in which my honour serves as ransom; do not force me to choose between two equally horrible alternatives.

Force the Pontius Pilate of politics to make a clear and precise declaration instead of manoeuvring to preserve the voices of the friends of Barrabas. All the letters I have written will be entrusted to one of my relatives, who this summer had the honour of receiving two emperors.

What will people think throughout the entire world when people hear of the cowardly and cold cruelty with which I have been left to struggle in my agony – without support, without counsel! My blood will be on your hands. And when the letter, of which the Government is aware, is published – which is one of the proofs of Dreyfus’ guilt – what will the whole world say about this miserable Parliamentary tactic, which has failed to impose silence by a few energetic words on the pack of hounds?

I appeal to you in the words of the old French cry, ‘Haro, my Prince, come to my rescue!’ I address my appeal to you, Mr President, since before being Head of State, you are an honest man who must be profoundly sickened, to the depths of your soul, by the cowardice you see.

Defend me, and I will return the document to the War Minister without anyone in the world having laid eyes on it. But defend me quickly for I can wait no longer, and I will stop at nothing to defend or avenge my honour, which has been unworthily sacrificed.

I am, etc

Esterhazy.

Source: Répertoire, 104–5.

Appendix 17: Du Paty’s ‘note in two hands’ sent to Esterhazy during the Pellieux investigation, c. 20 November 1897

If General de Pellieux were to ask me if I have had dealings with you, I intend to say the following, which is more or less true:

‘As soon as we were informed anonymously of the plot hatched against Major Esterhazy, I understood how important it would be to warn him, to prevent an act of desperation.

I thus entered into relations with him, by means which I do not wish to reveal, in order not to compromise third parties to whom I am bound by honour. I must say, however, that the *dame voilée* is completely unconnected with the events just related…

The effect of my relationship with Major Esterhazy was to prevent him from taking extreme measures, for he had been warned for his part and wanted…
As soon as I knew that he possessed a secret document, all my efforts were focused on making him return it, by appealing to his sense of patriotism; and I was successful, moreover, without difficulty.

My intervention thus served to curb a very legitimate exasperation. I abstained from communicating anything of a secret nature to him. Any information of this nature which he may have had came from another source. I am not involved in the campaign against Picquart. On the other hand, General Boisdeffre is not unaware that I have had indirect relations with Major Esterhazy.

From the moment when Major Esterhazy had supporters and a lawyer, and wrote articles in the newspapers, I ceased my relations, which were no longer useful.

Since he made an honourable commitment to me, I will release him from his word by a message, if you wish; for without that, he will feel obliged to deny these relations, but his word of honour, like mine, will remain with respect to third parties:

Consequently

1. Until you have received an official letter from me, you are not supposed to know me;
2. Remain silent on the nature of the relationship that we have had, by hiding behind your commitments towards third parties;
3. Insist that this relationship consisted purely of acts of encouragement, advice of moderation and appeals to your finer sentiments to return the document, and is completely unconnected to the business of the veiled woman;
4. Never have I revealed anything confidential to you, and I was not the one who denounced Picquart to you.

That is the line I will take: take good heed of all the parts I have ticked in red and destroy this. You understand how important it is to be completely in agreement, for you and for me.

All is well: the person who went to fetch Picquart’s famous letters, as agreed, is precisely the author of the telegram signed Blanche, which is in the person’s handwriting, but slightly disguised.

The police has laid hands on her. She is a friend of…

We will be able to prove that the Rumanian gave you nothing.


Appendix 18: Investigation reports on Esterhazy by Pellieux and Ravary; extracts from the conclusions of the three reports, Nov-Dec 1897

Pellieux’s Report of 20 November 1897

... An officer, head of the intelligence service at the War Ministry [Picquart], becomes the agent – unconsciously one hopes – of the defenders of Dreyfus, defenders of good faith or not, it matters little. He delivers to a third party Section letters, directly from his superior, probably secret documents which do not belong to him. He commits a serious lapse of professional duty and must be punished. With what aim did he compile the Esterhazy dossier? It is not up to me to find out, but I can say that he compiled the Leblois dossier, against his leaders, against the Minister.
This related question, which makes the whole affair a Dreyfus/Esterhazy/Piquart question, seems to me to call for a prompt and radical solution, and in my soul and conscience, I say:

Esterhazy seems to me to be in the clear. However unworthy he may be because of serious lapses in his private life, he cannot, in my opinion, be accused in this case of treason.

Picquart seems to be guilty. Unfortunately, I think that the documents which exist at the General Staff allow no doubt of this (intercepted letters and telegrams).

Should the enquiry be continued and extended? If Picquart is questioned in Tunis, it will be said that we are afraid to bring him here. If we question him here as a witness, it will be very difficult to keep him away from his advisers.

It seems to me that Lieutenant-Colonel Picquart should be brought before a commission of inquiry, and that he should be questioned in conditions of the utmost secrecy. Governor, that is my conclusion and I submit it for your approval, declaring my enquiry finished.

Signed: DE PELLIEUX


Pellieux's Report of 3 December 1897

My conclusions, based on the various depositions, are as follows:

As far as Esterhazy is concerned in the present case, subject to the expert analysis of the bordereau, there is no evidence to support the Dreyfus accusation; no evidence of the accusations of Lieutenant-Colonel Picquart; but nevertheless there is a need for complete and full light to be shed on the matter, in a public hearing; this senior officer is to be brought before a court martial and the procedure continued to its conclusion, conviction or acquittal.

However, because of the inanity of some of the accusations, I ask that Major Esterhazy should be left temporarily at liberty during the examination, at least until the time when the results of the new expert analysis are known; besides, the reporting judge is free to have him imprisoned before, if this was felt to be necessary.

As far as Lieutenant-Colonel Picquart is concerned, it is easy to recognise that his depositions are a tissue of deliberate and calculated inaccuracies, perfidious insinuations against his superiors and his subordinates. The basis of his creation against Esterhazy is a document which has no authenticity or verisimilitude, that I would like to think was not fabricated for the needs of some cause or other. As I said in my first report, this senior officer seems to me to be the agent – unconsciously, I hope – of a person who, knowing his belief in the innocence of Dreyfus, has pushed him down a path which, I fear, has made him come close to dishonour.

Whatever the facts may be, his depositions themselves contain the confession of a military error of exceptional gravity: this superior officer, head of the intelligence service at the War Ministry, if he did not actually transmit secret or other documents relating to the Section, has certainly passed on knowledge of them to a third person outside the Ministry, whom he often received in his office [Me Leblois]. He handed over to this person correspondence between himself and his superior, General Gonse, deputy head of the Army General Staff, a correspondence which cannot be considered personal since
it deals with his Section and a confidential mission; and he did that with the avowed aim of using it, he says, as a defence against his superiors and his subordinates.

That represented a strange concept of military honour and his professional duties, and I conclude that this officer should be sent immediately before a commission of inquiry, called to rule on whether there is a case for discharging him from the army for infringements of honour, or at least for serious misconduct in the service.

Signed: DE PELLIEX

Source: 3ème Cass., I, 101–3.

Ravary’s Report of 31 December 1897

Certainly the private life of Major Esterhazy could not be held up as a model to our young officers. But from these lapses, even of the most reprehensible kind, one should not necessarily conclude that he is guilty of the greatest crime that a soldier and a Frenchman can commit.

Besides, the duty of impartiality requires mention of the fact that the personal notes about the accused are full of praise up to 1896, the year in which he was suspended from duty on the grounds of temporary infirmities, and a number of letters written by his former superiors bear witness to their feelings of esteem for him. In short, what remains of this sorry affair, which was so skilfully plotted? A painful impression that will elicit a distressing response in all truly French hearts. Of the protagonists brought on stage, some acted in the open, others remained in the wings; but all the means employed had the same objective: the review of a judgement that was legally and justly delivered.

In conclusion, we would say that whilst the accusations against Major Esterhazy were made with a precision and stage-direction that was liable to move and trouble public opinion, in reality, no convincing, legal proof of his guilt has been established, and the laborious examination which we have made has been unable to gather sufficient charges to support the indictment for high treason directed against the accused.

In consequence we are of the opinion that a ruling of discharge for lack of evidence should be made in this case.

Reporting judge: Major Ravary

Source: Révision, pp. 115–22.

Appendix 19: Debate in the Chamber of Deputies, 4 December 1897

Latest Intelligence

The case of Captain Dreyfus

DEBATE IN THE CHAMBER

… The sitting was then suspended till the arrival of General Billot, the Minister of War. On the resumption of the sitting General Billot, said:-

‘The Prime Minister has told you that, in the circumstances, there is no Dreyfus affair. A year ago, in reply to M. Castelin, the Minister of War had occasion to say to you that Dreyfus had been judged, well judged, and condemned unanimously by seven of his peers on the testimony of 27 officers
called as witnesses. Questioned once again the other day, the Government, by the mouth of the Minister of War, declared to you that it considered that the Dreyfus affair had been regularly and justly judged. As for me, in my soul and conscience as a soldier, as head of the army, I consider the judgement as having been well deserved, and Dreyfus as guilty. (*Loud cheers from the Centre, Right, and a portion of the Left.*)

I pass to the Esterhazy affair. An officer has been the object of a denunciation. The head of the army prescribed immediately the regulation extra-judicial inquiry. That inquiry was conducted loyally and speedily by General de Pellieux under the high direction of the Military Governor of Paris. As a result of this inquiry an order to institute a formal inquiry was issued this morning by the Military Governor of Paris. I hope that the Chamber will understand that the Minister of War, that the Government, that the Chamber itself would exceed their rights and duties if they were in any way to influence the action of justice, especially, when it is proceeding under the supreme direction of a man like General Saussier, General-in-Chief of your armies, covered with years and glory, whose character has never been misunderstood nor disputed by any one, and whose authority extends, not merely over the entire army, but beyond our frontiers. (*Loud cheers.*)

I come now to the odious accusations which too long have been directed against the heads of the army, and, in particular, against its eminent head of the staff. (*Loud cheers.*) I have regretted from the bottom of my heart that I am disarmed by the law and cannot punish as they deserve certain insinuations which are as perfidious as they are culpable. You will permit the *doyen* of the French Army, who has the honour of being today its head, to say to you that for 19 months he has been at work with his eminent associate, General de Boisdeffre, in putting France into readiness for all emergencies. It is painful to read such outrages, to have to look on while a campaign, which I do not know how to characterize, is carried on against the national honour and the honour of the army. In the name of the army I beg the Chamber, which has given me its confidence for 19 months, to end this campaign as soon as possible.'

*Source: The Times, 6 December 1897.*

**Appendix 20: Article by Theodor Herzl on the situation in France in 1897**

*The Situation in France*

Some faithful and courageous men have tried to raise the heavy stone which covers his grave. But a frenzied pack threw themselves on the liberators and pushed them aside. The tombstone thus returned to its former position and the human being continues to remain buried. Such is the current aspect of the Dreyfus Affair, of saddened renown. The people of France, so generous, so eager for justice, the people of Human Rights who review all trials and never allow an irrevocable verdict, these people decline to cast doubt on the guilt of the Jewish captain.

The noisy demonstrations in the streets, the patriotic declamations in the Chamber, the insults of the newspapers, all of these together pursue only one objective: to keep this Jew on Devil's Island. They are killing him again, though he is already buried. One should think of this proverb: 'When one is dead, it is for a long time.' All the more so if it is the fate of a living being, for he is certainly cut off from the living for a long time...

But the facts are as follows. They are refusing to hold another trial because Captain Dreyfus must not be found to be innocent... The Dreyfus Affair is not at all finished because the poor man is dying slowly on that island where
fever is rife. The bitter suffering of that man has raised another question of no less considerable importance: For whom is he paying? For whom?

All the unleashed fury has been reserved for Dreyfus. If it had been possible, the rabble would have rolled him in tar, quartered him, committed I know not what torture! And why? They were no longer cries of vengeance for a military treason which normally would barely excite the mob in times of peace. This explosion of anger was of a quite different nature and was like the excesses of a gang of rioters and people in revolt. They took scant account of the accusation. They were not screaming ‘Down with Dreyfus!’ but ‘Down with the Jews!’ It was like that from the beginning and so it continued…

Since they could not seize hold of the people they hated, they hated the one who could be seized. Thus, the Dreyfus Affair revealed in France such an accumulation of hatred against the Jews that one could not divine a priori who bore responsibility for it. Certainly not this courageous artillery captain, a native of Alsace, who was ready to lay down his life for France on the battlefields…

Do people really believe that the devourers of Jews, who have tested their strength on the unfortunate Dreyfus, will be content with a single victim? They have acquired a taste for blood and will ask for more, with all the more assurance and avidity since they have become aware of their own irresistible power…

Source: Die Welt (Basel), 24 December 1897

Appendix 21: Summons of Emile Zola, 20 January 1898 and extracts from Zola’s trial 7–23 February 1898

Summons of Emile Zola, 20 January 1898

On 20 January 1898, at the request of the Public Prosecutor at the Court of Appeal of Paris, who elects domicile at the public prosecutor’s office located in this city, at the Palais de Justice, acting in his capacity on the complaint filed on 18 January 1898, by the Minister of War, under article 47 of the law of 29 July 1881, in the name of the first Court Martial of the military government of Paris, having judged Major Esterhazy on 10 and 11 January 1898, in the court under his jurisdiction.

I, Charles-Marie-George Dupuis, court usher at the Court of Appeal of Paris, residing in the same town, at the Palais de Justice, undersigned,

Summon: 1. Mr A. Perrenx, manager of the newspaper L’Aurore, residing in Paris at 142, rue Montmartre, having been there and spoken first to an employee of the newspaper, then to him in person; 2.° Mr Emile Zola, man of letters, residing in Paris at 21bis, rue de Bruxelles, having been there and spoken to a person in his service, to appear before the Seine Assize Court, located at the Palais de Justice, Paris, on Monday, 7 February 1898, at eleven thirty in the morning,

As charged:

I - J.-A. Perrenx, Of having, in his capacity as manager of the newspaper L’Aurore, published in Paris less than three months ago, in number 87 of the second year of the paper, dated Thursday 13 January 1898, which issue was sold and distributed, put on sale and displayed in public places or meetings, the following passages contained in an article signed Emile Zola and entitled: ‘Letter to Mr. Felix Faure, President of the Republic.’

First column of the first page:

‘A Court Martial has just, by order, dared to acquit Esterhazy, a supreme affront to all truth, to all justice. And it is the end, France bears this defilement
on its cheek. History will record that it was during your presidency that a social crime of such nature could be committed.'

Sixth column of the first page:

‘They delivered this iniquitous sentence which will forever hang over our Courts Martial, which henceforth will sully all their rulings with suspicion. The first Court Martial may have been unintelligent, the second is necessarily criminal.’

Second column of the second page:

‘... I accuse the second Court Martial of having concealed this illegality under order, committing in turn the legal crime of knowingly acquitting a guilty party.’

The aforesaid passages containing the imputation of facts liable to undermine the honour of the military government of Paris, which sat on 10 and 11 January 1898, and relating to its functions, and thus to have publicly libelled it, with regard to its functions;

II-Emile Zola

Of having, at the same time and same place, been an accessory to the offence specified above, by giving either to Mr. Perrenx, manager of the newspaper *L'Aurore*, or to any other editor or employee of the said paper, for transmission to the said manager, and in order to be published, the writings containing the passages referred to above, and of having thus procured the means which served to commit the offence, knowing that they had served that purpose.

Offences dealt with and punished by articles 23, 29, 30, 31, 35, 42, 43, 45, 47 clause 52 of the law of 29 July 1881, and articles 59 and 60 of the Penal Code

In order that the above-named should be fully informed, while speaking as above, I have also left them copy of the present summons.

M. President – M. Perrenx and M. Zola, you are warned that in an article of the newspaper *L'Aurore* entitled ‘J'accuse’, you have libelled the members of the first Court Martial who acquitted Major Esterhazy. We will proceed to call witnesses.


*Extracts from Zola's trial, 7-23 February 1898*

**CASIMIR-PÉRIER CAUSES A STIR**

There was much stir in court when it was announced that M. Casimir-Périer, the former President of the French Republic, would be the next witness. When he was called the presiding Judge said: ‘You swear to speak without animus and fear, and to speak the truth and nothing but the truth.’

M. Casimir-Périer at this point interrupted the Judge, saying: ‘Pardon me. I cannot swear to tell the truth, because I cannot do so. It is my duty not to tell it.’ This statement caused a commotion among the audience. The presiding Judge resumed, remarking: ‘The law compels you, before even speaking or refusing to testify, to take the oath.’ M. Casimir-Périer then submitted, raised his hand and took the oath.

Latest Intelligence

THE DREYFUS TRIAL

What took place during this interval no one has been able to discover. Of one thing there is absolute certainty; there was a council of war in the lobbies, for when the sitting was resumed General de Pellieux advanced to the railing and asked to be heard. The scene which ensued was extraordinary.

Thus far, he said, we have remained within the legal forms. But the defence, as has already happened during the trial, has publicly read a passage of the report of the Dreyfus affair. I, therefore, ask leave to speak, and I will repeat the very typical phrase of Colonel Henry. 'You have forced me to it. Well, so be it.' At the time of the Castelin interpellation a very serious incident occurred. Positive proof of Dreyfus's guilt came to light, and that proof I myself have seen. I can, therefore, give you some information on that document. It was a paper, the source of which cannot be doubted. [Pellieux quotes the faux Henry]. The letter is signed with a name little known, but this important document is supported by a visiting card with an insignificant appointment at the back, bearing the name of the person given at the foot of the letter. This is the truth. I make this statement on my honour as a soldier and General de Boisdeffre can confirm me.'

M. Labori seemed in no wise disconcerted.

'This document,' he cried, 'so long as it is not publicly known does not count. Let it be brought in here. The obscurities and doubts in this whole affair are being daily increased. Whether Dreyfus be guilty or innocent, whether Esterhazy be innocent or guilty, we shall continue to have divergent opinions and we cannot but persist in them if light be not thrown on this business. Already revision of the trial has become certain. (Loud protests from the public at the back of the hall.) The protests of the crowd show well enough that it has no conception of the meaning of this debate from the everlasting point of view of justice and humanity. We must have light – justice and humanity require it – and then we will return to our long labour of peace – or of war. But war, whatever the Generals may say, is remote, and we will not allow the country to be frightened by allusions to it. This document must be brought to us and discussed here.'

General Gonse. - 'I absolutely confirm what General de Pellieux has just said. He did well to say it, but we must be prudent. There are other documents. I doubt whether documents so delicate can be brought here.' (Murmurs.)

General de Pellieux. - 'I have precipitated this incident only because I was obliged to do so. You talk of revision, and of a secret document rendering the first trial illegal. Where is your proof? Not enough attention has been paid to Colonel Henry's statement that Colonel Sandherr made before the trial a dossier of secret documents for the Dreyfus affair. This dossier was put under seal before the court martial. Now let General de Boisdeffre be sent for.' Turning to the little knot of officers on the witnesses' bench, he gave an order that he should be fetched. Continuing, the witness said: – 'The report of M. d'Ormescheville as published in the papers is mutilated. I ask that he be called.'

M. Labori. - 'The word of General de Boisdeffre, any more than that of General de Pellieux, will not suffice for us. As long as you do not bring in this document your statements are worthless. Moreover, why did not General Billot make this statement in the Chamber; why did he not show his proofs to M. Scheurer-Kestner?'
The witness. - ‘I do not know what General Billot should or should not say, but I know that he affirmed that Dreyfus was justly and legally condemned.’

M. Labori. - “Legally” is false; judge as to the other affirmation!

General de Pellieux.- ‘Prove it.’

The President - ‘Call another witness.’

M. Labori. - ‘Oh, no; you can understand that the incident is too grave for us to remain there. We must have General de Boisdeffre here, we must discuss the terms of his statement, and we must insist on the communication of this document thus so suddenly flung into the debate.’

The President. - ‘Call another witness, and Major Esterhazy entered, perfectly calm and self-contained.’

‘I tell you,’ said M. Labori, ‘that we refuse to question the witness until we have had before us General de Boisdeffre. We shall put in our applications.’

The President. - ‘Do as you like; meanwhile, we suspend the sitting.’

It is unnecessary to attempt to describe the extraordinary excitement which prevailed in Court at this moment. What did it all mean? Conjecture jostled conjecture in vain inquiry. Then the bell rang and the Judges entered. To the astonishment of every one, although it was said that General de Boisdeffre had arrived, the President said, ‘In the absence of General de Boisdeffre, the sitting is adjourned until to-morrow.’

Source: *The Times*, Friday 18 February 1898.

*The Dreyfus case*

ESTERHAZY ON THE STAND PROTECTED IN A REFUSAL TO ANSWER QUESTIONS - LITTLE HOPE OF GETTING AT THE TRUTH - ZOLA’S COUNSEL REPEATEDLY SILENCED AND HIS REQUESTS DENIED - PUBLIC INTEREST INCREASING

When General Boisdeffre, in full uniform, took the stand, the Presiding Judge addressed him as follows: ‘General, an incident which we did not anticipate occurred yesterday. A desire was manifested that you should be examined and the Court has acceded to it.’

The Presiding Judge then read the shorthand report of General Pellieux’s statement and asked the witness what he had to say on the subject. General Boisdeffre replied:

‘I confirm fully the authenticity of General Pellieux’s statement. I do not wish to add a word to it, but, gentlemen of the jury, you are the nation here, for you represent it. If the nation has not confidence in the chiefs of the army, let it say so, and we are ready to leave to others the burden of our responsibility.’

This statement caused a prolonged sensation.

‘Yes,’ exclaimed the General, ‘Vive l’Armée!’ (Cheers.)

As General Boisdeffre was leaving the stand, M. Labori, counsel for M. Zola, rose and said:

‘I should like to question General Boisdeffre.’

‘You cannot,’ replied the Presiding Judge.
'What!' exclaimed M. Labori.

'No,' vehemently retorted the Presiding Judge, 'you cannot. Call the next witness.'

**Labori protests in vain**

M. Labori vainly protested against this ruling, but an usher called Major Esterhazy, who immediately appeared, and, amid profound silence, took the stand.

'What questions have you to put?' asked the Judge, addressing M. Labori.

'I am drawing up a formal application to cross-examine General Boisdeffre,' replied counsel for the defendant.

'Very well,' said the Judge; 'then I will put my own questions.'

Turning to Major Esterhazy, the Judge thereupon said:

'It is said that you are the author of the bordereau. What have you to answer?'

'First,' replied Major Esterhazy, 'I have a statement to make. Gentlemen of the jury, on a shadow of proof this miserable Mathieu Dreyfus has accused me of being guilty of his brother's crime. I have been judged by my peers, who have acquitted me; but to-day I am summoned as a witness so that he may reaccuse me when I have neither advisor nor counsel to defend me. I will answer any questions you put to me, gentlemen of the jury, but as for those people,' turning to M. Zola and his counsel, 'I won't reply to them.' (Sensation.)

The Judge then turned to M. Labori and asked:

'Have you any questions to ask Major Esterhazy?'

'I am still drawing up my application,' answered M. Labori, 'and I shall not ask any questions until the Court has given a decision upon it.'

'Put your questions immediately,' exclaimed the Judge, 'or you will not put any.' (Murmurs.)

'I can say nothing for the moment,' replied M. Labori, 'but I protest against this attitude'

**Zola's counsel scores a point**

Counsel for M. Zola retorted: 'The Generals came into court in full uniform, and wearing their decorations, in order to make speeches for the prosecution.' (Uproar.) M. Labori also said: 'The defence is reproached with attempting to secure a revision of the Dreyfus case, but the Generals have harangued against a revision of the trial of Major Esterhazy, who was acquitted. Let his judges bear the responsibility.' (Uproar.) M. Labori alluded to the 'man suffering on Devil's Island,' adding 'though his sufferings, doubtless, do not interest the men who are howling at the back of the courtroom.' The counsel concluded by imploring the Court to rise 'superior to demonstrations upon the part of the people who do not know what they are talking about.' (Increased uproar.)

'Gentlemen of the jury,' M. Labori added, 'I entreat you most earnestly to rise above the emotions of the misled public, and to consider that we are perhaps at a turning point in our history, and that your decision will have consequences which no one to-day can measure.' (Prolonged sensation).

Refusal of Esterhazy to answer any questions (18 February)

M. Labori. - Major Esterhazy has declared that he will not answer my questions. Thus, in accordance with the law, I address no questions to him. For this reason, I ask the President of the Court to put to him the question I have just indicated, and to point out to Major Esterhazy that it is the President of the Assize Court who is asking him the question.

Court President. - I am quite willing to repeat the question to Major Esterhazy.

(Turning towards the witness) You are asked what you think of the handwriting of the bordereau.

Major Esterhazy. - Although you do me the honour of communicating this question, Mr President, it is still M. Labori’s question; and consequently, I shall not reply.

Court President. - Do you wish to answer?

Major Esterhazy. - My answer, Mr President, is that I shall not answer any questions put to me. It is clear!...

Court President - Did you hear the question?

Major Esterhazy. - I shall not answer.

M. Labori. - Well, gentlemen, I believe it is useless to prolong the experience; as far as I am concerned, I have finished. I think that M. Clemenceau will also have some questions to put to the witness; they will, moreover, be of a very different nature.

M. [Albert] Clemenceau. - I shall carry on with the experience; and as the witness has the right to change his mind, I ask your permission, Mr President, to put all the questions that I have to articulate through you. The witness will answer or remain silent: we will see...

M. Clemenceau. - At what time was the witness part of the Intelligence Service in France? Didn’t he say that he was part of the Intelligence Service twenty years ago? Didn’t he make that statement to the court martial?

Court President - Mr Esterhazy has just told you that he will not answer. Consequently, it is pointless to wait for his response.

M. Clemenceau. - Nevertheless, I am going to continue with my questions, if you allow it. Did the witness know a person answering to the name of Mme de Boulancy?

Court President. - Do you wish to answer this question?

Major Esterhazy. - No, Mr President, nor any question. (Signs of approval in the courtroom.) …

M. Clemenceau. - Another question: does the witness admit having written a letter to Mme. de Boulancy containing the following passage? ‘The Germans will put all those people (referring to the French) in their rightful place before too long.’

Court President. - Major Esterhazy has declared that he will not answer.

M. Clemenceau. - Then I point out that the witness has admitted the accuracy and authenticity of this letter… (Murmurs in court.) I affirm an indisputable fact. I continue…

M. Clemenceau. - Is it not a fact that another reason for his surprise was his habit of playing the Stock Exchange described by the witness Mr de Castro?

(Major Esterhazy, turning his back on M. Clemenceau, continues to remain silent.) May I carry on, Mr President?
Court President. - Yes, carry on!…

M. Clemenceau. - May I request now that you ask the witness how he found out that he was suspected of having written the famous bordereau?

Court President. - Carry on!

M. Clemenceau. - On what date did he find out?

Court President. - You can continue, the witness has told you that he will not answer.

M. Clemenceau. - Did the witness not state that he discovered this from a letter signed Speranza [Hope], received at his country home on 20 October 1897, which reported that Colonel Picquart had bribed soldiers to obtain samples of his handwriting? …

Court President. - Carry on!

M. Clemenceau. - Mr President, would you put the following question to the witness: is it correct, as stated in La Patrie, [Millevoye’s newspaper] that Major Esterhazy has admitted that he had infrequent, but not secret, relations, with Colonel Schwartzkoppen, whom he said he had met in Carlsbad?

Court President. - No, I will not ask the question.

M. Clemenceau. - How is it that in a legal hearing one cannot speak of an act committed by a French officer?

Court President. - Because there is something that comes above that: it is the honour and security of the country! (Long acclamations and prolonged applause throughout the courtroom.)

M. Clemenceau. - Mr President, I understand then that the honour of the country allows an officer to accomplish such acts but does not allow them to be spoken of! (Sbrill cries dominate the general noise.)

Court President, to the court usher. - Remove the person who is shouting like that.

M. Clemenceau. - Those…

Court President, to the court usher. - Call another witness.


Zola attacks the premier

When the session was resumed, M. Zola read an address to the court in which he said that the Premier, M. Méline, ‘had the air of giving the jury, who are charged to avenge the national honour, the order to find me guilty.’ (Loud protests)

The Presiding Judge said: ‘You cannot say that the Premier has given an order to condemn you.’

Continuing, M. Zola said: ‘Such proceedings are an abominable piece of political manners. I have never insulted the army, as has been said, but I have raised a cry of alarm, and I leave history to judge me and to appreciate my acts.’

‘Those who dishonour France,’ M. Zola remarked, ‘are those who mingle cries of ‘vive l’Armée!’ with ‘A bas les Juifs!’ (‘Down with the Jews!’) and ‘Vive Esterhazy!’ after the letters he has written. (Murmurs.) If I am here, it is because I wished it. It is I who asked to appear before you, who are the voice of justice. It is for you, gentlemen, that I raise the cry of alarm, and that
I wish to bring out the truth, perhaps unsuccessfully, but here I stand before you and await your justice.'

M. Zola then complained of the prevailing state of lassitude, and exclaimed: ‘Your thoughts, which I think I can read on your faces, are: ‘We have had enough of it. The matter must be brought to an end!’

‘I am not defending my liberty, gentlemen,’ M. Zola explained to the jury, ‘in presenting myself before you. I am defending the truth. Look me in the face, gentlemen. Have I been bought, or am I a traitor? I am a free writer, who intends to resume his vocation and again take up his interrupted labours.’


Zola’s closing speech (22 February)

You are the heart and mind of Paris, of my great Paris, where I was born, that I love with infinite tenderness, that I have been studying and extolling for almost 40 years… Do me the honour of believing that I am not defending my own liberty here. In striking me, you would only enhance my stature. Whosoever suffers for truth and justice becomes noble and sacred. (Murmurs)... And so, I am not defending myself. But what an error you would commit if you were convinced that by striking me you would re-establish order in our unfortunate country!

…A judicial error has been committed and since then, in order to conceal it, it was necessary every day to commit a new attack against common sense and justice. It is the conviction of an innocent man that has led to the acquittal of the culprit. And now today, you are asked to condemn me, because I have shouted out in anguish, seeing my country take this appalling path. Condemn me then! But it will be another error, in addition to the others, an error for which later you will bear the burden of history

…Alas, gentlemen, you, like many others, are perhaps awaiting a bolt from the blue, the proof of the innocence of Dreyfus, descending from heaven like thunder! Truth does not normally proceed in this way, it requires some research and intelligence… This truth… will be known by all in future. And if at this moment it is impossible for us to go and seek it out where it exists, protected by insurmountable formalities, the government which knows everything, the government which is convinced as we are of the innocence of Dreyfus (loud protests) will be able, without risks when it so desires, to find the witnesses who will finally cast light on the matter.

Dreyfus is innocent, I swear it. I pledge my life on it, I pledge my honour. In this solemn hour, before this tribunal which represents human justice, before you, gentlemen of the jury, who are the very incarnation of the country, before all of France, before the entire world, I swear that Dreyfus is innocent! And by my 40 years of work, by the authority which this labour may have given me, I swear that Dreyfus is innocent! And by all that I have achieved, by the reputation I have earned, by my works which have helped the expansion of French literature, I swear that Dreyfus is innocent. May all of that collapse, may my works perish if Dreyfus is not innocent! He is innocent!


George Clemenceau’s closing speech (23 February)

Well, what are the facts which emerge from the depositions at this bar? What was the origin of the movement in favour of Dreyfus? I do not speak of his
family who believe him innocent and would naturally move heaven and
earth to exonerate the head of the family. But apart from the Dreyfus family,
who were the first to give substance to the hypothesis of his innocence?
You know, gentlemen, that doubt was first raised in the army itself. It was
Colonel Picquart, whom I did not know before seeing him here, who, I
declare openly, seems worthy of all respect; it was Colonel Picquart who first
pointed to Major Esterhazy, whose name was found inscribed on the *petit
bleu* which came from the famous basket M. Labori described to you. It was
Colonel Picquart who conceived the first doubts.

Mr. Zola. - And he is an antisemite!

M. Clemenceau. - Mr. Zola tells me that he is an anti-semite, I knew nothing
of that, but that only makes it the more significant. It was Colonel Picquart
who expressed his doubts to his superior, General Gonse, and it was from
the scruples of those two men, revealed in the letters which you are aware
of, that the whole affair emerged which brings us here today…

One speaks of the equality of the law. It is simply a word. We await its reality.
It is to obtain this equality of law, it is to obtain a legal judgement, it is to
obtain the common rule of justice that we are here before you today. You
cannot refuse our request without doing harm to yourselves. We are accused
of having contravened the law. On the contrary, we present ourselves at this
bar in the interests of the law, and if some other means of obtaining justice
had been available to us, we would not be here…

We stand before you, gentlemen; you will give your verdict shortly. All we ask
is that you should demand and uncover the truth. The truth belongs to no party;
it is the right of all men. Without the truth, Mr Zola can do nothing. With a grain
of truth, he is invincible. Give us, give to the people of France who await it, the
truth, the whole truth. France’s good reputation in the world demands this…

And above all beware of this line of reasoning, which at the moment exists
in too many minds: ‘It is possible that Dreyfus was convicted illegally, but it
was justly done; that is enough, let us speak no more of it.’

It is a serious error. An illegality is a form of iniquity, since the law is a
guarantee of justice.

Gentlemen, all the generals and all the magistrates together cannot claim that
illegality arising from a defective form of justice is not imperfect justice with
insufficient guarantees, because the law is merely a guarantee of justice. No
one has the right or power to do justice outside the law.

If in the present circumstances you wish to render a supreme service to your
country, see to it that the supremacy of the law is undisputed; and through
the law and supremacy of justice rid our hearts of this respect for reasons of
State that is absurd in a democracy

In a democracy, reasons of State are merely a contradiction, a vestige of the
past… At the present moment, I accept that you are faced with an acute
and distressing problem. It is painful for us and for you to find ourselves in
conflict with good people who are soldiers, people who believed they were
doing the right thing, want to do the right thing, but believing they were
doing the right thing, did the wrong one. That can happen to civilians without
uniform, it can happen to civilians in military uniform, for soldiers are only
fallible men like others…

Without giving your verdict on the faults of anyone, or on the inherent errors
of human judgement, it is for you to determine whether you wish to seek the
truth for its own sake, to do justice for the sake of justice, as the law gives
you the right to do, as the interests of our country impose the duty on you.
Put aside, then, all considerations of people.
Here today, you do not have to judge General de Boisdeffre or General de Pellieux who will explain themselves to their superiors, that is not your business. It is not up to you to approve or blame them. Whatever you decide, the only danger which could be the result is if you yourselves abandon the cause of the law of justice which you represent. That you will not do. You will put civil law above all prerogatives. You will keep intact the store of our conquests of freedom and equality, beyond all considerations of race or belief. Thus you will render the invaluable service of repressing these first movements of religious war which would bring dishonour upon this country… (Murmurs).

You protest, so much the better! I sincerely want to believe that you have no intention of restarting the wars of religion! Yet when I see in France, in our French Algeria… when I see that Jews guilty of fetching bread for their families have been massacred, I have the right to say that religious wars presented scenes like that in history. That is why I ask the members of the jury today, when giving their verdict in the spirit of freedom and justice for all, even for the Jews, to put an end to these excesses, to say to the instigators of these brutalities: ‘In the name of the people of France, you will go no further!’

Gentlemen, we are the law, we are tolerance, the tradition of the French spirit, we are the defenders of the army… (Laughter and murmurs.) Yes, the army, in the interests of which preventions of the spirit of solidarity deceive you, for we do not separate justice from patriotism since the army will only be strong if it is controlled and respected, and on condition that it draws its strength from respect for the law. Yes, gentlemen, we are the defenders of the army when we ask you to drive Esterhazy from it. (Noises, shouts.) And those who propose to drive Picquart out of the army in order to retain Esterhazy are its enemies, whether conscious or unconscious… Gentlemen, I have spoken. In this century we have undergone terrible ordeals, we have known all manner of glories and disasters, at this tragic moment of our history we are faced with the unknown, caught between all our fears and all our hopes. Seize the moment, as we have seized it ourselves, be masters of your own destinies. For this is a majestic moment: the people judging itself; and it is also an awesome moment: the people deciding its future. It is up to you, gentlemen, to give your verdict: not so much on us, but more on yourselves. We appear before you. You appear before yourselves. You appear before history. (Applause and clamours.)


The trial of M. Zola

‘Need I speak’, said M‘. Labori in conclusion, ‘of the partial secrecy – more hypocritical than entire secrecy, for it allowed the attack but stifled the defence – and of the officers’ enthusiastic reception of Esterhazy? When, next day, Colonel Picquart is put under arrest, the cup is brimful, and uneasiness gives place to indignation. M. Zola then launches his famous letter. It was violent, and had to be so. In some parts it was exaggerated, but it was true in substance. It was courageous and sublime. (Murmurs.) Confining myself to the narrow ground of General Billot’s plaint, I maintain that in 1894, in the absence of proofs, an ephemeral Minister took upon himself to condemn one of his officers. Everything that has been done since has been done to screen and conceal the mistake. M. Zola’s letter was a cry for justice and truth. (Murmurs.) In spite of certain agitators, it has won the support of all the chivalry and greatness of France. Do not allow yourselves to be intimidated. The honour of the army is not in question. Dangers of war have been spoken of. Do not credit them. All these brave officers, though they may have been
mistaken, would fight with the firmest courage and lead us to victory. Do not punish Emile Zola. You know that he is an honour to France. (Murmurs.) Victories are won by the heart, by moral forces. I too cry “Vive l’armée!” in asking you to acquit Zola. I cry at the same time “Vive la République!” “Vive le droit!” “Vive l’idéal éternel de justice et de vérité!” and it is with tranquil confidence that I await your verdict.’

Loud applause followed, but vociferous protests were soon mingled with it, and there were for some minutes conflicting cries of ‘Vive Labori!’ ‘Vivent les généraux!’ ‘Vive l’armée!’ ‘A bas Reinach!’ ‘Vive la France!’ ‘Vive la République!’

Source: The Times, Thursday 24 February 1898.

**Appendix 22: The Dreyfus agitation, 22 January 1898**

*The Dreyfus agitation*

**VIOLENT SCENES IN THE FRENCH CHAMBER**

…M. Cavaignac thereupon withdrew the interpellation, his purpose, he said, having been attained, but M. Jaurès took it up, and he twitted M. Méline with having effected a diversion which had rallied all his friends of the Right. He taunted General Billot with following the traditions of the generals of the Empire, and he criticized the emasculation of the Zola prosecution.

Here M. de Bernis exclaimed:- ‘You belong to the Dreyfus syndicate.’

‘What is that you say?’ asked M. Jaurès.

‘I say,’ rejoined M. de Bernis, ‘that you must be in the syndicate, that you are probably counsel for the syndicate.’

Upon this M. Jaurès retorted: - ‘Vous êtes un misérable et un lâche.’

Uproar followed, and M. Gérault-Richard, rushing from his place among the Socialists to the front bench on the Right and going up to M. de Bernis, exclaimed:- ‘Vous êtes un gredin.’

M. de Bernis smiled and made no reply. Exasperated at his silence, M. Gérault-Richard struck M. de Bernis in the face with his fist. Several Deputies standing near tried to get between the disputants, but M. Coutant and other Socialists threw themselves on M. de Bernis and attempted to drag him outside the hall. M. Jaurès remained meanwhile at the tribune. President Brisson, quite taken by surprise, sent for his hat and twisted it nervously round on his hands till, mastering his excitement, he clapped it on his head and without uttering a word quitted the hall.

M. Jaurès, having collected his notes, was now descending the tribune on the left when M. de Bernis, having shaken off his assailants, rushed up the steps on the other side, struck him violently on the back of the head and kicked him in the legs. M. Jaurès stumbled down the three remaining steps, and then, picking himself up and turning round, saw M. de Bernis hastening off amid the crowd of Deputies. Unable to overtake him, M. Jaurès threw a knotted handkerchief at him, reascended the tribune, and received the congratulations of his friends. Some people in the galleries also applauded him. Several Socialists advanced threateningly to the Ministerial bench, but they were dissuaded from further hostilities, and the galleries being cleared, the Deputies retired into the lobby.

There the ushers, who were themselves being pushed and squeezed, had great difficulty in preventing fighting. M. de Bernis was in a committee.