
Contributions to the elucidation of a controversial episode. The Ciulei case. (1)

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Abstract

Considered in Romanian historiography as a representative miscarriage of justice, a proof of the imperfection of the military justice system during the First World War, the Ciulei case aroused the interest of post-war society because of the strident injustice that characterized the entire trial. To make matters even more complicated, his brigade commander, Colonel Sturdza, who had signed the order to court-martial him, deserted to the enemy.

What is actually the truth? Was Ciulei the victim of Sturdza or was he the victim of an unfortunate chain of events?

With a title inspired by one of the few works that have approached this subject with scientific rigor, and here I am referring to the work of professors Petre Otu and Maria Georgescu, presented in the bibliography, this article aims to contribute to the elucidation of this episode, providing readers with arguments identified in primary sources, from documents in the custody of the Romanian National Military Archives.

Keywords:

court-martial; short execution; deserter; military justice; miscarriage of justice.

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Background

The Ciulei case continues to arouse the interest of the public and researchers through the numerous hypotheses put forward since then and the act of (in)justice carried out by the 2nd Army court-martial (AMNR, *fond marele Cartier General*, dosar nr. 524, f. 86-87). It has been written and talked about that second lieutenant Constantin Ciulei had been sent to the firing squad without any guilt and that the accusations against him were intended to divert the suspicions of the higher echelons from the controversial decisions of retreat “without apparent cause” (Averescu 1992, 103), which his brigade commander, Colonel Sturdza, had taken.

The latter’s desertion to the enemy, an episode that was as improbable as it was commented at the time, and which “made a depressing impression on the army and the population”(Kiriteşcu 1927, 430), brought about a different vision of events, which became, at least in the perception of public opinion, an undeniable argument for the innocence of Second Lieutenant Constantin Ciulei.

This perception was also fueled by the decision (Neculau 1974, 88) of the Superior Court of Military Justice, in its capacity as a court hierarchically superior to courts-martial, handed down on May 24, 1920, by which the case was reinstated. In fact, this decision was based on the provisions of „Decree-Law No. 1547 of April 9, 1920” (Monitorul Oficial 1920), issued by King Ferdinand I in gratitude for the realization of the national ideal, and had the effect of amnesty for several categories of offenses and several categories of offenders. In the Ciulei Case, the superior military court did not pronounce on the merits of the case, or rather it did not judge Ciulei’s guilt or innocence, nor the procedural correctness of the court-martial of the 2nd Army, as the court of substance, but it extinguished the public action. Specifically, the Superior Court of Military Justice found that the offense that Constantin Ciulei had been accused of and convicted of fell into the category of those amnestied by the above-mentioned decree-law.

Although this decision did not change anything, it is quite possible that public opinion may have perceived the decision of the higher military court as a favorable one, an act of justice and a posthumous rehabilitation of officer Ciulei, who in the meantime became the hero of a popular song that began with the lyrics: “Pe șoseaua ce-mi pornește/Din Bacău înspre Carpați (...)”, in which he was portrayed as an innocent victim of the system.

In this context, the question remains: What is the truth in Ciulei’s case?

Was Ciulei innocent, Sturdza’s victim, the result of a premeditated act of treachery, carried out with cynicism and cold blood, or was he guilty, but Sturdza’s treachery polarized popular sympathy and imposed in the collective mind the legend of the former’s innocence?

Was Ciulei “the victim of unfortunate circumstances”(Neculau 1974, 84), as the

journal *Magazin Istoric* states, a combination of adverse factors and circumstances, but without any connection with Sturdza, or was he a direct victim of Sturdza because he „suspected his links with the enemy” ([Biblioteca Academiei Române 1919](#)), as the independent newspaper *Avântul* wrote in the fall of 1919?

Hypothesis

We took as starting points the hypotheses drawn from the article by Professor Dr. Eugen D. Neculau, which I mentioned above, but also from a second one ([Brădişteanu 1972](#)), also from *Magazin Istoric* magazine, signed by Nicolae Brădişteanu, and which deals tangentially with this subject, as well as the hypotheses circulated in the Romanian interwar press, identified in the newspaper *Avântul*.

It should be mentioned that the article signed by Prof. Dr. Eugen D. Neculau does not include in its critical apparatus references to any archival fonds, but only to sources from the press of the time, memoirs, or the work of historian Constantin Kirişescu. In this article we have identified the first hypothesis, namely that „Ciulei’s being put on trial would have been done with the intention of confusing the suspicions of the commander of the 2nd Army” ([Kirişescu 1927, 429](#)), General Alexandru Averescu. According to the article, he had him “under observation” ([Kirişescu 1927, 429](#)) because of some suspicious retreats of his brigade, which Sturdza had previously ordered. Also from this article, we have two other names of officers, besides those of Constantin Ciulei and Alexandru Sturdza. They are Captains Stelian Mărculescu and Constantin Polihroniade, to whom we will return because of the special role they played in the events of the *Ciulei Case*.

The second article in *Magazin Istoric* journal, signed by Nicolae Brădişteanu, has no critical apparatus, so it has no reference to the source of the information. The second hypothesis is derived from this article, according to which Sturdza, suspected of treason, would have blamed everything on Lieutenant Ciulei, whom he „accused of having withdrawn from his position, without orders, together with his subunit” ([Brădişteanu 1972, 57](#)). Based on these accusations, Ciulei was sentenced to death and executed.

Other hypotheses, also in connection with the Ciulei Case, were circulated in the interwar Romanian press, some of them identified, as I said, in the newspaper *Avântul*, as follows:

3. Ciulei was suddenly (s.n.) accused of treason by Colonel Sturdza;
4. The court (martial, s.n.) condemned him for being intimidated by the situation of the accuser;
5. Ciulei was executed/Sturdza deserts;
6. It is learned that Ciulei was innocent, but had suspected Sturdza’s connections with the enemy;
7. Sturdza realized that he might be exposed and removed from Ciulei, influencing the court-martial towards a death sentence.

Before addressing these, one by one, these hypotheses, I would like to introduce the characters, without insisting on Alexandru Sturdza, who is extensively presented in the work of professors Petre Otu and Maria Georgescu, to which I referred earlier.

Characters

The first, Stelian Mărculescu ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39), was born in Ploiești, Târgșor, on March 25, 1876, was married and had four children. At the age of 20, he enrolled in the Infantry and Cavalry Officers School, being promoted to the rank of second lieutenant and assigned on July 1, 1899, to the 27th Bacău Regiment. In 1914 he was transferred to the Buzău Regiment No. 8, after having previously moved to the Prahova Regiment No. 7.

The assessments of his superiors in the military school record a gentle, obedient character, with modest intellectual means, he was forced to repeat the first year, and as a new officer, he was characterized ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 06) as having little specialized knowledge, poor in applications and marksmanship, with no aptitude ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 07) for horseback riding, „an officer of little value” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 13) as the commander of the III Corps, General Panait Warthiadi, wrote. As a man, according to the service appraisals, he had a sickly nature, exhibited a nervous tic, expressed himself awkwardly, and had a sub-mediocre intelligence.

In 1911, his regimental commander, Colonel Racoviță, was even harsher in characterizing him: „indolent nature, low intelligence, poor judgment, poor skills on the map and in the field” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 19) and concluded: „Lieutenant Mărculescu is not prepared for commanding a company (...), and cannot bring appreciable service at the front” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 19v), recommending him for desk service.

Although in 1914 Stelian Mărculescu was promoted to the rank of captain, Colonel Aristide Razu, commander of the 8th Buzău Regiment, considered that his skills in leading the troops in the field were very poor: „clumsy conception, he is totally lacking in energy, he has no poise in front of the front (subordinates, s.n.), he performs his service in a very negligent manner, he shirks his duties (...), he does not take care of the soldier nor the material” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 19v). Moreover, Colonel Aristide Razu concluded his characterization of Captain Stelian Mărculescu by concluding that he „is not fit to lead a battalion” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 22), and recommended that he be transferred to the administration, being aware that, otherwise, his career would end at the rank of captain.

In 1915, Captain Stelian Mărculescu was punished with 15 days in prison by the commander of the III Army Corps for negligence and was characterized in the same

note: “an officer with a complete weakness and no hope of improvement” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 23), as his superior, the commander of the 10th Infantry Brigade, Colonel Gheorghe Sănătescu, wrote.

With Romania's entry into the War of the Integration, Captain Stelian Marculescu took part with the 8th Buzău Regiment in the Dobrogea campaign, being wounded on September 6, 1916, in the fighting at Caciamac-Orman. After being hospitalized for a month he was discharged and sent to the Râmnicu Sărat Training Center, and later he was assigned to the 1st March Regiment of the 2/5 Division.

According to a stat ([AMNR, fond Memorii Bătrâni](#), dosar nr. 39, f. 83) holographs on file, between December 5-20, 1915, Captain Stelian Marculescu was deployed in command of a detachment of 2 battalions, in support of the 12th Russian Cavalry Division „Starodobovschi”, commanded by General Carl Gustav Mannerheim, and later, between December 21-26, 1916, as part of the 7th Mixed Brigade, under the command of Colonel Alexandru Sturdza.

The second character, Constantin Polihroniade ([AMNR, fond Memorii Bătrâni](#), dosar nr. 207), was born on August 20, 1871, in Știrbeiu (today Călărași, n.d.), then located in Ialomița County (today Călărași, n.d.), son of Gheorghe and Elena Polihroniade. He was a graduate of the School of Military Sons of Craiova, class of 1890, and of the School of Infantry and Cavalry Officers, class of 1892, being assigned to the Tulcea Regiment No. 33. On October 17, 1895, Colonel Petre Vasiliu-Năsturel, commander of Tulcea Regiment No. 33, noted in his personal file: “(...) Undisciplined and arrogant. (...) it has yet to be decided whether he should be punished or sent to a board of inquiry, having spent almost 90 days in prison and under arrest in less than a year” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 207, f. 01). After a stint in the 28th “Radu Negru” Regiment, garrisoned in Pitesti, he was promoted to the rank of lieutenant on February 1, 1897, and moved again to the 33rd Tulcea Regiment.

The list of Polihroniade's disciplinary offenses is impressive and demonstrates his violent temper, which led him to refuse any form of authority. The nonchalance with which he showed up for inspection without a tie, or with civilian gloves with his military dress, the unjustified absences from the program, the insults or the rude attitude towards the company commander, the ill will, and the obstinacy with which he tackled service problems, the scandals in the society, the refusal to pay the debts contracted from his comrades, up to the beatings inflicted on soldiers, are the “sins” committed by the young officer Polihroniade.

For all this and more than this, on May 27, 1900, under the provisions of the High Decree ([AMNR 1900](#)) no. 2615, he was reformed, that is, removed from the active ranks of the army, being found guilty in the reform council of “bad behavior out of habit and serious misconduct in

service and against discipline” ([AMNR, fond Memorii Bătrâni](#), dosar nr. 207, f. 01).

He somehow managed to rejoin the army, first by changing his position from the reform to the reserve element, on the basis of High Decree no. 4952 of July 1, 1913, to the 8th Buzău Regiment. Later, in reserve, he was promoted to the rank of captain on May 10, 1914, and moved to the 48th Infantry Regiment of the same garrison, which was formed only at mobilization, with which he took part in successive concentrations and deconcentrations.

On August 15, 1916, with Romania's entry into the War of Integration, he was mobilized to command the 5th Company of the same regiment, with which he took part in the Transylvanian campaign, in the Sibiu area, under the command of Lieutenant-Colonel Alexandru Jecu, to whom we will return towards the end of this work.

The third and most important character of the present article, Constantin Ciulei, did not have an original memoir, being a reserve officer, but his personal data, quite a few, were filled in a registration card ([AMNR, fond Registru Ofițeri Rezervă Infanterie](#), dosar nr. 11, f. 410) that we managed to identify in our documentation. This shows that he was born on April 18, 1886, in Urluiasca commune (today Cungrea, s.n), Olt county, was drafted in 1909, in the Olt Regiment No. 3, and in 1915 he was promoted to second lieutenant in the Buzău Regiment No. 8, based on „High Royal Decree No. 2693/1915” ([AMNR 1915](#)).

Ciulei's career was almost identical to Mărculescu's. He was wounded ([AMNR, fond Stat Major Regal, Biroul Decorații](#), dosar nr. 44) both in the campaign in Dobrogea and also in the battle of Caciamac (today Viișoara, s.n.), it is possible that he was discharged from hospital and “poured” to the Refreshing Circle of Râmnicu Sărat, which would have distributed him in the March Regiment of the 2/5 Division. This is how he was able to become subordinate to Captain Mărculescu, with whom, incidentally, he had been a regimental colleague in Buzău. In his personnel record, it is also mentioned that he was sentenced to death for “deserting his post in the presence of the enemy” ([AMNR, fond Registru Ofițeri Rezervă Infanterie](#), dosar nr. 11, f. 410) and executed on January 28/February 10, 1917.

The fact that Mărculescu, Ciulei, and Polihroniade belonged to the Buzău garrison leads us to consider the hypothesis that they knew each other before the war. Also, in view of Polihroniade's choleric temperament, it cannot be that there were dissensions between them, or at least between Polihroniade and Ciulei, before they met in the 7th Mixed Brigade, as mentioned in the article by Professor Eugen D. Neculau in *Magazin Istoric* magazine.

The latter is the one who, for personal reasons, as stated in the aforementioned article, would have reported to Sturdza about the unauthorized withdrawal from Momâia of the subunits commanded by the two officers, an aspect confirmed by

our documentation. It is also confirmed that Polihroniade informed Sturdza about Ciulei's performance in the battle on December 26 on Momâia, as well as the fact that between the latter and Polihroniade, there had been not one, but several „altercations”, according to the term used in the article, as we will present below.

On December 26, 1916, Captain Stelian Mărculescu, commander of Battalion 1/2 of the 7th Mixed Brigade, was subordinated to both Second Lieutenant Constantin Ciulei, commander of the battalion reserve, and Captain Constantin Polihroniade, the latter signing the documents with the title of „administrative commander” ([AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 12](#)).

A possible explanation could be that the independent battalions, which did not have, like the regiments, a logistical structure to serve them, were organized in addition to the combat sub-units with an administrative structure, with distinct duties and responsibilities. However, it is not very clear whether this title of administrative commander was an official one or one that Polihroniade himself had given himself. However, Polihroniade's position in the battalion's hierarchy confirms the statement in the article by Professor Dr. Eugen D. Neculau that Polihroniade did not take part in the battle of Momâia.

Analyzing the character of these people, based on the information obtained during our documentation, we can state that the leadership of this battalion was dysfunctional. A choleric, arrogant individual such as Polihroniade, who had a problem with accepting any administrative authority, was subordinated to a melancholic character, who commanded without energy, such as Mărculescu. As we shall see, he was unable to impose himself on his subordinates, neither professionally nor physically. A sickly nature, complexed by a nervous tic, with a clumsy and even hairy expression, it would have been impossible for Mărculescu to impose himself on his subordinates of lower rank, and even less so on the temperamental Polihroniade.

Events

It should be noted that all the hypotheses stated at the beginning of this article are related to the events of December 26, 1916/January 8, 1917, which took place on Momâia Hill (Hill 625), in the area of responsibility of the 7th Mixed Brigade, and at the origin of this chain of events was a particularly serious one, which we will soon detail. Before developing this subject, we must mention that the details of the operational framework and the context in which the 7th Mixed Brigade acted in the structures of the 2nd Army, cannot be the subject of this article, for lack of space, as they are detailed in the work of professors Petre Otu and Maria Georgescu, mentioned above, a work that we highly recommend.

Sturdza had established the missions of the structures subordinated to the 7th Mixed Brigade by “Operations Order no. 2 of December 24, 1916” ([AMNR, fond Brigada](#)

7 Mixtă, crt. 29, f. 03), as follows: the main mission of the brigade was mainly defensive, that of “resisting on its position, unwavering” (AMNR, fond Brigada 7 Mixtă, crt. 29, f. 03), with the exception of the battalion under the command of Captain Stelian Marculescu, which had been given the mission “to occupy without delay the Momâia Hill (elevation 625)” (AMNR, fond Brigada 7 Mixtă, crt. 29, f. 03), which dominated the entire valley of Șușiței.

Returning, as I promised, to the particularly serious events mentioned above, the first one consisted in the willing surrender to the enemy of the entire 3rd Company of the battalion commanded by Captain Stelian Marculescu.

As it is clear from the file later instrumented by the royal commissioner (military prosecutor, s.n) of the 1st Infantry Division, but especially from a “Minutes of interrogation” (AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 08), drawn up on this occasion, it emerges that the surrender of those officers, non-commissioned officers and soldiers of the 3rd Company was a premeditated act, which had been planned by the commander of the 3rd platoon, Platoon 3, Dumitru Coatu. He, a teacher by profession, was a member of the 52nd Infantry Regiment and had negotiated the act of surrender with the enemy through a soldier who knew German, while he was inciting his comrades, telling them: ‘It is useless to fight and we would be better to surrender because our villages are occupied’ (AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 08).

Thus, at around 16.30, when the enemy attack on Hill 625 was launched, Plutonier Dumitru Coatu allegedly shouted “Romanians, stop firing!” (AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 08), and together with some non-commissioned officers and soldiers of his subordinates, joined by an officer, Second Lieutenant Gheorghe Zodilă, he would have raised his hands, willingly moving towards the enemy. The gesture was demoralizing and resulted not only in the surrender of the platoon commanded by the non-commissioned officer, but also in the surrender or the fall into captivity of several soldiers and, most importantly, the loss of the position held by the battalion commanded by Captain Stelian Marculescu on Momâia.

According to a later report (AMNR, fond Marele Cartier General, dosar nr. 160, f. 49) the gesture of Second Lieutenant Gheorghe Zodilă, of Plutonier Dumitru Coatu and of those with them, who, following the attack on Momâia “lifted the handkerchiefs that were prepared under the flap of the cloak and surrendered” (AMNR, fond Marele Cartier General, dosar nr. 160, f. 49), involved much larger troops. In addition to the latter’s subordinates, a total of 35 soldiers and non-commissioned officers, 2 officers, a non-commissioned officer, 71 non-commissioned officers, and 493 soldiers fell into enemy captivity, involuntarily and after fighting until they were completely surrounded by the enemy. The others left their positions and fled back to the front.

The abandonment of the positions on Momâia and the flight of the battalion commanded by Captain Mărculescu and, implicitly, of the battalion reserve

commanded by Second Lieutenant Ciulei, from the enemy's front, make up the second event related to the subject of this article and represent the reason why Sturdza decided to set an example that would impress the audience and constitute a harsh warning, aimed to counteract a possible repetition of the same. Thus, he gathered the fugitives of the entire battalion, ordered the two officers, Captain Marculescu and Second Lieutenant Ciulei, to come out in front of the front and fired at them. Shot first, Captain Mărculescu fell into the snow as if he were dead, while Second Lieutenant Ciulei jumped into the water, disappearing into the darkness. Later, taking advantage of a moment of inattention on the part of those present, Captain Mărculescu got up and fled into the woods.

Reports

Following these two events, on December 31, 1916/January 13, 1917, Sturdza ordered several reports to be drawn up and sent to the 1st Infantry Division, the echelon to which he was subordinated (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 11-24) among which the result of the investigation in the case of the surrender to the enemy of the 3rd Company of the Marculescu Battalion, a table with the officers who, in his opinion, did not deserve any kind of distinction and another table with the officers he accused of having compromised the situation of the entire battalion.

The first, "Report No. 30. of December 30, 1916" (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 19), drawn up by Captain Polihroniade, who signed as administrative commander of the battalion, is addressed to Major Marin Constantinescu, commander of the 2/58th Combat Battalion (2nd Battalion of the 58th Infantry Regiment, n.s.), also detached under the 7th Mixed Brigade, another person with a determining role in the present case, but about whom we will speak later.

The report included the characterizations of several officers and described their attitude in the battles that had taken place a short time before. As is clear from the text, the report had been requested by Sturdza himself and was forwarded to the higher echelons the same day.

Attached to the report was a table entitled "Tableau" (table, s.n.) of the officers of this battalion because of the purport without energy and heroism which compromised the situation of the battalion in the various battles that were given (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 23). The table recorded names, facts and accusations directed against some officers, considered to have been "lacking in energy, patriotism, etc. (...)", because of which they would have lost their position in the battles of December 26, 1916 and a good part of the soldiers would have surrendered to the enemy.

On the table containing the names of the officers considered unworthy within the battalion, the names of seven officers are recorded in total, the first being Captain

Mărculescu and Second Lieutenant Ciulei. Next in the third position is Second Lieutenant Gheorghe Zodilă, a platoon commander in the 3rd Company, accused of having caused panic, both among the soldiers of the battalion to which he belonged and among those of the 2/58th Battalion, by falsely transmitting an order to withdraw from their positions. He surrendered to the enemy on December 26, 1916, and was declared deserter the next day.

The table continues with four other young second lieutenants, who are recorded (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 17v) with the same kind of charges, as serious as in the previous cases: Dragu Fotino, desertion, Popescu D. Constantin, flight from positions, Rădulescu Chirilă, flight from positions, causing panic, and Dinulescu Aurel Aurel, flight from positions, causing panic, acts committed before December 25, 1916.

The second document, “Report no. 31 of December 30, 1916” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 19), was also drawn up by Captain Constantin Polihroniade, also addressed to Major Marin Constantinescu, and as the text shows, it was also requested by Sturdza. Attached to the report is a table with accusations against three second lieutenants, all from the battalion commanded by Captain Mărculescu, officers who, as the author of the report noted, “do not deserve any distinction” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 20).

One of them, Constantin Ștefănescu, was accused of having wandered away from his subordinate troop and ended up in the neighboring sector, occupied by Russian troops, another, Toma Steriu, of having retreated with the subunit in disorder, and the last, Dumitru Mocanu, that although he was aware that he had contracted a sexually transmitted disease, he had intentionally aggravated his health condition in order to stay away from the front line.

The third document, “Report no. 1 of December 27, 1916” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 14), was drawn up by Second Lieutenant Dumitru Jugănar, commander of the 3rd Company, the sub-unit which, in the battle of Momăia on December 26, had surrendered almost entirely to the enemy. On this report, addressed to the commander of the 1/2 Battalion of the 2/5 Regiment of the 2/5 Brigade (actually the 2/5 Division, n.s.), attached to the 7th Mixed Brigade, Sturdza wrote: “From these complicated names (of units, n.s.) one can deduce the moral, disciplinary and traditional cohesion of the troop” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 14).

We need to underline this resolution, dated on the document December 30, 1916, considering it important as indicative of the state of mind Sturdza had at that moment: on the one hand, the loss of confidence in the decisions and administrative measures taken by the higher echelons, a constant in his diary entries, and on the other hand, frustration with the existing situation. Sturdza did not know these

officers and the troop, which had only recently come under the 7th Mixed Brigade, nor did they know him.

In fact, coming from a marching regiment, the men did not know each other either. There was, as Sturdza rightly observed, a lack of that moral cohesion, that spirit of comradeship that develops over time, in joint training, exercises, marches, or battles, and which gives stability and moral balance in difficult times.

The 1/2 Battalion was not part of the 7th Mixed Brigade from the beginning but had been detached from the 2/5 Infantry Division, and the episode of the surrender of the 3rd Company to the enemy took place shortly after Sturdza himself, as he said, had passed through the sector of this subunit to talk to the soldiers, to raise their morale and to cheer them up.

Finally, the fourth of the documents mentioned at the beginning of this sub-chapter, "Report no. 26 of 27 December 1916" (AMNR, fond Armata a 2a - Curtea Martială, dosar nr. 7, f. 01), is the one by which Sturdza initiated the criminal proceedings, on the same day that Mărculescu and Ciulei had been accused, signaling to the 1st Infantry Division that Major Constantinescu's battalion was showing "serious signs of demoralization" (AMNR, fond Armata a 2a - Curtea Martială, dosar nr. 7, f. 01), although it was well staffed with officers. We will address them in turn.

The accusations

In the first report, as we have said, among the seven officers recorded as having shown inappropriate behavior were both Captain Stelian Mărculescu, for "the lack of energy with which he led the battalion in the battles of December 14-26, 1916, inclusive" (AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 19), and Second Lieutenant Constantin Ciulei, for whom the list of charges is very long. If Mărculescu was accused of lack of energy in leading the battalion and desertion, in the case of Second Lieutenant Ciulei the list of charges validates the hypothesis of "altercations", according to the term used in the article in *Magazin Istoric*, which would have existed previously between him and Captain Polihroniade.

This difference of optics is somewhat understandable if we take into account that at the time of the report Ciulei, the "deserter", had been captured at Verdea, while Captain Mărculescu was still a deserter. Polihroniade's report was, in fact, an indictment against Ciulei, and the most serious accusation against him was that at Momăia, although he had clear orders not to withdraw from his position at any price, he had taken his company's reserve, composed of 2 platoons, "and ran away with them leaving the position and (...) took the direction over the hills towards the village of Varnița (...)" (AMNR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 17).

It was the most serious charge, as I said, but it was not the only one. Chronologically, the first charge against Ciulei dates back to December 13, 1916, when he was not

under Sturdza's brigade. Ciulei was accused that, although his subunit was marching towards the village of Coza (near Tulnici, Vrancea County, s.n.), where he had orders to arrive the same day, he had evaded the order and stayed in the village of Păulești, 2 km further back, where he had drunk all night with the notary of the village.

The next day, Ciulei allegedly refused to carry out the order to report to the command of his subunit, citing medical reasons, which is why he was brought under escort to be medically examined, and the doctor declared him fit to go to the front. Although he had been ordered to move within the battalion in position at Putnei railway station, Ciulei took refuge in a house in the village of Tulnici, where he was found three days later by Captain Polihroniade. It is also mentioned in the report that the latter would have addressed to the second lieutenant Ciulei „aspre reprimandé” (reprimands, s.n.) and would have reported to the commander of the 2/5 Division, General Constantin Petala, who would have punished Ciulei with a few blows with a club, sending him immediately to the front.

The fighting on the positions at Tulnici brought new accusations against sub-lieutenant Ciulei: desertion of command and running away from the enemy. The report states that he had „left his platoons, leaving them on their own, and he fled in an attempt to escape for his life” (AMNR, [fond Curtea Marțială a Corpului 1 Armată](#), dosar nr. 49, f. 17). Other accusations, just as serious, referred to the fact that he was rarely found in the troop's cantonment, as well as to his excessive consumption of alcoholic beverages, he having “the gift of drunkenness”, as the report put it.

Regarding the latter accusation, Captain Polihroniade claimed that in any locality he reached, Second Lieutenant Ciulei inquired where he could find drink, and when he had no one to drink with, he drank with his orderly “with whom I often saw him in intimacies of such a nature” (AMNR, [fond Curtea Marțială a Corpului 1 Armată](#), dosar nr. 49, f. 17).

The conclusion of Polihroniade's report is that all these accusations led Sturdza to decide to execute Ciulei on the evening of December 26, 1916, in front of his own subordinates, although, as we have said, some of the acts for which he was accused had occurred before Ciulei and his subunit came under the 7th Mixed Brigade.

In a separate report (AMNR, [fond Armata a 2a - Curtea Marțială](#), dosar nr. 7, f. 08v) the royal commissioner recorded the testimony of another eyewitness to the event, Lieutenant Marinescu of the 10th Călărași Regiment, who accompanied Sturdza in the check carried out on the positions of the two battalions commanded by Major Constantinescu and Captain Mărculescu.

He confirmed that Major Constantinescu was found 3 km behind his battalion's position, but also that the front had been broken in Mărculescu's sector, due to the 3rd Company's breakdown, just during Sturdza's visit. In an attempt to recapture the lost position they immediately went there, taking also the battalion's reserve

company, commanded by a second lieutenant (unidentified, s.n.), who – on contact with the enemy – fled.

Lieutenant Marinescu stated that he tried to stop the fugitives, organizing a cordon of twelve marksmen, and even fired at them, but they continued their flight, although they were pursued by weak enemy forces: “neither the battalion commander nor the other reserve officers were present during the battle” (AMNR, fond Armata a 2a - Curtea Marțială, dosar nr. 7, f. 09), he concluded his report.

In conclusion, Marinescu’s statement confirms the surrender to the enemy of the 3rd Company of Captain Marculescu’s battalion and the flight of the battalion reserve (2 platoons), commanded by a second lieutenant, whose name he did not specify when they came into contact with the enemy. Polihroniade’s statement, however, names Ciulei in command of the battalion reserve, which, as Captain Marinescu noted, would have left its position, taking it “over the hills towards the village of Varnița” (AMNR, fond Armata a 2a - Curtea Marțială, dosar nr. 7, f. 08v).

Marinescu’s statement also confirms the absence of any officer, including Mărculescu, among the soldiers in the battle of Momâia, a possible explanation for the fact that Sturdza blamed only the officers for the event.

The second of the above-mentioned reports, “Report no.31” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 19) of December 30, 1916, contains accusations against three other sub-lieutenants and bears Sturdza’s resolution: “(...) Tustrei (all three, s.n.) officers are unworthy” (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 19). A special mention was made for the first one, Second Lieutenant Constantin Ștefănescu. He was accused that, following the disaster suffered by his battalion on December 26, 1916, he pretended that he had gotten lost from the platoon he commanded, and instead of retreating to the left flank of the brigade, only 500 m away, he preferred to go to the Russian sector, nearby. Not only was this sector not under enemy fire, but it was about 1-2 km away from the previously held position. From there, Ștefănescu would have gone to the rear of the front, and from there he reached the brigade’s command point, from where, as Sturdza wrote: “(...) I sent him to the front with a few fugitive soldiers, under the guard of a gendarme (AMNR, fond Curtea Marțială a Corpului 1 Armată, dosar nr. 49, f. 19).

Sturdza also directed this report, on the same day, to the higher echelon, noting: “I have the honor (sic!) to submit enclosed reports asking you to kindly judge which of the officers mentioned who are still present (s.n.), should be put on trial before a council of war. I propose that all those who are still present (s.n.) should be brought before the court.”

We note the expression used by Sturdza at the beginning of the report, the officers who are still present, an expression that he repeats at the end when he also proposes that all those still present should be sent before the council of war.

In the economy of the present article, we consider it an indication that Sturdza was convinced that the morale of the troop, but especially of the officers, was so low that desertion or surrender to the enemy would have been inherent, especially after what had happened to the 3rd Company, in other words, that their defection would have been a simple matter of time.

In the logic of this reasoning, Sturdza considered that only the application of extreme measures, at least among the officers, could counterbalance the quasi-general tendency to leave the front and go over to the enemy, and in this context, he proposed to the higher echelons to send the unworthy officers, as he characterized them, to the trial of the council of war, while they were still present, or in other words, until they had deserted as well.

As for Major Constantinescu's act of command, the accusations against him in "Report no. 26 of December 27, 1916" (AMNR, [fond Armata a 2a - Curtea Martială](#), dosar nr. 7, f. 06), were related to the attitude of the battalion officers towards the troop, which, Sturdza claimed, they would not have cared about. For three days, December 24, 25, and 26, 1916, the troop would have remained in position, although rations would have been available at the Răcoasa station, and during the same period of time, the wounded would have remained unwounded.

In Sturdza's opinion, this state of affairs would have been the cause of a general demoralization, and would have resulted in a large number of desertions and surrenders to the enemy also from this battalion, the report concluding that "Major Constantinescu is not a superior officer and that it is imprudent to entrust him with difficult situations" (AMNR, [fond Armata a 2a - Curtea Martială](#), dosar nr. 7, f. 06).

Major Constantinescu was also accused of having set up his command post far behind the defensive device, an aspect also confirmed by Lieutenant Marinescu, from where he could not supervise the troop and could not have intervened in case of need. And that he had subsequently left his position, slipping, as mentioned in the text, as far as the Varnița - Răcoasa road, under the pretext that he had come to return a machine-gun section to the sector, thus neglecting the needs of the troop.

Explanations

On Report No. 26, General Stratilescu recorded, in a resolution, the order addressed to the Royal Commissioner, that the accusations concerning the feeding of the men and the care of the wounded should be investigated on the spot, Major Constantinescu should be given a written statement on the accusation of leaving the position, and everything should be ready by the next day, December 28, 1916, at 2 p.m.

The royal commissioner complied with the order received, and the next day he went to the 7th Mixed Brigade command point requesting an inquiry (AMNR, fond Armata a 2a - Curtea Martială, dosar nr. 7, f. 07) of Major Constantinescu. On the pretext that the officer was with his battalion on the front line, which made it impossible to investigate him until he had been replaced by another battalion, Sturdza detailed his accusations. He reiterated that he found Constantinescu far away from his subordinates, in a place from where he could not command the sub-units and could not even observe the enemy's movements. He also reproduced Major Constantinescu's explanation that he had left the position in an attempt to bring back some of his subordinates who had fled from the front.

In this section of the royal commissioner's report Sturdza's aversion towards the Russians is visible, at least at a declarative level, transposed in the reason he identified as the cause of the low level of the soldiers' morale: "The fault of the soldiers' (sic!) flight (sic!) from the front is not theirs, but that of the officers (s.n.) with whom they were assigned [and who are] lacking in military education. The soldiers are miserable[:]

- a) Because they can't be billeted in the houses of their fellows (sic!) because of the Russians who occupy everything [;]
- b) That the Russians plunder the population, mocking everyone, and
- c) The civilian population itself, because of the cruelties suffered from the Russians, is bringing the enemy behind our troops" (AMNR, fond Armata a 2a - Curtea Martială, dosar nr. 7, f. 07v).

This report is, in our opinion, representative of the way Sturdza saw the facts and events in which his subordinates were involved, and explains why all three reports bring accusations exclusively against the officers, who were more guilty, in Sturdza's opinion, than the troops: "understanding to a certain extent the unfortunate state of the troops in these tragic circumstances, we cannot admit the weakness of nerve, of self-control and laxity (s. n.) in officers" (AMNR, fond Armata a 2a - Curtea Martială, dosar nr. 7, f. 06).

In short, Sturdza was convinced that the fault for the state and morale of the troop belonged to the „unworthy” officers, the troop being the victim of the disinterest and lack of energy of the former. This may, in our opinion, be the explanation for his decision to execute demonstratively, in front of the troop, two of the officers he considered most guilty of abandoning their positions on Momăia, an event which, as we learned from Lieutenant Marinescu's testimony, he had witnessed.

I have already mentioned, but we emphasize because it is very important, that neither Captain Marculescu nor Major Constantinescu, at the head of the sub-units they commanded, were not part of the 7th Mixed Brigade, the one that Sturdza had prepared from the beginning of the war, but had been attached to his brigade shortly before. He obviously did not know them, nor did the officers and troops of these battalions know him. In fact, Sturdza mentions that when he went to the 3rd

Company's sector before it surrendered to the enemy, he approached the officers and introduced himself: „I am your brigade commander” ([AMNR, fond Curtea Marțială a Corpului 1 Armată](#), dosar nr. 49, f. 15).

In fact, at the time of the above-mentioned events, the composition of the troops in the 7th Mixed Brigade was heterogeneous, “a motley and untrained bunch” ([Otu și Georgescu 2011](#), 128) as Sturdza himself characterized it, and it came from various units. Most of the regiments that Sturdza had trained once he had entered the war had been taken from him ([Otu și Georgescu 2011](#), 224), being detached to other large units, according to the priorities of the higher echelons, and the men in the units he had received in exchange were demoralized as a result of the disastrous campaign so far, with great shortage in equipment and materials, the sub-units lacked cohesion and had a very low level of discipline.

On December 30, 1916, when Major Constantinescu signed the first of the two reports mentioned above, confirming the characterizations of the officers of Mărculescu's battalion as “unworthy”, he did not know that he himself had been so characterized by Sturdza three days earlier, nor that the 1st Infantry Division had already initiated criminal proceedings against him.

Statements

By “Address no. 5725 of December 31, 1916” ([Arhivele Militare Naționale Române fără an](#), f. 05), General Strătilescu, commander of the 1st Infantry Division, informed the 3rd Army Corps about the accusations against Major Constantinescu, namely, about leaving the unit in the presence of the enemy, committed on December 26, 1916, as well as about serious negligence in the act of command, that he had left his subordinates un nourished and wounded unwounded, with the proposal that he be sent “*to the War Council for trial*” ([AMNR, fond Armata a 2a - Curtea Marțială](#), dosar nr. 7, f. 05).

It was only on January 12, 1917, that the Royal Commissioner of the 1st Infantry Division made a statement ([AMNR, fond Armata a 2a - Curtea Marțială](#), dosar nr. 7, f. 12) to Major Constantinescu, in which the “film” of the entire event on the evening of December 26, 1916 is presented. It is important to note here that, at the time of Constantinescu's statement, Sturdza was no longer his immediate superior, but had handed over command of the brigade, since January 4, 1916, to Lieutenant-Colonel Pascu, the former commander of the 29th Infantry Regiment.

Returning to Major Constantinescu's statement, he confirmed that Major Constantinescu had left the position ([AMNR, fond Armata a 2a - Curtea Marțială](#), dosar nr. 7, f. 14v) by the remnants of the battalion commanded by Captain Mărculescu, which, according to the records, had descended to the road, about 1 km away

from the position from which they had fled earlier: “*there I find Mărculescu, Major Constantinescu declares, with the remains of the men (of the battalion, s.n.) and the 2 machine guns*” (Arhivele Militare Naționale Române fără an, f. 14v).

In an attempt to locate in space, the events of the evening of December 26, 1916, when Sturdza tried to shoot Mărculescu and Ciulei demonstratively, we deduced that the episode took place on the banks of the Șușița river, near a portion of the Varnița - Răcoasa road. On a careful orientation on the map, the Varnița - Răcoasa road today intersects the bed of the Șușița at two points, about 1.7 km apart. We could thus estimate the site of the event by considering the point on the right, the one closer to Varnița, where, according to Constantinescu, Polihroniade had gone to round up the fugitives.

Also, the localization in time of the event is the evening of December 26, 1916, a few hours after 16.30, the time at which the enemy attack had been launched, which had caused the battalion commanded by Marculescu to leave the position. Another temporal landmark is the mention in the (ANMR, fond Curtea Martială a Corpului 1 Armată, dosar nr. 49, f. 17) of Captain Polihroniade, who stated that he found Ciulei in Varnița, around 7.00 p.m., with the two platoons of the battalion reserve, which he commanded, that he admonished him and sent him with a companion to the place decided for the battalion assembly, where the fugitives were expected by Sturdza himself.

In addition to the above two points, let us add that at the place where the fugitive battalion was to assemble, the snow was lying on the ground, and the following scenes may have taken place under the cover of darkness or, at best, by torchlight.

Major Constantinescu also stated that Sturdza asked him two questions: the first, about the purpose of his presence in that place, where the fugitives of the other battalion were gathered, and the second, whether his battalion had also fled from the position. Following the negative answers of the former, events would have unfolded as follows: Sturdza assembled the fugitives from the battalion commanded by Captain Marculescu, ordered him and Second Lieutenant Ciulei to leave the front, and fired at them. of Captain Polihroniade, who stated that he found Ciulei in Varnița, around 7.00 p.m., with the two platoons of the battalion reserve, which he commanded, that he admonished him and sent him with a companion to the place decided for the battalion assembly, where the fugitives were expected by Sturdza himself.

We can deduce from this statement that the darkness of that winter afternoon contributed to Sturdza's missed execution. We can also deduce that the decision to shoot Marculescu first canceled the surprise effect, and Ciulei took advantage of this moment and the darkness, and jumped into the water, making himself invisible in the woods, untouched by bullets. Last but not least, we can deduce that the cold mountain water, the low temperature during the night, the excitement, and the darkness limited Ciulei's actions, and he was caught two days later in Verdea, a few kilometers away from the place where Sturdza had tried to kill him, in the house of a

local man he had had to enter to warm up.

Mărculescu, instead, fell in the snow as if he were dead, without anyone in the audience realizing the reality of the situation because of the darkness that masked everything, although, as Constantinescu's statement says, the scene took place in the presence of the battalion.

After the episode of the execution was consummated, Major Constantinescu was given command of approximately 400-450 fugitive soldiers (AMNR, fond Armata a 2a - Curtea Marțială, dosar nr. 7, f. 14v) whom he took to his battalion's position, and commanded until December 31, 1916, when he returned to the regiment. According to the same source, the command of Mărculescu's battalion was subsequently given to Captain Polihroniade, who remained the highest-ranking officer in that battalion.

In contrast to Ciulei's file, the investigation of the charges against Constantinescu took much longer. In February 1917, Major Protopopescu, Royal Commissar of the 1st Infantry Division, drafted a report, submitted to the commander of the 2nd Army, General Alexandru Averescu, in which Major Marin Constantinescu, battalion commander of the 2nd Infantry Regiment, was accused of leaving his post in the presence of the enemy, an act provided for by Article 205, paragraph (1) of the Code of Military Justice.

Although it had initially been submitted to court martial with the same haste, without even a statement having been taken from him or Captain Marinescu, an eyewitness to the events, the case was returned for completion. It is obvious that in the Constantinescu case, the 2nd Army court-martial did not hurry.

Moreover, General Alexandru Averescu, in a resolution dated February 20, 1917, also asked for references from his former commanders: "What has been the behavior of Major Constantinescu since General Stratilescu commanded the division?", is recorded in the address with which the file was submitted.

Colonel Obogeanu and General Stratilescu's assessments (AMNR, fond Armata a 2a - Curtea Marțială, dosar nr. 7, f. 14v) of Major Constantinescu's training and character were decisive, so that on March 1, 1917, General Averescu closed Major Constantinescu's file, with a decision in the resolution: 'On the basis of the favorable assessments of the [i]erarchical heads I close the case'.

General Averescu may also have learned something from the haste with which Ciulei had been tried, convicted, and executed, but certainly at the time of his decision to shelve the "Constantinescu affair", the aspects of Sturdza's defection were clear.

Conditions

Did soldiers have reason to desert to the enemy? At that time the army was at the end of a disastrous campaign, morale was very low, and the peasant-soldier did not

understand the abstract notions of the national ideal, which, moreover, nobody believed ([Tăslăuanu 1935, 292](#)) in those days.

The authorities had little concern ([Kirițescu 1927, 354](#)) for the preparation of the masses to participate in the war, as the historian Constantin Kirițescu wrote, and before the war, very little had been done to prepare the population morally. The same population from which hundreds of thousands of fighters were to be recruited a few months later.

On the 2nd Army's front, desertion or voluntary surrender to the enemy had become a common phenomenon, for various reasons: poor living conditions, lack of winter equipment, lack of adequate food, and last but not least, the disinterest of the officer corps in the fate of soldiers in general.

The correspondence between the General Headquarters and the 2nd Army, initiated by ... German communications, is eloquent in this respect. The latter stated that in the period January 1-16, 1917, Austrian and German troops stationed on the 2nd Army's front had taken 3 officers and 1180 Romanian soldiers and non-commissioned officers prisoners.

It seems that these losses, cumulated in only two weeks, not only were not reflected in the 2nd Army's operational communiqués, but seemed implausible to the Romanian General Headquarters. Thus, by "Telegram no. 4710 of January 19, 1917" ([AMNR, fond Marele Cartier General, dosar nr. 160, f. 52](#)), the 2nd Army was ordered to report the exact situation of those captured by the enemy, „in order to be able to officially refute this tendentious news" ([Arhivele Militare Naționale Române fără an, f. 52](#)), and at the same time for the General Headquarters to get an idea of the total number of Romanian prisoners that the enemy claimed to have taken.

The situation of the prisoners was communicated by the 2nd Army through „Report no. 15702 of January 21, 1917" ([AMNR, fond Marele Cartier General, dosar nr. 160, f. 51](#)) signed by General Gheorghe Mărdărescu, and showed that the situation was not as the enemy claimed, but even worse. Thus, the report showed that the number of prisoners taken by the enemy and those declared missing on the 2nd Army front was 1 officer and 1297 soldiers and enlisted men, but the real situation could not be accurately determined because, in the number of those reported, some large units included also the dead who could not be picked up from the lines.

The report also bears the resolution of Major Florea Țenescu, future Chief of the General Staff, then an officer in the Operations Section of the General Headquarters, who states: „The data given by the 2nd Army agree exactly with those given by the Germans, in terms of numbers" ([AMNR, fond Marele Cartier General, dosar nr. 160, f. 51](#)).

As for the living conditions of the soldiers on the 2nd Army front, they were not the best, to use a euphemistic expression. According to the findings of Major Laundrot

of the French Military Mission on January 26, 1917, and recorded in the report (AMNR, fond Marele Cartier General, dosar nr. 160, f. 164-173) drawn up following his visit to the 2nd Army front, most of the troops did not even have a shirt, their footwear was broken, and in some places it was completely missing. The worst situation was in the 1st Infantry Division, the upper echelon of Sturdza's brigade. This division was commanded by General Dumitru Strătilescu, who, the report mentions, had identified as a solution to the chronic lack of footwear, underwear, and equipment for the troops in the dead of winter, the use of*opinci*, the traditional Romanian footwear. Another solution identified was the requisitioning of effects and underwear. The report did not indicate where exactly, who and especially how these solutions were to materialize.

The organization of the positions of the regiments and battalions of the 2nd Army also left much to be desired, according to the report of the same French officer, the reasons being that the engineering tools were largely missing, the ground was frozen in the early morning when the positions did not pass through rocky terrain, and the men were too exhausted to work.

One battalion of the 1st Infantry Division was found without any semblance of defensive organization, in other battalions the trenches had no ancillary defenses in front of them, such as barbed wire and barbed wire obstacles, while the second line of defense was either very poorly represented or did not exist at all.

According to the records of General Scărișoreanu, brigade commander in the 2nd Army, the situation was no better when it came to feeding the troops. He mentions (Scărișoreanu 1934, 194) in his memoirs, sometime between January 14 and January 23, 1917, about Order 8944 of the General Headquarters, which announced the depletion of the wheat stock, as well as the effects of this situation: only those from units at the front could receive bread daily, while the units in rebuilding received bread only three days a week, and porridge on the other four.

The Romanian 2nd Romanian Army at the front had very small numbers of troops, very damaged equipment, and food that left much to be desired: "bread (...) replaced by porridge, and horse meat and peas full of cockroaches, being the daily diet of this troop (Scărișoreanu 1934, 206).

The same source mentions that the troops, especially behind the front, were "cramped in cantonments, poorly clothed, poorly fed, without any hygiene and full of insects on their bodies" (Scărișoreanu 1934, 194). The troops also suffered greatly from the cold and frostbite, some of them even fatal, and the situation was worrying in terms of the demoralizing (AMNR, fond Marele Cartier General, dosar nr. 160, f. 173) that these conditions had on the men.

The deplorable sanitary condition of the troops is described in a report (AMNR, fond Brigada 7 Mixtă, dosar nr. 38, f. 264) dated February 19, 1917, by the doctor of a battalion of the 7th Mixed Brigade. It is mentioned in this report that some

companies did not send sick men for consultations until after they were in a serious condition, as was the case with soldier Oprea Leonte who had been brought in that very day, "in a dying condition" (AMNR, fond Brigada 7 Mixtă, dosar nr. 38, f. 264). The doctor was asking the battalion commander to intervene so that the "ranks", presumably referring to the cadre corps, would always take into account the hygienic and sanitary condition of the men under their command. The doctor also pointed out that many soldiers were almost barefoot, which did not prevent them from performing all kinds of work and guard duty, even sentry duty, which was why they came to the infirmary with frostbite. The report concluded with the recommendation that the state of health of the men and their physical well-being should be decisive in the assignment of tasks, but above all "*to take into account whether they are well dressed*" (AMNR, fond Brigada 7 Mixtă, dosar nr. 38, f. 264). The situation of the troops does not seem to have changed much as a result of this notification, and on February 20, 1917, there were still reported (AMNR, fond Brigada 7 Mixtă, dosar nr. 38, f. 291) deaths caused by frost.

Under the above conditions, it is perfectly explicable why, once the first, and sometimes the only, defensive line had been breached, the troops, already low in morale, would leave their positions and run for the rear of the front. In this context, the surrender of a company to the enemy or the flight of an entire battalion from the front, although still serious acts, no longer seems so difficult to understand.

Stratagems

The low morale of the troops, and we may add, of the officers as well, was known to the commander of the 2nd Army as early as September 30, 1916. At that time „Order 602” was issued (AMNR, fond Brigada 7 Mixtă, Directive și ordine operative, dosar nr. 3, f. 11-12), addressed to the army corps and subordinate divisions, in which the enemy’s fighting style and stratagems were described, and recommendations were made to commanders at all levels: "*Maintaining an action from the front with the appearance of great intensity, it is recorded in the order regarding the enemy’s actions, [he] sends in various lateral directions small columns, or even only insignificant detachments to let (sic!) be believed that the enemy is threatening the flank or the rear of the position*" (AMNR, fond Brigada 7 Mixtă, Directive și ordine operative, dosar nr. 3, f. 11-12). With deep regret, continued General Averescu, until then he had not been able to record a single case in which a commander had responded to the enemy with a similar maneuver. It was enough for the commanders of subordinate units to signal a small detachment in the flank to consider themselves in danger and ask for help, and such situations gave rise to the idea of retreat, "*which some of them translate into fact*" (AMNR, fond Brigada 7 Mixtă, Directive și ordine operative, dosar nr. 3, f. 12).

This mentality had to be abandoned, General Averescu emphasized, referring to the lack of initiative of commanders, who often reported that they were

forced to retreat, or even retreated without asking permission, but also without having done anything against enemy maneuvers. Commanders need to realize the realities of war, which requires sacrifice, and in the face of hardship the first thought should not be of relief and retreat, he said: “*Retreat is the last means to be resorted to only when all other means available to a manly defense have been exhausted*” (AMNR, [fond Brigada 7 Mixtă, Directive și ordine operative](#), dosar nr. 3, f. 12).

The order concluded by warning all officers, but especially commanders from the regimental level upwards, that the outcome of resistance was linked not only to the reputation of each individual, and of the army in general, but to the very existence of the country: “*In such circumstances no sacrifice can be too great (s.n.) and the only thought of each one must be to remain steadfastly in place today at all costs*” (AMNR, [fond Brigada 7 Mixtă, Directive și ordine operative](#), dosar nr. 3, f. 12).

The order was to be read by the regimental commanders to all subordinate officers, and they, in their turn, were to explain it to the troops in the parts relating to the stratagems used by the enemy, to make them understand that, without a serious reason, they must not withdraw from their positions.

Executions

The suspension of the right to appeal was one of the most important and certainly one of the most controversial measures adopted in support of the war effort, which meant that once the sentences of the councils of war, and from January 1917 of courts-martial, had been established, they became enforceable by law, including in the case of death sentences.

With Romania’s entry into the War of the War of Integration, and as a result of the unfavorable political and military situation the country was going through, any appeal against the decisions of the councils of war was suspended. Subsequently, the disciplinary councils were abolished and the permanent war councils were replaced by courts-martial.

The suspension of the right to appeal was adopted by King Ferdinand I after Romania entered into the war, by “Royal High Decree no. 2930 of September 16/29, 1916” ([Monitorul Oficial 1916, 6266](#)). The measure was based on the provisions of Art. 67 of the Code of Military Justice, which gave the possibility for persons convicted to appeal against the sentences of the military courts to the higher court (the council of revision, s.n.) and provided that the right of appeal for persons convicted by the sentences of the councils of war could be temporarily suspended during wartime by royal decree, based on the opinion of the Council of Ministers (government, s.n.).

Two royal decrees were issued in this regard: the first, Royal High Decree No. 2930 of September 16/29, 1916, to which we have already referred, suspended the use of this appeal to the Permanent Army Review Board for those convicted by the courts-martial, while, by „*Royal High Decree No. 7 of January 7/20, 1917* ([Monitorul Oficial 1917, 7598-7599](#)), the right of appeal to the Superior Court of Military Justice was raised for those convicted by the courts-martial.

Professor Neculau's assertion that, at the time of Ciulei's trial, the right to appeal had been suspended is therefore correct, and the sentences of the councils of war, and subsequently of the courts-martial, became the fastest instrument for repressing the defections at the front.

However, we are forced to admit that there was an exception, that is, a much quicker procedure for administering justice on the front line. These were summary executions, carried out by superior order or on the orders of commanders of units or large units, sometimes even by them personally.

On this subject, it is, we believe, unnecessary to emphasize that in the Code of Military Justice, there was no institution of summary execution, constituted in any kind of punishment, and commanders were not able to apply the death penalty unilaterally to their subordinates, even if they subsequently invoked the measure of extreme urgency or immediate necessity.

However, the dynamics of military action, over-zealousness, adrenaline, or perhaps the belief that only extreme measures can produce results in extreme situations, have also led to acts of this kind being committed in our country.

As a disciplinary procedure in itself, summary execution was not a foreign practice, nor was it forbidden to commanders. That is why Sturdza's attempt to shoot Ciulei and Mărculescu, although today it seems unbelievable, was not uncommon in those times. The hierarchical chiefs rather appreciated the determination of these commanders, whom they characterized as energetic, as well as the swiftness of the measures adopted by them, even to the detriment of the idea of justice, than to have ordered measures to bring such practices into legality and prohibit them.

Did Sturdza have the right to shoot Mărculescu and Ciulei? This question can only be answered with an evasive answer. Not if we look for a legal framework to regulate these practices. The Code of Military Justice did not provide for such a procedure under any circumstances. Yes, if we go by the practice of commanders at the high echelons, who generously granted this „right”, and at the tactical echelons, who implemented it with alacrity.

The fact is that summary executions have been practiced since the beginning of the war, and not only in the 2nd Army. We encountered such practices in units of the 3rd Army, in the Dobrogea campaign, but also in the Northern Army.

For example, by „Circular no.778” ([AMNR, fond Brigada 7 Mixtă, dosar nr. 8, f. 171](#)) of October 22, 1916, the 7th Mixed Brigade was briefly informed of the orders

and dispositions issued in the run-up by the commander of the Northern Army, to which it was subordinated at the time, where in item no.7 it mentions Circular Order 2138, which orders that those caught leaving the front to be executed immediately. Moreover, on November 7, 1916, the Northern Army transmitted to the 7th Mixed Brigade „Order no. 232” ((AMNR, fond Brigada 7 Mixtă, dosar nr. 8, f. 241) giving regimental commanders the right to apply this kind of extreme measures to all those who were susceptible to panic or who would have sought favorable opportunities to cross into the enemy camp. The latter were to be “immediately and on the spot executed”, as the order put it, on the principle that those who did not do their duty out of conviction or willingly, were to be compelled to do their duty out of fear.

As scandalous as it may seem now, during the War of Integration, shooting in front of the front line was a drastic measure adopted by the higher echelons of the Romanian army to curb the phenomenon of retreating without orders, as it was euphemistically called, fleeing from the enemy. General Scărișoreanu (Scărișoreanu 1934, 183) also mentions this measure in his memoirs, referring to an order received from General Eremia Grigorescu, in which words of encouragement were interwoven with threats: „(...) I also make it known, the order reads, that those who will retreat without orders will be shot in front of the front” (Scărișoreanu 1934, 183).

The fact that Sturdza did not hesitate to publicize the „execution” of Mărculescu, sending to all subordinate units „Order no.11 (Scărișoreanu 1934, 174) of December 27, 1916, communicating that the Momăia peak had been lost a day before, due to the weakness of Captain Mărculescu, and ordering to inform the troop that for this reason the officer had been executed.

In other words, Sturdza, as well as other commanders, had been given the power to execute without trial any of their subordinates, simply because the higher military authorities had given them this right, and during various documentation, as I said, I discovered that he was not the only one who had put it into practice.

In his diary, Sturdza refers to the case of a corporal from one of the regiments subordinated to the brigade, who had run from his position shouting “The Hungarians are coming!”, causing panic and dragging others into his flight, which is why he was executed (Otu și Georgescu 2011, 242) on the same day.

However, in our documentation, we also identified cases of officers who became victims of summary executions. Also in his diary, Sturdza (Otu și Georgescu 2011, 242) refers to General Ion Dragalina, former commander of the 1st Army, who wrote that he had heard that he had shot six second lieutenants who had fled the front during the fighting on the Jiu. Also, in our documentation, we have identified the case of Second Lieutenant Gheorghe Rovinaru, which presents some similarities with the Ciulei Case, as it emerges from the correspondence between the 1st Army and the Adjutant Section of the General Headquarters.

In “Report no. 5466” (Otu și Georgescu 2011, 242), the 1st Infantry Division made a “due” rectification, stating that, in reality, Second Lieutenant Gheorghe Rovinaru

was not dead, as initially reported, but only wounded, without specifying the severity of the wound or his state of health. The official correspondence also revealed that the officer and six other soldiers, whose condition was also not specified, had been shot by the commander of the 1st Infantry Division, Colonel Ion Anastasiu, on the accusation that they had fled the front during the fighting at Jiu.

Later promoted to general, Ion Anastasiu admitted the deed, stating in a memoir: “(...) *I myself returned to the front on the day of the battle of October 14/27, 1916, a company that was retreating, firing revolvers at the troop and the officer*” ([Anastasiu 1927](#), 3).

As in Ciulei’s case, I have noted the attitude of the hierarchical commanders towards this act, more precisely that of General Ion Culcer, commander of the 1st Army, the upper echelon of the 1st Infantry Division. Report no. 5466 clearly states the conduct of General Ion Culcer, who, having become aware of the incident, tacitly accepted it, as the text of the document shows: “no further investigations were made, the higher command of the 1st Army gave the order that it was better to keep the matter quiet” ([AMNR, fond Marele Cartier General](#), dosar nr. 524, f. 304v).

Colonel Ion Anastasiu, who commanded the 1st Infantry Division from October 16, 1916, to December 23, 1916, although he had committed an act provided for by criminal law, not only was not punished in any way but was credited with a special contribution ([Ioanițiu 1929](#), 142-144) to the success of the Romanian counter-offensive in the Battle of Jiului.

It should also be pointed out that the resolution of General Constantin Prezan, recorded on December 31, 1916, on the same Report No. 5466, does not contain any incriminating elements against the two senior officers, namely the commander of the 1st Infantry Division and the commander of the 1st Army, who, by their action and inaction, respectively, had substituted themselves for the institutions responsible for the application of military justice.

Moreover, from the order in resolution of General Constantin Prezan’s “*Address no.14231*” ([AMNR, fond Marele Cartier General](#), dosar nr. 524, f. 304) of January 1, 1917, it appears that the one who was to be immediately referred to military justice was Lieutenant Gheorghe Rovinaru, although it was known that he was wounded: “Lieutenant Rovinaru will be immediately sent before the council of war of the respective Army. The result will be communicated to M.C.Gl. (General Headquarters, s.n.)” ([AMNR, fond Marele Cartier General](#), dosar nr. 524, f. 304v).

The resolution ended with three initials, D.I.O. (Din Înalt Ordin, s.n.), which indicates that this case had already been presented to King Ferdinand I, in which case the order of General Constantin Prezan was merely a means of communicating the sovereign’s decision.

The two cases of officers to whom the summary execution procedure was applied have several aspects in common. The first is the fact that the General Headquarters

did not order any further investigative measures, possibly against commanders who had used such practices. Secondly, the fact that, both in the case of Ciulei and in the case of Rovinaru, there were orders from the General Headquarters to punish the victims of failed executions, or, as in the case of Ciulei, to court-martial the commander of the firing squad that had failed to carry out the “task”. And the result of these measures should have been reported at once to the General Headquarters.

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