


## FERNAND LABORI

ERNAND LABORI, great French advocate and author, editor-in-chief of "le Grande Revue," was born at Rheims, France, April 18, 1860, and after receiving a liberal education was admitted to practice at the Paris Bar. For some years he remained unknown outside the ranks of his profession. His opportunity came when Émile Zola published an address to President Faure, accusing certain officials and army officers of conspiring to convict Captain Alfred Dreyfus of selling military secrets to Germany. This action led to Zola's arrest for libel. At the subsequent trial of the great novelist, he was defended so ably by Labori that, when the latter emerged from the court room, he had become one of the most celebrated lawyers in France. At the second trial of Captain Dreyfus, before the court-martial held at Rennes in August, 1899, Labori was employed to defend the accused, and on the 14th of the month was shot at on his way to the court room and severely wounded. In spite of the wound, his able counsel appeared before the court-martial after a brief absence, and conducted the case to its close.

### THE CONSPIRACY AGAINST DREYFUS

**R**ELECT 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

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are liable to have to appear before a military tribunal; a matter that concerns your sons, 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 goodwill, 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 Alsations were called upon to choose their nationality. Those who desired to remain Frenchmen had to make a declaration and leave the coun-

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try. The three younger so chose, and left. The oldest, 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 re-enter 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 re-enter 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 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 nor 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. . . .

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 Freemasons. 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. . . .

"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.

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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 III. 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 Castelin 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 Pel-



lieux spoke to you of the piece one hundred and twenty 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 booksellers, and they bear the date—do not smile, gentlemen, remembering that the *bordereau* was written in 1894—they bear the date 1889. On page twenty-one 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 one hundred and twenty, 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 one hundred and twenty, 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. . . .

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. . . .