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Legal and Political Aspects of the Council of National Defense Functioning in 1920

Prawne i polityczne aspekty funkcjonowania Rady Obrony Państwa w 1920 r.

ABSTRACT

The Council of National Defence, established on 1 July 1920, was to be a temporary governmental body having full legislative and executive power in all matters relating to the conduct and ending of the war, and also with the conclusion of peace with Bolshevik Russia. As regards the above matters, the Council of National Defence was to issue orders and regulations, which were immediately enforceable. Despite acquiring very broad powers, both legislative and executive, none of its regulations went beyond its competence scope. The Council of National Defence regulations had to be approved by the Legislative Sejm in order to be valid. During the three months' period of its functioning, the Council of National Defense issued over 90 different legal acts aiming at strengthening of defense of the Polish State that was threatened with a loss of its independence. The Council of National Defense played a major role in holding back the Bolshevik invasion of Poland. It contributed to formation of a large army, and made the nation regain its faith in successful end of the military conflict with Soviet Russia.

Keywords: the Bolshevik invasion of Poland; Council of National Defense; legislative and executive power; Legislative Sejm; temporary governmental body; regulations

INTRODUCTION

From the perspective of a hundred years, which have passed since the Council of National Defence (CND) was established and the three months' period of its operation, it seems purposeful to analyse this governmental body that had a significant impact on repulsion of the 1920 Bolshevik invasion.

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At the end of 1920, the authorities of the Second Republic of Poland were threatened with a loss of recently regained independence. The course of the Polish and Bolshevik war spelt an inevitable defeat. Despite endeavours of the Supreme Command of the Polish Army, the offensive of the Red Army troops, under the command of Mikhail Tukhachevsky, made the Polish army retreat again and again. The enemy armies, after cracking the Polish front and occupying Warsaw, were to start marching West, with a task to bring there the ideas of the Bolshevik revolution.

In view of the threat of military defeat on the front and the anticipated political crisis, it was necessary to immediately consolidate all political forces in the country and mobilize the society to fight with the Bolshevik invasion.

Prime Minister Władysław Grabski, the leader of the newly formed government, was aware of brittleness of the coalition supporting his cabinet. They shared his fears, both the Chief of State Józef Piłsudski, the Marshal of the Legislative Sejm Wojciech Trąmpczyński, and the leaders of the biggest contemporary political parties.

On 28 June 1920, at a conference of the Marshal of the Sejm and Prime Minister Grabski with representatives of right-wing and centrist parties, the proposal to appoint a government of national defense wasn't accepted, and instead it was proposed to establish a new governmental body, which at that time was named the committee of national defense. It was to consist of 12 persons and to be formed by four representatives of the Legislative Sejm, the government and the Supreme Command of the Polish Army. The above initiative was supported by the Chief of State Józef Piłsudski. In order to avoid drawn-out discussions, it was decided in the Sejm to inform left-wing parties about the proposal to establish a new governmental body.[1]

ESTABLISHMENT OF THE COUNCIL OF NATIONAL DEFENSE

During the exposé delivered on 30 June 1920, Prime Minister Grabski referred to extremely difficult military situation on the eastern front. He postulated a necessity to establish a new body able to make expeditious decisions on the conduct of the war with Bolshevik Russia. The said body was to be the Council of National Defense, "a superior body empowered to issue orders and regulations binding as regards war and peace, a body created by three authorities building Poland: the Sejm, the Chief of State and at the same time the Commander-in-Chief and by the Government in the form of its technical executors, i.e. particular ministers".[2]

[1] P.K. Marszałek, *Rada Obrony Państwa z 1920 roku. Studium prawnohistoryczne*, Wrocław 1995, p. 63; A. Rycharski, *Utworzenie Rady Obrony Państwa w 1920 roku*, [in:] *Wybrane zagadnienia ustrojowe Polski nowożytnej*, ed. A. Nowakowski, Wadowice 2000, p. 29. The draft act on the establishment of a new body was approved at the meeting of the Council of Ministers on 29 June 1920.

[2] Typescripts of sittings of the Legislative Sejm (TS LS), 156th meeting of 30 June 1920, column 12.

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From among two theoretical possibilities: broadening of powers of the government or without breaching the principle of Sejm governance, constituting by the Sejm a stricter committee, equipped with powers authorising to make expeditious decisions – an intermediate variant was chosen.[3]

Pursuant to Article 3 of the draft act on establishing the Council of National Defense, such body was appointed to "decide in all matters connected with conduct and ending of the war, as well as conclusion of peace, and to issue regulations and orders in this regard".[4]

By deciding to establish a new governmental body named Council of National Defense, which was to take over part of the competences of the parliament, the structure of the State was substantially adjusted. Prime Minister Grabski, when presenting a draft of the act on establishing the CND, argued that the new body of the State would raise the army's morale. He emphasized that he acted also in the name of the Chief of State and the Commander-in-Chief Józef Piłsudski. He appealed to members of parliament for the fastest possible decision-making on the presented draft act on establishing the CND.[5]

It's worth mentioning that the idea of establishing such a body was supported by Piłsudski, as he was irritated by the slow decision-making process of the Legislative Sejm. Thinking of saving the Republic of Poland, he even accepted a serious depletion of his nearly unlimited power exercised under his positions of the Chief of State and the Commander-in-Chief.[6]

The proposal of establishing the CND was supported by all politicians. One of the leaders of PSL "Piast" Maciej Rataj emphasized that passing the law on the CND so quickly and "constituting it so expeditiously impressed the society, especially that it happened after such a long governmental crisis which always has a degrading effect on the public opinion. They understood that the situation was difficult but the state authorities had a will and made a decision to face it".[7]

The Council of National Defence was to be a temporary body having full legislative and executive power in all matters relating to the conduct and ending of the war and with the conclusion of peace. As regards the above matters, the CND was to issue immediately enforceable orders and regulations. Thanks to the CND, it was possible to coordinate all state functions with activity of the highest military authorities and economic institutions, and all this was aimed at repulsion of the Bolshevik invasion.

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[3] W. Komarnicki, *Polskie prawo polityczne (geneza i system)*, Warszawa 1922, pp. 91–92.

[4] TS LS, 156th meeting of 30 June 1920, column 12. Article 4 of the draft act on establishing the Council of National Defense said of immediate enactment of afore-mentioned regulations and orders.

[5] *Ibidem*.

[6] P.K. Marszałek, *Rada Obrony Państwa…*, p. 64; A. Garlicki, *Józef Piłsudski 1867–1935*, Warszawa 1989, p. 229.

[7] M. Rataj, *Pamiętniki 1918–1927*, Warszawa 1963, p. 93.

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Pursuant to Article 2 of the draft act on establishing the Council of National Defense, it was to consist of "The Chief of State as its chairman, the Marshal of the Legislative Sejm, the President of the Ministers (Prime Minister), the ministers of: Military Affairs, Internal Affairs, Foreign Affairs, Treasury, Railway, Provisioning, former Prussian District, five representatives of the Polish Army appointed by the Commander-in-Chief and ten members of parliament appointed by the Sejm".[8]

During a plenary discussion held on 30 June 1920 representatives of parliamentary groups presented the initial position of their parties towards purposefulness of establishing the CND. Strong support for establishing the CND was offered by representatives of: Związek Ludowo-Narodowy, Polskie Stronnictwo Ludowe "Piast", Narodowe Zjednoczenie Ludowe, Chrześcijański Związek Robotników, Narodowy Związek Robotniczy and Zjednoczenie Mieszczańskie. Noticing an urgent need to establish the CND, the afore-mentioned Maciej Rataj from PSL "Piast" stated that it was needed as a body capable of expeditious decision-making, since the Sejm "as a body that was large in terms of strength, diverse and talkative was a too slow machine for production of legal regulations at the time when the decision in matters referred to sovereignty and life of the nation has to be expeditious and electrifying like decision of those who carry death to defenders of the country".[9]

Readiness to vote for establishment of the new body, but under the condition of establishing a workers' and peasants' government, was declared in the name of PPS by Ignacy Daszyński. He was one of the members of parliament whose doubts were raised, among others, by generally outlined competences of the CND, e.g. as to the conclusion of a peace treaty.[10]

The doubts mentioned above were referred to by Prime Minister Grabski, who claimed that the government was holding peace negotiations under the regular procedure. However, there might occur extraordinary circumstances requiring expeditious decisions. They will be ensured not by the Sejm, which calls its sittings relatively slowly, but by the CND.[11]

The proposal to establish the CND wasn't accepted by MPs from PSL "Wyzwolenie" and PSL "Lewica", who claimed that Poland could be saved only by a government of national defense composed of representatives of the working class.[12]

Especially rough position towards establishment of the CND was presented by MP priest Eugeniusz Okoń, representing radical peasants, who claimed that "it is an ordinary military council suppressing the Sejm's prerogatives. […] it will

[8] TS LS, 156th meeting of 30 June 1920, columns 13–14; Archives of Modern Records in Warsaw (AMR), Presidium of the Council of Ministers (PCM), ref. no. I/106, card 31.

[9] M. Rataj, *op. cit.*, p. 93. Maciej Rataj referred here to a fragment of exposé of the Prime Minister Grabski (TS LS, 156th meeting of 30 June 1920, column 11.

[10] TS LS, 156th meeting of 30 June 1920, columns 40–41).

[11] *Ibidem*.

[12] *Ibidem*, columns 15–39.

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constitute a collegiate dictatorial power, it will be a dictator, a masked right-wing and nationalist dictatorship".[13] This conclusion was however totally isolated.

Despite the early dissenting votes from representatives of left-wing parties, during the sitting of the Legislative Sejm held on 1 July 1920, after adopting some amendments to the draft, the Act on establishing the Council of National Defense was unanimously adopted.[14]

The said amendments referred to the reduction in the number of a representative of the government and the army in the CND from five to three. They also adopted an amendment to Article 5 that "The Council shall be called by the Chief of State, or alternatively, by his authority, the President of the Council of Ministers. Validity of resolutions requires the presence of two-thirds of the members, including at least half of all members of parliament composing the Council".[15]

The Council of National Defense was to adopt regulations at the request of: the Marshal of the Legislative Sejm, the Chief of State, the President of Ministers or five members of that body. They were to be adopted by way of ordinary majority of votes. In case of equal distribution of votes, the vote of the chairman of the CND was to be the casting vote.[16]

At the meeting of the Council of Ministers, held on 1 July 1920, the government indicated as its representatives to the CND: the Minister of Foreign Affairs Eustachy Sapieha, the Minister of Provisioning Stanisław Śliwiński, the Minister of Railway Kazimierz Bartel and the Minister of Military Affairs Gen. Kazimierz Sosnkowski.[17]

The Council of National Defense, during its first meeting held on 1 July 1920, adopted the proposal of the Commander-in-Chief Józef Piłsudski to enable military representatives to be appointed from time to time depending on the items to be discussed, which he justified by tactical reasons. The Council of National Defense meetings were most often attended by: the Minister of Military Affairs Gen. Józef Leśniewski, Vice-Minister of Military Affairs Gen. Kazimierz Sosnkowski and the chief of General Staff of the Polish Army Gen. Stanisław Haller. A member of the

[13] *Ibidem*, column 9. Priest Eugeniusz Okoń in 1918 established Chłopskie Stronnictwo Radykalne. He also participate on establishing the so-called Republika Tarnobrzeska.

[14] Text of the act of establishing the Council of National Defense was published in the "Journal of Laws of the Republic of Poland" no. 53 of 3 July 1920.

[15] TS LS, 157th meeting of 1 July 1920, columns 27–28. They didn't adopt an amendment of Maciej Rataj to the act on establishing CND to limit the number of members sitting on the council to eight (TS LS, 156th meeting of 30 June 1920, column 42).

[16] Those from afore-mentioned acts, which required resolutions of the Legislative Sejm, were to be submitted for approval by the Sejm at its nearest meeting.

[17] AMR, PCM, ref. no. 11, card 1. Gen. Kazimierz Sosnkowski was concurrently treated as a representative of the Polish Army. Józef Kuczyński was designated a director of the Ministry of Internal Affairs in case of a need to take part in CND meetings.

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CND on behalf of the Polish Army was also Gen. Józef Haller – General Inspector of the Volunteer Troops and the commander of the Northern and Eastern Front.[18]

The members designated by the Legislative Sejm to take part in meetings of the CND included representatives of the most important political parties: Roman Dmowski (Związek Ludowo-Narodowy), Maciej Rataj (Polskie Stronnictwo Ludowe "Piast"), Jan Woźnicki (Polskie Stronnictwo Ludowe "Wyzwolenie"), Norbert Barlicki (Polska Partia Socjalistyczna), Adam Chądzyński (Narodowa Partia Robotnicza), Jan Stapiński (PSL-Lewica), Leopold Skulski (Narodowe Zjednoczenie Ludowe), Artemiusz Ludomił Czerniewski (Narodowo-Chrześcijański Klub Robotniczy), Jan Federowicz (Klub Pracy Konstytucyjnej) and Aleksander de Rosset (Klub Mieszczański).[19]

The composition of the CND wasn't stable. The first personal changes took place after its meeting, during which Józef Piłsudski was unsuccessfully attempted to be deprived of his post of the Chief of State and Commander-in-Chief. On 19 July 1920, in order to protest, the members of Związek Ludowo-Narodowy – Roman Dmowski and his deputy Stanisław Głąbiński – stepped down from their mandates of members of the CND. Roman Dmowski was replaced in the CND by Aleksander Skarbek, and Stanisław Głąbiński – by Jan Załuska.[20]

Major changes in the composition of the CND took place after establishing on 24 July 1920 the Government of National Defense with Wincenty Witos as its Prime Minister. He became *ex officio* a vice-chairman of the CND. During the Battle of Warsaw, he very often chaired them, while Piłsudski as the Commander-in-Chief was on the front.

Wincenty Witos, who on 24 July 1920 became the leader of the Government of National Defense, mentioned: "They expected that the Polish nation, which was put a knife to its neck and which is threatened with a shameful Bolshevik yoke, has to make the necessary effort, if it doesn't want to get killed in degradation. […] they decided to organise defense as soon as possible. Since the great intentions in the face of such a great and close danger could be achieved only with a mutual effort,

[18] AMR, PCM, ref. no. I/106, card 31. Meetings of CND were most often attended by generals: the Minister of Military Affairs Kazimierz Sosnkowski and the chief of General Staff of the Polish Army Tadeusz Rozwadowski.

[19] AMR, PCM, ref. no. I/106, card 31; TS LS, 157th meeting of 1 July 1920, column 28; P.K. Marszałek, *Rada Obrony Państwa…*, pp. 71–72. Candidates to CND from among members of parliament were agreed at the meeting of the Council of Seniors of the Sejm of the Republic of Poland. Also, per one deputy of a member of CND was appointed at that meeting. Changes among members of parliament representing particular political groups in CND took place after establishing the Government of National Defense.

[20] TS LS, 166th meeting of 24 July 1920, column 6; P.K. Marszałek, *Rada Obrony Państwa…*, p. 72; R. Wapiński, *Roman Dmowski*, Lublin 1988, pp. 295–296; S. Głąbiński, *Wspomnienia polityczne*, part 1, Pelpin 1939, pp. 482–483.

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it was solemnly decided to cease any fights between the political parties in order to prepare for fighting for sovereignty of the State that is so heavily endangered".[21]

Due to the fact that some members of the CND were appointed members of the new coalition government, their seats in the CND were taken by new members of parliament. Maciej Rataj, the head of the Ministry of Religious Denominations and Public Enlightenment, was replaced by Władysław Kiernik. The seat of Leopold Skulski, the Minister of Internal Affairs, was taken in the CND by Edward Dubanowicz.[22]

The cause of misunderstandings referring to the participation of the Polish Army representatives in the CND as its members was the person of Gen. Józef Haller, who was politically linked with the National Democracy. He was not only the General Inspector of Volunteer Troops, but also the chairman of the Citizens' Executive Committee of the Council of National Defense. Gen. Józef Haller resigned from participation in the works of the CND, when, after his return to Warsaw on 9 August 1920, which he had left as a commander of the Northern Front, he wasn't invited to participate in its meetings. Eventually, Piłsudski, in order not to irritate the left--wing environments, decided to re-invite Gen. Haller to the CND meetings.[23]

At first, meetings of the CND were held once a week, but since the middle of July 1920, they were held very often, usually every second day. The place of the CND meetings depended on its chairperson. Usually, it was the Belvedere – the seat of the Chief of State, or the Namiestnikowski Palace – the seat of the government. Protocols of each CND meeting were signed by both the Chief of State and the Prime Minister. In case of absence of Józef Piłsudski in the capital city, protocols were signed exclusively by Prime Minister Wincenty Witos.

Many misunderstandings resulted from neglecting to regulate the work organisation of the CND. On 14 July 1920, the member of Klub Pracy Konstytucyjnej Jan Kanty Federowicz filed a motion to give members of the Council a 24 hours notice of a date of meeting. It was also suggested that members of the CND should have an opportunity of earlier familiarisation with drafts of legislative acts.[24]

Controversies also referred to agreeing upon the agenda of the CND meetings, which was a duty of the person calling such meeting, whilst motions regarding the

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[21] W. Witos, *Moje wspomnienia*, part 2, comp. and footnotes E. Karczewski, J.R. Szaflik, Warszawa 1990, pp. 74–75.

[22] TS LS, 166th meeting of 24 July 1920, column 6.

[23] P.K. Marszałek, *Rada Obrony Państwa…*, p. 74. Gen. Józef Haller not always made use of received invitations. He wasn't present at the meeting of CND on 25 August 1920. Two days later he participated in its meeting for the last time.

[24] Protocol of the 4th meeting of the Council of National Defense held on 14 July 1920. See A. Leinwand, J. Molenda, *Protokoły Rady Obrony Państwa*, [in:] *Z dziejów stosunków polsko-radzieckich. Studia i materiały*, vol. 1, Warszawa 1965, pp. 195–196. To regulate this matter MP Władysław Kiernik presented a draft rules and regulations for meetings of the Council.

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agenda of such meetings could be filed by representatives of the government, the Supreme Command of the Polish Army and other members of the Council.

The Council in principle deliberated *in pleno*. The presence of two-thirds of the statutory number of members, including at least half of the total number of members of parliament representing the Sejm, was required for validity of the CND deliberations. Resolutions were adopted by way of ordinary majority of votes. In the event of equality of votes, the opinion of the chairman was decisive. Secret voting wasn't accepted, as resolutions were always adopted in open voting by way of raising a hand. When counting the votes, the persons abstaining from voting were deemed absent. Whereas, the CND could, by way of its own resolution, order roll-call voting. Such decision could be made independently by the chairperson. This manner of voting was usually adopted when making the most important decisions, in particular political ones.

Such voting was ordered as a result of discussion over the report of Prime Minister Grabski regarding his participation in a conference in Spa. In this case, it was necessary to adopt a resolution on acceptance of Great Britain's intermediary in entering into armistice talks with Bolshevik Russia.[25]

Meetings and resolutions of the CND were confidential. The need to keep the meetings confidential, which was proposed by Jan Kanty Federowicz, had already been discussed during the first meeting of the CND. Eventually, they adopted the motion of MP Jan Stapiński, under which only the information from the course of the CND meetings was meant for the press.[26]

As a result, the problems connected with political and military issues of the ongoing war with Soviet Russia, especially the matters regarding the armistice and peace negotiations, were discussed during the second part of meetings, which part was confidential. Whereas, draft regulations and orders were discussed and their consent was agreed at open meetings. Each of the two parts of the CND meetings was separately protocoled.[27]

Interim committees and subcommittees were appointed to discuss in detail specific cases. The first such committee was already appointed during the first CND meeting on 1 July 1920, and its task was to prepare texts of manifestos addressed to the society and the army.

Some members of parliament were against the manifestos prepared by the CND addressed to the army, e.g. according to Norbert Barlicki (PPS) for image reasons

[25] AMR, PCM, ref. no. I/106, cards 44–45. Twelve CND members voted for Great Britain's mediation, with four votes against (members of parliament: Adam Chądzyński, Jan Stapiński, Jan Woźnicki and Gen. Józef Haller and one abstaining vote from Norbert Barlicki).

[26] Protocol of the 1st meeting of the Council of National Defense held on 1 July 1920. See A. Leinwand, J. Molenda, *op. cit.*, p. 141.

[27] The protocol of the open part of CND meeting was made in the form of a typescript in several copies, whilst the protocol of the confidential part of such meeting was handwritten separately in one copy.

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it shouldn't start its activity by issuing manifestos but specific decisions. Whereas, the need to issue proclamations to soldiers, the purpose of which was to raise their morale, was supported by Jan Stapiński (PSL-Lewica). He even proposed specific manifesto texts. The members of the CND committee responsible for preparation of texts of manifestos addressed to the nation and to the army were Maciej Rataj, Norbert Barlicki and Jan Stapiński.[28]

A special subcommittee was appointed with reference to the discussion during the 14th meeting of the CND held on 6 August 1920 regarding poor management of equipment and materials being at the army's disposal. The subcommittee, composed of MPs Norbert Barlicki and Adam Chądzyński, was responsible for preparation of appropriate motions for the sitting of the government.[29]

It's also worth referring to the competences of the CND, which were discussed during its first meeting. In the opinion of its chairperson Józef Piłsudski, the said competences should constitute a *sine qua non* condition of effective functioning of the newly established state authority. This can be achieved by cutting off the legislative process and accelerating the enactment of binding legislation. It is worth mentioning that the Chief of State issued a command "to equip the room of the CND with complete repertories of the Journal of Rights of the Polish State and the Journal of Laws of the Republic of Poland".[30]

The subject of establishing the CND was explicitly referred to by the contemporary Vice-Minister of Military Affairs Gen. Kazimierz Sosnkowski, who stated: "[…] political and technical meaning of that Council is that we gained a shorter legislative procedure. Before every act, every draft act related to the army had to pass through the legislative Golgotha, through the Council of Ministers, the Sejm committees, etc., which protracts the handling of each draft for months, and now we gained a tool for fast – if required by seriousness of the situation – handling of the case".[31]

Piłsudski saw also other benefits coming from the establishment of the CND. They included raising the army's and society's morale and expeditious decision-making in matters connected with political issues, among others with the need to hold peace talks. It was crucial that at the request of the Marshal of the Sejm Wojciech

[28] AMR, CND, ref. no. 1, cards 3–6. In the opinion of Jan Stapiński it had to be underlined in a manifesto that "grains ripen and in case of desertion will become a trophy of the Bolshevists […] that the homeland will put food on the table for soldiers' families, that disabled persons will be provided maintenance" (as cited in A. Leinwand, J. Molenda, *op. cit.*, pp. 146–148).

[29] Protocol of the 14th meeting of the Council of National Defense held on 6 August 1920. See *ibidem*, p. 240.

[30] AMR, Civilian Chancellery of the Chief of State (CCCS), ref. no. 57, card 217; Protocol of the 1st meeting of the Council of National Defense held on 1 July 1920 (see A. Leinwand, J. Molenda, *op. cit.*, p. 146). Józef Piłsudski underlined that it referred to "issues which due to its urgency require expeditious implementation, and cannot be implemented under regular legislative procedure".

[31] Central Military Archives (CMA), Office of the Minister of Military Affairs 1.300.1, ref. no. 459, card 7.

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Trąmpczyński the members of the CND left any decisions relating to military and tactical issues for settlement by the Supreme Command of the Polish Army.[32]

However, it didn't mean that members of the CND weren't interested in the current situation on the front. Information regarding this subject was very often provided at the CND meetings by heads of the General Staff, at the beginning by Gen. Stanisław Haller, later on by Gen. Tadeusz Rozwadowski. Gen. Rozwadowski presented various variants of how to hold back the offensives of Mikhail Tukhachevsky's army on the foregrounds of Warsaw.[33]

Activities of the CND were to result mainly in increasing the Polish Army, improving its supply, raising the Polish soldiers' spirit to fight and in providing for the families of volunteers and disabled soldiers.

ACTIVITY OF THE COUNCIL OF NATIONAL DEFENSE

This was to be achieved by issuing, in July 1920, a regulation of the Council of National Defense. After a discussion at the meeting of the CND held on 13 July 1920, during which the Polish Army was compared with the Red Army, the next day the Council issued a regulation on enlistment for military age-groups 1894–1890[34] and on calling up lawyers to active military service.[35] A few days later, on 19 July 1920, the CND[36] issued a regulation referred to enlistment of foreigners to the Volunteer Troops.[37]

Success in military actions against the Red Army depended, to a large degree, on equipping regiments of the cavalry with horses, as well as the provision of artillery and transport units. Each month of the war brought more and more losses in horses. Hence, it became necessary to provide the Polish Army with 50 thousand horses.

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[32] Protocol of the 1st meeting of the Council of National Defense held on 1 July 1920. See A. Leinwand, J. Molenda, *op. cit.*, pp. 140–141.

[33] AMR, Council of National Defense, ref. no. 1, card 51; ref. no. 2, cards 67–68, 138–141; AMR, PCM, ref. no. I/106, card 140; W. Witos, *Moje wspomnienia…*, pp. 85–86.

[34] Regulation of the Council of National Defense of 14 July 1920 on the conscription of the age group of 1894, 1893, 1892, 1891 and 1890 (Journal of Laws 1920, no. 58, item 363).

[35] Regulation of the Council of National Defense of 14 July 1920 on the appointment of lawyers to active military service (Journal of Laws 1920, no. 62, item 406).

[36] Regulation of the Council of National Defense of 19 July 1920 on the recruitment of foreigners to the Volunteer Army (Journal of Laws 1920, no. 63, item 414).

[37] AMR, CND, ref. no. 2, card 41; AMR, PCM, ref. no. I/106, cards 55–57; P.K. Marszałek, *Rada Obrony Państwa…*, pp. 123–126. The Regulation of CND of 29 July 1920 referred to compulsory service in the State Police (AMR, PCM, Meeting protocols, ref. no. 11, cards 237–238).

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On 19 July 1920, at the request of the Minister of Military Affairs, the CND[38] issued a regulation on call-up of horses.[39]

Raising the Polish Army's morale was to be achieved through issuing, on 14 July 1920, a regulation[40] on establishing a badge of honour for officers and privates for their time spent on the front and for their wounds and injuries.[41]

Reacting to the accusations of many members of parliament regarding bad influence of officers on morale of the Polish soldiers, which was to be one of the causes of regular retreats of the Polish troops, the CND issued regulations, among others, on:

- implementation of the military justice system,[42]
- bringing into force the military criminal code,[43]
- military summary justice system,[44]
- strengthening of penalties[45] for crimes of military persons arising from their military status.[46]

Some regulations of the CND, issued in July 1920, were aimed to increase the safety of the Polish State that was at risk posed by agitation of communist forces and activities of the Bolshevik agents. During the CND meetings held on 14–15 July 1920, the Council issued regulations on crimes:

- posing a risk to the State safety by breaching the state secret and disseminating worrying news,

[38] Regulation of the Council of National Defense of 19 July 1920 on the conscription of horses (Journal of Laws 1920, no. 63, item 415).

[39] CMA, Office of the Minister of Military Affairs I. 300.1, ref. no. 48, no. 2194; AMR, PCM, Meeting protocols, ref. no. 11, cards 183–185.

[40] Regulation of the Council of National Defense of 14 July 1920 on the establishment of a badge of honor for (equal) and rank-and-file officers for wounds and injuries (Journal of Laws 1920, no. 83, item 555).

[41] AMR, PCM, ref. no. I/106, cards 64–67; AMR, PCM, ref. no. 7, cards 124–125. The Regulation of 6 August 1920 on establishing a Cross of Valour served the same purpose.

[42] Regulation of the Council of National Defense of 15 July 1920 on the amendment of Article 185 of the Regulation of the Council of Ministers of 10 May 1920 on the implementation in the territory of the Republic of Poland of the Act of Military Criminal Procedure for the Common Armed Forces of 5 July 1912 (Journal of Laws 1920, no. 60, item 372).

[43] Regulation of the Council of National Defense of 30 July 1920 on the amendment of Article 53 (1) of the Regulation of the Council of Ministers of 10 May 1920 on the implementation of the military penal code (Journal of Laws 1920, no. 71, item 478).

[44] Regulation of the Council of National Defense of 30 July 1920 on military summary justice (Journal of Laws 1920, no. 71, item 479); Regulation of the State Defense Council of 20 July 1920 on summary courts in the former Austrian partition (Journal of Laws 1920, no. 61, item 393); Regulation of the State Defense Council of 20 July 1920 on summary courts in the former Russian partition (Journal of Laws 1920, no. 61, item 392).

[45] Regulation of the Council of National Defense of 18 August 1920 on the restriction of penalties for crimes committed by military personnel, resulting from the service relationship (Journal of Laws 1920, no. 81, item 543).

[46] AMR, CND, ref. no. 71; AMR, PCM, ref. no. I/106, cards 59–62, 75–85.

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− addressed against the armed force and against the safety of the State.[47]

The Regulation of the CND of 19 July 1920 prohibited "to spread, during the war, news concerning the troops and issues of national defense".[48] The administrative authorities decided whether or not to publish press articles about the above issues.[49]

Legislative activity of the state authorities was also directed towards providing for volunteers, their families and disabled soldiers. On 15 July 1920, the Sejm passed a law on providing for the families of persons performing the compulsory national service or volunteer military service.[50]

This issue was often discussed during meetings of the Presidium of the Council of Ministers. The outcome of these discussions was one of the regulations of the CND[51] on "employer obligations towards workers and employees performing active volunteer military service in the Polish army and their families".[52]

Other regulations of the CND in this regard, issued on 20 July 1920, referred to:

− interim allowances for families of volunteers,[53]
− benefits for families[54] of persons performing military service in the Polish Army.[55]

Operations of the Polish Army on the front were to the supported by the society. This was to be achieved through the regulations of the CND on:[56]

− issuing direct requisition warrants by military authorities,[57]

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[47] AMR, CND, ref. no. 7, cards 12–14, 94–108. Other regulation of major importance was the Regulation of CND of 15 July 1920 on "submitting civilians to the military justice system" and on "introduction of military summary proceedings for civilians".

[48] Regulation of the Council of National Defense on 19 July 1920 on the announcement of news regarding the army and state defense during the war (Journal of Laws 1920, no. 63, item 416).

[49] AMR, PCM, ref. no. I/106, cards 101–102.

[50] TS LS, 164th meeting of 15 July 1920, columns 21–22.

[51] Regulation of the Council of National Defense of 11 August 1920 on employers' obligations towards workers and employees performing active volunteer service in the Polish army and their families (Journal of Laws 1920, no. 81, item 539).

[52] AMR, PCM, Meeting protocols, ref. no. 11, cards 200–205; AAN, CND, ref. no. 7, card 6.

[53] Regulation of the Council of National Defense of 20 July 1920 on temporary allowances for volunteer families (Journal of Laws 1920, no. 63, item 417); Regulation of the State Defense Council of 6 August 1920 on amendments to the Act of 27 May 1919 on the temporary provision of the widows and orphans of the servicemen of the Polish army (Journal of Laws 1920, no. 75, item 510).

[54] Regulation of the Council of National Defense of 20 July 1920 on military allowances for the families of persons serving in the Polish Army from conscription and voluntary service (Journal of Laws 1920, no. 63, item 418).

[55] AMR, PCM, ref. no. I/106, cards 115–119.

[56] P.K. Marszałek, *Rada Obrony Państwa…*, pp. 124–126; A. Podolska-Meducka, *Od wojny do wojny. System świadczeń wojennych w Polsce w latach 1918–1921*, Warszawa 2011.

[57] Regulation of the Council of National Defense of 15 July 1920 on issuing direct requisition orders by military authorities (supplement to the Act of 28 October 1919) (Journal of Laws 1920, no. 62, item 407).

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- issuing direct requisition warrants by military authorities at the time of evacuation actions,[58]
- drawing the civilian population towards personal performances and performances in kind,[59]
- authorisation of the minister of provisioning to issue regulations on provisioning in connection with conduct of war.[60]

During the Bolshevik invasion, the state authorities were focused on hostile attitude of neighbouring countries towards the Republic of Poland. In particular, they focused on activities of the German authorities counting on defeat of the Polish troops and preparing its troops for incursion onto the Polish territory.[61]

Considering the above threat, on 19 July 1920 the CND issued a regilation[62] on establishing the Western Vigilante Group in the area of the former Prussian district.[63]

It's worth pointing out that the CND supported the Volunteer Troops that was being formed, whose General Inspector became Gen. Józef Haller. He also chaired the Citizens' Executive Committee of the National Defense, in the structures of which thousands of people worked on various levels engaging in support for the Polish Army and Volunteer Troops and the fight with the 1920 Bolshevik invasion.[64]

We cannot omit the role of the CND in establishing the Government of National Defense (so-called the peoples' government) under the leadership of Wincenty Witos and Ignacy Daszyński, which in summer 1920 had a significant impact on

[58] Regulation of the Council of National Defense of 20 July 1920 on attracting people to personal and material benefits in the event of an evacuation (Journal of Laws 1920, no. 64, item 425).

[59] Regulation of the Council of National Defense of 18 August 1920 on supplementing the provision of Articles 20 and 21 of the Act of 25 July 1919 on personal war benefits (Journal of Laws 1920, no. 81, item 541).

[60] Regulation of the Council of National Defense of 6 August 1920 on the authorization of the Minister of Provision to issue provisions related to the conduct of war (Journal of Laws 1920, no. 73, item 500).

[61] *Sąsiedzi wobec wojny 1920 roku*, comp. J. Cisek, Londyn 1990, pp. 194–203; P. Madajczyk, *Niemcy wobec wojny polsko-radzieckiej w 1920 r.*, [in:] *Wojna polsko-sowiecka 1920 roku. Przebieg walk i tło międzynarodowe*, ed. A. Koryn, Warszawa 1991, pp. 172–184.

[62] Regulation of the Council of National Defense of 19 July 1920 on the establishment of the Western Civic Guard in the area of the former Prussian district (Journal of Laws 1920, no. 62, item 408).

[63] AMR, PCM, ref. no. I/106, cards 96–98. As it was stated in reasons for the above regulation, "The wave of deserters coming to the country, causing panic and internal disintegration is so high that the police service will not b able to fulfil its duties without prominent help of the civilian forces. […] Volunteer forces will join the army, the indolent ones have to be caught and cause to defend their own name as also civil utility".

[64] *Obrona Państwa w 1920 roku. Księga sprawozdawczo-pamiątkowa Generalnego Inspektora Armii Ochotniczej i Obywatelskich Komitetów Obrony Państwa*, ed. W. Ścibor-Rylski, Warszawa 1923.

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increasing the engagement of Polish peasants and working class in defending the country against the Bolshevik invasion.[65]

The last session of the Legislative Sejm before the summer recess took place on 24 July 1920. The agenda of the 166th session of the Legislative Sejm contained information on changes in composition of the CND in connection with establishing the Government of National Defense (with Wincenty Witos as the Prime Minister). During the session, competent Sejm committees received eight regulations of the CND issued on 14–19 July 1920.[66]

In the face of ever greater danger to the Polish statehood posed by Bolshevik troops, the CND activities intensified while its procedures were still simplified. As noted by Capitan Kazimierz Mazanek: "A motion, adopted by the Council of Minister, by its authority, was submitted by a minister to the Council of National Defense, which having accepted it as its regulation made it a binding law upon publication in the Journal of Laws. The CND members had the right of legislative initiative".[67]

During the winter recess of the Sejm, lasting from 24 July to 24 September 1920, same as before, the CND, in its activities, did not diminish neither the rights of the parliament, nor the head of state, nor the government. It was just the Council of Ministers that prepared draft regulations and the Prime Minister was obligated to hand over the acts of the CND to the parliament. The government was still responsible for executive decisions, including those arising from regulations and orders of the CND. As Jacek Goclon determined, it was still a body "situating itself between the Sejm and the Council of Ministers, having part of the powers of both of those institutions, and most importantly the legislative powers in the form of ability to issue orders and regulations (which were immediately enforceable)".[68]

It is worth underlining that during the session held on 20 July 1920 the CND empowered the Council of Ministers to make a truce with the Bolshevik Russia's government, leaving for itself only the most important matters related to peace negotiations. It needs to be recalled that the CND was still competent to make all decisions as regards increasing the Polish arms and supplying it with war equipment and ensuring the discipline in ranks of the Polish army.

Jacek Goclon, engaged in the matter of the legal and structural position of the Government of National Defense, managed to determine that not all regulations handed over from the CND were accepted by Witos government. It concerned, e.g., "the draft regulation of the Council of National Defense submitted by the

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[65] J. Goclon, *„Rząd Obrony Narodowej" Wincentego Witosa 24 VII 1920 – 13 IX 1921. Pozycja prawno-ustrojowa i dokonania w polityce wewnętrznej*, [without place and year of release].

[66] TS LS, 166th meeting of 24 July 1920, columns 4–6.

[67] K. Mazanek, *Sejm Ustawodawczy wobec zagadnień wojskowych*, "Bellona. Miesięcznik Wojskowy" 1923, vol. 9(1–3), p. 16.

[68] J. Goclon, *„Rząd Obrony Narodowej" Wincentego Witosa…*, pp. 71–72.

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Minister of Military Affairs in the matter of introducing a state of siege on the area governed by the general-governor". Instead of this draft regulation, the said government accepted "the motion of the Minister of Military Affairs in the matter of the regulation of the Council of National Defense on governor's extraordinary powers". They also rejected "the motion of the Minister of Military Affairs in the matter of badges for officials occupying civil posts".[69]

In the middle of the first half of August 1920, the CND also focused its attention on two problems regarding defense propaganda. The intensifying Soviet and German propaganda, targeted at the Polish State and clearly having ears in Western Europe, resulted in strikes of dockers, among others in the port of Gdańsk. Strikes made it impossible to transport military equipment for Poland from Western Europe.[70]

Trying to change the hostile attitude of the working class in Western Europe, which treated Poland as an imperialistic nation striving for liquidation of the world's first nation of workers and peasants – on 6 August 1920 the CND issued a manifesto "To the nations of the world" regarding "broken most recent negotiations with the Bolshevists and the fight for sovereignty of Poland". The CND informed the world opinion that Bolshevik Russia didn't want peace and sought to conquest Poland.[71]

The institutions supporting the activities of the CND were to be the Office of Foreign Propaganda, managed by Vice Prime Minister Ignacy Daszyński, and the Office of Internal Propaganda.[72]

In the face of the Red Army troops approaching Warsaw, the CND, at its meeting held on 6 August 1920, appointed the Central Committee for Evacuation. On 9 August 1920, at the request of the Minister of Military Affairs, the CND issued a regulation[73] on military enlistment for military age-groups 1889–1885.[74]

Aiming at maintaining the public order on areas threatened with direct warfare, on 6 August 1920 the CND issued a regulation[75] on establishing a state of siege

[69] *Ibidem*, p. 126–127.

[70] W. Petter, *Niemcy i Reichswehra w wojnie polsko-sowieckiej (1919–1920)*, [in:] *Rok 1920 z perspektywy osiemdziesięciolecia*, ed. A. Ajnenkiel, Warszawa 2001, pp. 252–254.

[71] AMR, PCM, Meeting protocols, ref. no. 11, cards 375–376.

[72] P.K. Marszałek, *Rada Obrony Państwa…*, pp. 142–161. The said institutions commenced their activities only after the victorious 1920 Battle of Warsaw.

[73] Regulation of the Council of National Defense of 11 August 1920 on the conscription of the age group of 1889, 1888, 1887, 1886, 1885 (Journal of Laws 1920, no. 75, item 514).

[74] AMR, CND, ref. no. 3, card 19; AMR, CND, ref. no. 7, card 128. Gen. K. Sosnkowski, when justifying the urgent need to enlist in the army the next five age-groups, stated: "The situation on the fronts is that all troops still need to be prominently supplied. Since the age-groups of men under 30, which has been enlisted so far, will be used in August to supplement the ranks of the Army, the Ministry of Military Affairs, in order to secure further reserves and prepare in the supplementations in the nearest future […]".

[75] Regulation of the Council of National Defense of 6 August 1920 on the establishment of a state of siege (Journal of Laws 1920, no. 69, item 460).

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and partial handover of executive power by the Minister of Internal Affairs to the military.[76]

The Council of National Defense was forced to face also the increasing problem of separatist tendencies of Wielkopolska and Pomorze. A delegation that came from there on 6 August 1920, presented to the CND their demands to handover the General Districts in Poznań and Toruń under the command of Gen. Kazimierz Raszewski and due to ever greater threat posed to western borders by Germany, to establish a separate "eastern army". Most of the postulates put forward by the delegation was realised by the CND. On 11 August, Gen. Raszewski was appointed a commander of DOG Poznań. Nevertheless, the CND didn't agree to establish a separate "western army" with regard to increasing, dangerous separatist tendencies of Wielkopolska and Pomorze.[77]

The meeting of the CND held on 11 August 1920 was devoted, among others, to the matter of both rewarding for bravery in the battlefield and punishing for cowardice. They made a decision on establishing a Cross of Valour[78] and an Order of Military Virtue and on badging by the army commands. It was also found necessary to establish an Extraordinary Tribunal called the Tribunal of National Defense for trying senior officers accused of disasters of the Polish army on the Eastern front. Prof. Oswald Balzer was appointed the chairman of the Tribunal.[79]

The Council of National Defence did not cease its activities in the course of the heaviest fighting on the foregrounds of Warsaw. The 16th meeting of the CND, which began on 16 August 1920, was attended by the Commander-in-Chief Józef Piłsudski, who after the first successes of the Polish troops in the Battle of Warsaw, returned to the capital city. He presented a favourable situation on the front, discussed the "Bolshevik governance" on the terrains occupied by the Red Army troops and gave examples of cooperation of the peasant masses with the Polish troops. Piłsudski also signalised a miserable supply for the Polish soldiers: "Jagged uniforms, one-third barefooted".[80]

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[76] P.K. Marszałek, *Rada Obrony Państwa…*, p. 125; A. Podolska-Meducka, *op. cit.*, pp. 265–266.

[77] AMR, CCCS, ref. no. 5125/20, cards 214–221; AMR, PCM, ref. no. 3, card 22; R. Wapiński, *Endecja na Pomorzu 1920–1939*, Gdańsk 1966, pp. 25–26. A trip to Wielkopolska and Pomorze of the prime minister W. Witos, trying to suppress their separatist endeavours, turned out to be necessary. See W. Witos, *op. cit.*, pp. 109–112.

[78] Regulation of the Council of National Defense of 11 August 1920 on the establishment of the Cross of Valor (Journal of Laws 1920, no. 87, item 572).

[79] AMR, PCM, ref. no. I/106, cards 241–249; P.K. Marszałek, *Geneza i działalność Trybunału Obrony Państwa z 1920 r.*, "Acta Universitatis Wratislaviensis" 1992, no. 1193, p. 125 ff. The only case dealt with by the Tribunal of National Defense was the case of Gen. Aleksander Boruszczak, accused on giving away Vilnius to the Bolshevist without fighting.

[80] A. Leinwand, J. Molenda, *op. cit.*, p. 259.

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An example of fast reaction of the CND to the needs of soldiers fighting with the Bolshevik invasion was its regulation[81] of 25 August 1920 on a one-off military tribute, comprising, on the national scale, three hundred thousand pairs of shoes with uppers, three hundred thousand pairs of woolen trousers, six hundred thousand sets of underwear, three hundred thousand woolen blankets or warm duvets. The poor population living on areas especially affected by the Bolshevik invasion was exempted from the tribute. In the course of the discussion, it was also agreed that the army would provide farmers with part of the horses previously commandeered, which was to enable the autumn cultivation. This way the population was to be reimbursed for the cost incurred on the one-off tribute.[82]

During the CND meeting held on 25 August 1920, the CND adopted also a release of a manifesto to the Polish Army with a word of thanks for saving the Homeland from the Bolshevik danger. It was also stated that a victory over the enemy should be to a large extent credited to the help of the French officers, especially General Weygand, who deserves special thanks.[83]

Despite noticeable contribution of Piłsudski in victorious end of the 1920 Battle of Warsaw, the National Democracy continued its campaign against Piłsudski, accusing him of causing the Bolshevik invasion, still tried to separate the function of the Chief of State from the function of the Commander-in-Chief and to give the command over the Polish Army to General Józef Haller. During the CND meeting held on 17 September 1920, which was chaired by Prime Minister Witos, after a discussion, the Council adopted an act on the protection of honour of the Chief of State.[84]

Referring to building of a Soviet power apparatus on the territory occupied by the Red Army troops, the subject-matter of two meetings of the CND (held on 11 and 17 September 1920) were the issues of field court martial functioning

[81] Regulation of the Council of National Defense of 25 August 1920 on a one-time tribute for the needs of the army (Journal of Laws 1920, no. 86, item 570).

[82] AMR, PCM, ref. no. I/106, card 225; A. Leinwand, J. Molenda, *op. cit.*, pp. 262–263; A. Podolska-Meducka, *op. cit.*, pp. 297–298.

[83] Józef Piłsudski, after finding out that Gen. Weygand was leaving after one month's stay in Poland, sent on 25 August 1920 a cable to Gen. Rozwadowski, advising him to say goodbye to the French general in the name of the Commander-in-Chief and handing him an Order of Military Virtue class V (higher classes weren't given yet at that time). See W. Jędrzejewicz, J. Cisek, *Kalendarium życia Józefa Piłsudskiego 1867–1935*, vol. 2: *1916–1920*, Kraków–Łomianki 2006, pp. 413–414.

[84] AMR, PCM, ref. no. I/106, cards 272–275; AMR, PCM, ref. no. 8890/21, cards 1–13; AMR, PRM, Fact files, Fact file 49, pp. 293–296; AMR, Military Institutions, ref. no. 296/1-18, card 101; R. Wapiński, *Świadomość polityczna w Drugiej Rzeczypospolitej*, Łódź 1989, p. 472; H. Korwin-Milewski, *Siedemdziesiąt lat wspomnień (1855–1925)*, Poznań 1930, p. 538; M.M. Drozdowski, *Józef Piłsudski. Naczelnik Państwa Polskiego 14 XI 1918 – 14 XII 1922*, Warszawa 2008, p. 159.

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towards persons cooperating with the assailant. They included some members of PPS and left-wing peasant movement clubs.[85]

In the September debates of the CND, a lot of its attention was on the issue of hostile position of the Lithuanian government towards Poland during the Polish--Soviet armed conflict. During the meeting held on 8 September 1920, at the request of the Marshal of the Sejm Wojciech Trąmpczyński, the CND members authorised the Commander-in-Chief to take military actions both against Bolshevik Russia and Lithuania.[86]

However, among many tasks of the CND, the Council brought to the forefront the issues relating to the suspension of hostilities and the peace negotiations with Bolshevik Russia, first in Minsk, and then in Riga.

The Council of National Defence, during its meeting on 11 September 1920, determined instructions for Polish delegations for the peace talks in Riga. The most important matter of them was setting out the eastern border of Poland.[87]

The 24th meeting of the CND, which was held on 1 October 1920 in the Namiestnikowski Palace, chaired by Wincenty Witos, was dedicated mostly to the situation on the front. The Vice Prime Minister Ignacy Daszyński, representing the majority of the society of the Second Polish Republic demanding fast end of the war in the East, was concerned with the progressing offensive of the Polish troops. At his request the CND adopted the following resolution: "The peace delegation in Riga is being called to lead to conclusion of preliminary peace and armistice with Soviet Russia anytime soon, proceeding in accordance with the instruction of the government and the Council of National Defence. Any default in signing the conclusion of peace and armistice is injurious to the State. The government will send to Riga special delegates to accelerate signing of the conclusion of peace and armistice".[88]

[85] AMR, PCM, ref. no. I/106, cards 265–271; "Wyzwolenie" 1920, no. 37, p. 412; "Wyzwolenie" 1920, no. 38, p. 424. A motion "in the matter of field court martial limitation over civilians" was raised by the vice prime minister Ignacy Daszyński.

[86] AMR, PCM, ref. no. I/106, cards 297–30; A. Leinwand, J. Molenda, *op. cit.*, pp. 142–143. The consent of CND to hostilities against Lithuania, which didn't accept the Polish proposals to defuse the conflict, was confirmed during the meeting held on 22 September 1920.

[87] AMR, PCM, Meeting protocoles, ref. no. 11, cards 265–267; *Dokumenty i materiały do historii stosunków polsko-radzieckich*, vol. 3: *Kwiecień 1920 – marzec 1921*, comp. W. Gostyńska, I. Jażborowska, A. Leinwand, Warszawa 1964, pp. 412–422. The instruction included the following provisions: "Ending the century-lasting fighting between Poland and Russia for the terrains disputable between them and creating the grounds for good neighbourly co-existence of both nations. The border between the two countries will be determined not on the basis of historical re-vindications of both parties, but on the basis of fair reconciliation of vested interests of the negotiating parties".

[88] AMR, PCM, ref. no. I/106, cards 304–310; A. Leinwand, J. Molenda, *op. cit.*, p. 312–313.

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DISSOLUTION OF THE COUNCIL OF NATIONAL DEFENCE

The meeting of the CND held on 1 October 1920 was the last meeting in its three months' term of office. It's worth mentioning that during the first sitting of the Legislative Sejm after the summer recess on 24 September 1920, the Sejm received for its approval 51 regulations of the CND adopted during the period from 19 July to 2 September 1920. From among of them, 11 regulations were handed over to the Military Committee, 10 – to the Legal Committee, 8 – to the Military and Legal Committee jointly, 7 – to the Administrative and Military Committee jointly, 7 – to the Treasury and Budget Committee, 6 – to the Administrative Committee, 2 – to the Military and Agricultural Committee jointly.[89]

During the sitting of the Legislative Sejm held on 7 October 1920, a motion was submitted under which purposefulness of further existence of the CND was challenged. A member of ZLN Stanisław Głąbiński, during a debate over the "post--war" exposé of the W. Witos government, stated in the name of ZLN that "the CND has already fulfilled its duties when the Sejm gathered, when the peace preliminaries are to be signed – we believe that the CND should be dissolved and that a resolution should be passed in this regard in the High Sejm. The CDN was established in a threatening moment, because as we know the Sejm was to have a recess. We presented the CND to ourselves mostly as a martial council, not as a surrogate of the Sejm itself. In consequence of such a long recess of the Sejm, the CND indeed transformed into kind of a small Sejm. It passed diverse laws, which have no direct connection to war or peace; it adopted, e.g., a regulation on compulsory loan, or on the emission of 5 billion, or on the State Tribunal, or on offence to the Chief of State's honour. All this wasn't the responsibility of the CND. […] I think that the Sejm will not resign from its powers, that the Sejm will continue to debate, that the Sejm will find itself that the CND may consider its duties to have been completed".[90]

A sudden request to dissolve the CND "whose time has passed" was also submitted on 8 October 1920 by priest Stanisław Adamski representing the Narodowo-Chrześcijański Klub Robotniczy. The Vice-Marshal of the Sejm Jędrzej Moraczewski, who chaired the debate, in view of no votes against, handed over the above motion to the Constitutional Committee.[91]

The preliminary treaty on armistice and peace was signed with Bolshevik Russia on 12 October 1920 in Riga. The armistice agreement, enclosed thereto, provided for cessation of any warfare on 18 October 1920 at midnight.

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[89] TS LS, 167th meeting of 24 September 1920, columns 7–11.
[90] TS LS, 170th meeting of 7 October 1920, column 23.
[91] TS LS, 171th meeting of 8 October 1920, column 58.

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It is worth referring to the analyses of the legal and structural position of the CND made by Romuald Kruczkowski, who stated: "In these circumstances the activities of the CND have ceased, as it wasn't the Council but the re-debating constituent assembly that was competent to approve peace preliminaries, which was equated with conclusion of peace. And the conclusion of peace exhausted the mandate of the CND and the Constitutional Committee of the Sejm, when it received a motion to dissolve the Council, had to state that it was dissolved on the strengths of the law itself and that no formal resolution of the Sejm was needed to state that fact".[92]

Summarising the activities of the CND, it has to be stated that it played a major role in holding back the Bolshevist invasion of Poland. During the three months' period, it issued over 90 different legal acts aiming at strengthening of defense of the Polish State which was threatened with a loss of its independence.

Despite acquiring very broad powers, both legislative[93] and executive, the CND used its powers with prudence. None of its regulations went beyond its competence scope, as they had to be approved by the parliament in order to be valid. Hence, the fears of some politicians that the CND may increase the scope of Piłsudski's governance and limit the Legislative Sejm's sovereignty did not prove to be real.

The Council of National Defense did not replace the government but it facilitated expeditious coordination of all spheres of activities of the State with functioning of the highest military authorities. With its regulations, which required immediate realisation, the CND streamlined the operation of administrative authorities of the State, preventing concurrently the pervading decoupling of citizens in various areas of life. Its activities did not infringe the basis of the State structure. Whereas, the CND could intervene in every area of life of the State, which sometimes boiled down only to pointing the mistakes out, which was often sufficient.[94]

Thanks to the intensive activity of the CND, it was possible to appoint a large army consisting of soldiers aware of the necessity to fight with the Bolshevik invasion, whilst the nation regained its faith in the victorious end of the military conflict with Soviet Russia.

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[92] R. Kraczkowski, *Dekretowanie ustaw w Polsce w latach 1918–1926*, Warszawa 1994, p. 77.

[93] More on undermining the legislative power of the body, see E. Kozerska, K. Dziewulska, *The State National Council and the Polish Committee of National Liberation in a State Governed by the Rule of Law: Positions of Legal Scholarly Opinion*, "Studia Iuridica Lublinensia" 2021, vol. 30(1), p. 135.

[94] P. Zaremba, *Historia dwudziestolecia (1918–1939)*, vol. 1, Paryż 1981, p. 192; J. Goclon, *W obronie Europy. Wojna z bolszewicką Rosją w 1920 roku*, Łódź 2009, p. 105.

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ABSTRAKT

Utworzona w dniu 1 lipca 1920 r. Rada Obrony Państwa miała być organem tymczasowym, dysponującym pełnią władzy ustawodawczej i wykonawczej we wszystkich sprawach związanych z prowadzeniem i zakończeniem wojny oraz z zawarciem pokoju z bolszewicką Rosją. Rada Obrony Państwa miała wydawać w tych kwestiach zarządzenia i rozporządzenia podlegające rygorowi natychmiastowej wykonalności. Pomimo uzyskania znacznego zakresu uprawnień, zarówno w zakresie władzy prawodawczej, jak i wykonawczej, żadne z jej rozporządzeń nie wykraczało poza granice jej kompetencji. Rozporządzenia Rady Obrony Państwa dla uzyskania ważności wymagały zatwierdzenia przez Sejm Ustawodawczy. W okresie trzech miesięcy swojego funkcjonowania Rada Obrony Państwa wydała ponad 90 różnych aktów prawnych, służących wzmocnieniu obronności państwa polskiego narażonego na utratę niepodległości. Rada Obrony Państwa odegrała ogromną rolę w powstrzymaniu bolszewickiego najazdu na Polskę. Dzięki niej powstała liczna armia, a naród odzyskał wiarę w zwycięskie zakończenie konfliktu zbrojnego z sowiecką Rosją.

Słowa kluczowe: bolszewicki najazd na Polskę; Rada Obrony Państwa; władza ustawodawcza i wykonawcza; Sejm Ustawodawczy; organ tymczasowy; rozporządzenia