

Lettre de J. Keymer Kane à Émile Zola datée du 24 février 1898

Auteur(s) : Kane, J. Keymer

Transcription

Texte de la lettre

24th February 1898

Court Street,

Westminster

Maryland

1. S. A.

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Respected Sir,

In cas you may not have already seen its, I enclose herewith a reading article of the journal "Observer" on the iniquitous trials to wich you have been subjected and the infamous sentence passed upon you by a judge who has proved himself to be a disgrace to his high position.

With every sentiment of sympathy and respect,

I remain, Sir,

M E. Zola faithfully yours,

Les folios

En passant la souris sur une vignette, le titre de l'image apparaît.

6 Fichier(s)

Relations

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Présentation

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Date d'envoi[1898-02-24](#)

AdresseCourt Street, Westminster, Maryland, U. S. A.

Description & Analyse

DescriptionSoutien dans l'affaire Dreyfus.

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Information générales

Langue[Anglais](#)

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Éléments codicologiques Lettre originale sans enveloppe, une feuille dont le recto est utilisé.

Source

- Collection famille Émile-Zola
- Iniquité
- Observer

Informations éditoriales

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Notice créée par [Richard Walter](#) Notice créée le 21/12/2018 Dernière modification le 21/08/2020

they did come, on a peremptory summons, they showed in every line of their evidence a not always veiled contempt for the reasoning of the legal mind. But the War Office is quite alive to the danger of admitting to a civil tribunal that the law has been ignored. It is a favourite argument in Ministerial circles in Paris that, if the friends of Captain DREYFUS want a revision of judgment, they should seek it in the Court of Cassation, where, on proof of illegality, an order for a new trial would be issued. But that very proof would mean a catastrophe for the War Office, and so the official witnesses in the Court of Assize are doing their best to prevent the judicial establishment of the fact that Captain DREYFUS was convicted on a secret document not submitted to him or his counsel. In this effort they are aided by the procedure of the Court. The indictment of M. ZOLA for libel was skilfully framed so as to exclude the DREYFUS case. He was charged with libelling the court-martial on Major ESTERHAZY by asserting that it acquitted that officer "by order." The DREYFUS case is the *chose jugée*, and so is the ESTERHAZY case; but the Assize Court has adopted the singular fiction that the first is beyond discussion, and that the second is not.

Hampered as they are by these difficulties, M. ZOLA and his counsel are yet in a fair way to prove—at any rate to the moral satisfaction of all unprejudiced observers—that Captain DREYFUS was illegally condemned, and that Major ESTERHAZY was deliberately shielded by his superiors. The attitude of General MERCIER is significant. This officer was Minister of War at the time of the DREYFUS trial; he, it is alleged, introduced the secret document at the critical moment when the judges were hesitating over the very flimsy evidence they had heard. What that evidence was we know from Maître DEMANGE, the counsel of DREYFUS, a man of unimpeachable integrity. The *bordereau*, which DREYFUS was supposed to have written, was of small weight against him by itself. The testimony as to handwriting showed that two experts believed him to be the author, but that three refused to commit themselves. Then there was the grotesque statement of Colonel DU PATY DE CLAM, that he had found the prisoner's feet trembling in bed—trembling feet, to his mind, being witnesses of guilt! Without the secret document, in short, there was a very poor case—the sort of case which showed that the general staff and their agents were excited almost to delirium by eternal suspicions of treachery. Did General MERCIER turn the scales by the act which is attributed to him? If not, how easy to disconcert the defenders of Captain DREYFUS by denying that the secret document was employed! Common sense refuses to believe that if the War Office could truthfully take this line, they would not take it. But General MERCIER refused to answer, and silence in such a case is damning. Equally significant was the refusal of the Court to allow any questions to be put directly to M. SALLES, the advocate who came prepared to swear that one of the judges in the court-martial had confided to him the part played by the secret document. Had this witness been allowed to speak, the officer in question would have been compelled either to deny the statement or to take refuge in General MERCIER's silence. It was not deemed wise to expose him to such a painful dilemma.

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The suspicion that Major ESTERHAZY was screened "by order" is intensified by the disclosures in the present trial. In the first place, to have found him guilty of having written the *bordereau* would have been dangerously like an admission that the conviction of DREYFUS was not beyond the reach of criticism. But the whole point of the inquiry conducted by Colonel PICQUART, with the sanction of his superiors, was to discover whether ESTERHAZY was the author of the *bordereau*. It was Colonel PICQUART who first called the attention of the general staff to the startling identity of the writing of this document with ESTERHAZY's hand. It was Colonel PICQUART who made the still more disturbing revelation that ESTERHAZY was strangely curious about the secrets of the military organisation, and that he had asked for copies of the documents mentioned in the *bordereau*! It will be remembered that at his own trial ESTERHAZY said he could not have written that treasonable paper, because his military position did not make him cognisant of the information it undertook to deliver. But now we know that he did his best to get hold of that information, the inference is irresistible. When it was clear that the affair was becoming too hot for ESTERHAZY, it took a new and singular turn. Colonel PICQUART was packed off to Tunis on some flimsy pretext; while he was there, he received mysterious letters and telegrams, evidently intended to be intercepted and to compromise him; his rooms in Paris were searched; and when he appeared as a witness at the ESTERHAZY trial, the doors were closed against the public. When we remember that there is nothing whatever against the character of Colonel PICQUART, that he is admitted to be a most able and trustworthy officer, whose promotion has been strikingly rapid, the conclusion that he is the victim of a conspiracy designed to prevent, at all hazards, any admission of judicial error in the case of Captain DREYFUS is almost overwhelming. In all probability, the jury will not take this view for the benefit of M. ZOLA, because they are intimidated by the Government and terrorised by the mob.

have entire control of the two ports.

Is this international instrument in force or not? That is the question to which a reply is needed. We shall then know where we stand and what to ask of Russia. If the statement be correct that "spheres of influence" in China are contrary to treaty rights, it follows that, as the provisions of the Convention have had to be modified to meet Germany's demands, so they must be further recast to harmonise with those rights that Great Britain is pledged to uphold. *The Observer* has always strongly advocated frank, friendly, and direct adjustment of pending questions between England and Russia, and the present *impasse* is essentially one requiring to be dealt with in similar fashion. The one policy that will not do is an attitude, on the part of both these Powers, of reserve and suspicion, with a complete avoidance of mutual explanations on those points that call for arrangement in the interest of both countries.

✱ THE ZOLA TRIAL ✱

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"Military justice is not the same as civil justice." That remark, which fell from one of the military witnesses in the Paris Court of Assize, is the key to the mysteries of M. ZOLA's trial. Having made up their minds to the guilt of Captain DREYFUS, or to the political necessity of professing to believe in his guilt, the military authorities cannot be induced to admit that there has been any injustice or any illegality in their procedure. They act on the principle that the conviction of an officer for treason is final. If his judges were satisfied of that treason, it does not matter how they arrived at their decision, or what law they may have broken on the way. To demand respect for the law is civil justice; to override the law for some supposed reason of State is military justice. That is why the officers cited to appear in the ZOLA trial at first refused to come; and when

tended to be intercepted and to compromise him; his rooms in Paris were searched; and when he appeared as a witness at the ESTERHAZY trial, the doors were closed against the public. When we remember that there is nothing whatever against the character of Colonel PICQUART, that he is admitted to be a most able and trustworthy officer, whose promotion has been strikingly rapid, the conclusion that he is the victim of a conspiracy designed to prevent, at all hazards, any admission of judicial error in the case of Captain DREYFUS is almost overwhelming. In all probability, the jury will not take this view for the benefit of M. ZOLA, because they are intimidated by the Government and terrorised by the mob.

FRANCE AFTER THE ZOLA TRIAL.

BY CARL SCHURZ.

THE ZOLA trial, which may properly be called the latest, but not the last, phase of the DREYFUS case, has excited all over Europe a sort of tremulous uncertainty as to how the strange condition of things existing in France may affect the relations of that country with the world outside. It is generally regarded as proving that in France the government, and even the courts of justice, are at the mercy of a most dangerous combination of revolutionary influences capable of causing explosions of an incalculably mischievous character. This impression is well borne out by the history of the case in question. Some years ago the general staff of the French army were agitated by the belief that, by persons connected with its military, secrets of importance were betrayed to foreign governments. A memorandum enumerating certain pieces of such information, the famous *bordereau*, was discovered, said to have been in the possession of the German embassy in Paris. Suspicion was directed to Captain DREYFUS, an officer connected with the staff. He was tried by court martial in secret. Some experts testified that the *bordereau* was in his handwriting; others testified that it was not. Other so-called evidence was brought forward, with which, however, the accused man was not made acquainted. He was sentenced to be cashiered and to be transported to Devil's Island. The sentence was executed in the most cruel fashion. There the authorities hoped that the matter would rest. But a few months ago a man of high standing, one of the Vice-Presidents of the Senate, M. SCHEURER-KESTNER, believing that he had evidence of the innocence of DREYFUS, expressed that belief publicly, and sought to induce the government to reopen the case. He met with bitter resistance on the part of the chiefs of the army. But he stood not alone. Other men of prominence joined in his efforts, and there being signs pointing strongly to Major Count ESTERHAZY—a man of questionable repute, who had in his private correspondence spoken of the French army in a most scandalous manner—as the real culprit, the military authorities found themselves under the necessity of subjecting him too to a trial by court martial. This trial was conducted in such a manner as to appear to every unprejudiced observer as a preconcerted farce, and Count ESTERHAZY was triumphantly acquitted, and cheered by excited multitudes as a vindicator of the honor of the French army.

Then the famous novelist EMILE ZOLA stepped forward and publicly accused the heads of the army of having by secret and arbitrary proceedings condemned to an infamous punishment a man whose

work of fiction, the verdict of the unbiassed juror would be that while a novelist may ask us to accept many improbable things, he should not ask us to believe that such an undisguised, ruthless perversion of justice was possible in a high tribunal of a civilized nation calling itself a republic at the close of the nineteenth century.

Nothing could be more natural than that each day's proceedings should have increased the number of those who believe DREYFUS innocent and ESTERHAZY guilty. But worse was the conviction, forced by the methods employed in the ZOLA trial upon every impartial mind, that the heads of the army, having something of a gravely compromising nature to conceal, would shrink from no means ever so desperate to accomplish their purpose. When the trial of ZOLA proceeded upon the assumption that the accused party was guilty and had to prove his innocence, instead of assuming, according to our principles of justice, that he must be regarded as innocent unless his guilt were proved, it acted only according to the established French rule, strangely antiquated as that rule may seem. But when General DE PELLIEUX, a witness, successfully clamored for the exclusion of testimony required for the establishment of ZOLA's innocence, on the ground that its admission would be derogatory to the dignity of the army, and when General BOISDEFFRE, also a witness, addressing the jury, exclaimed, "You, gentlemen of the jury, you are the nation here, for you represent it; and 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!" they demanded nothing more nor less than that the cause of justice to the citizen should be subordinate to the interests of the army; and that demand, as it was obeyed by the court and the jury, may properly be called a blow struck at the most fundamental principles of free government.

But the heads of the army went even farther than this. Taking advantage of the circumstance that DREYFUS is a Jew—a circumstance which, in the first instance, may have induced them to select him as a scapegoat—they called to their aid the anti-semitic feeling, that meanest and most hideous remnant of mediæval barbarism, which never appears on the surface without an exhibition of the basest impulses of human nature, casting a dark shadow of disgrace on our boasted Christian civilization. And forthwith the shrill cry of "Down with Jews!" mingled with cheers for the army on the streets of Paris, while in the provinces that cry actually excited the populace to pillage and murder. No less significant was the alliance on this occasion between the army, seeking to maintain its power and prestige, and the most unruly and dangerous elements of the population, represented by so inveterate an enemy of all orderly government as HENRI ROCHFORT—the professional defenders of law and authority and the professional revolutionary disturbers, so to speak, locking arms and uniting in one cry against those who sought only truth and justice! In all her internal commotions France has hardly ever beheld a spectacle more grotesque and alarming than this.

Thus, through moral terrorism and the excitement of the bad passions of the multitude, the chiefs of the army overawed judge and jury and carried their point. But they have not put the trouble to rest. It is true the Prime Minister, who, there is good reason for believing, had watched the proceeding with extreme discomfort, obtained in Parliament, after an appeal for peace and quiet, a vote substantially ratifying what had happened

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Then the famous novelist EMILE ZOLA stepped forward and publicly accused the heads of the army of having by secret and arbitrary proceedings condemned to an infamous punishment a man whose guilt had not been proven, and of having, in order to cover up this crime, in an equally arbitrary way forced the acquittal of a guilty person. What ZOLA intended by this public charge was, avowedly, to oblige the government to prosecute him for libel, and thus to give him an opportunity for proving the innocence of DREYFUS and the guilt of ESTERHAZY. But ZOLA had reckoned without his host. He was, indeed, prosecuted for libel, but only on the charges he had made with regard to the ESTERHAZY court martial—a proceeding intended to exclude all testimony concerning the DREYFUS case, and to confine that concerning ESTERHAZY within narrow limits. As to the manner in which the ZOLA trial was conducted, it is not too much to say that if a detailed and strictly truthful report of it—with all the partly timorous, partly defiant refusals of witnesses to testify; with the insolent and dictatorial harangues addressed to the court and to the jury by generals of the army, who were really the accused parties; with the arbitrary rulings of the presiding judge in excluding almost all the testimony which threatened to tell in ZOLA's favor; with the part which the howls of an excited mob played in the proceedings; and with the court's condemnation of ZOLA, imposing upon him the extreme measure of punishment—had appeared

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Thus, through moral terrorism and the excitement of the bad passions of the multitude, the chiefs of the army overawed judge and jury and carried their point. But they have not put the trouble to rest. It is true the Prime Minister, who, there is good reason for believing, had watched the proceeding with extreme discomfort, obtained in Parliament, after an appeal for peace and quiet, a vote substantially ratifying what had happened. But the DREYFUS case will rise up again, like Banquo's ghost, to torment the government and the nation in a variety of forms—not only in the appeal to the court of last resort entered by ZOLA, but after that in the protests of conscience which are sure to come from the thoughtful and self-respecting citizens of the republic, and then, perhaps, in more daring demonstrations of the praetorian spirit in the army. What at last may be the upshot of the bewildering confusion and demoralization of public sentiment in France nobody can foretell. The army has fatally hurt its moral prestige by the methods adopted for maintaining it. The generals will inevitably discover this. It is by no means improbable that they may think of restoring that prestige by the desperate expedient of some warlike enterprise on a great scale. Such a scheme may indeed be foiled, not only by the peaceable disposition of the French people generally, but by the Russian friend, who has his own policy, and who will no doubt make them understand that the Russian alliance will surely be forfeited by any foolish venture on their part. But the situation is full of dark possibilities, and the French people, when they come to their senses, will have learned once more what it means to have a large standing army in a republic.

A Splendid Article; "containing the Truth and nothing but the Truth!"
/ J. M. Kane.

26th February, 1898,
Court Street,
Westminster,
Maryland,

U. S. A.

Respected Sir,

In case you may not
have already seen it, I enclose
herewith a "Leading Article"
of the London "Observer" on
the iniquitous trials ~~and~~
to which you have been subjected
and the infamous sentence
passed upon you by a judge
who has proved himself to
be a disgrace to his high
position.

With every sentiment of
sympathy and respect,

I remain, Sir,
Yours faithfully,
Wm. C. Zola
Per J. Koguen Koguen.