

strategy:

# FORCE DISPARITY

by Joseph W. Varela

The indictment reads, “The State of Texas vs. Your Client.” The State of Texas: 30 million people; an area larger than any Western European nation; the world’s ninth economy. The Harris County District Attorney’s Office is one of the largest such offices in the nation. It has a budget of \$65 million. It employs 820 people, including lawyers, investigators, professionals, support personnel.<sup>2</sup> It has divisions that specialize in prosecuting certain crimes. You are most likely a solo practitioner or a partner in a very small firm.

When it became clear that Russia would invade Ukraine, much was made in the press about the disparity of forces between the two nations. Graphics such as Figure 1 were widely circulated.

.....  
Whoever has forces  
where the enemy does  
not give them sufficient  
employment, whoever has  
part of his forces  
on the march

—  
that is, allows  
them to lie dead

—  
while the enemy’s  
are fighting, he is  
a bad manager  
of his forces.

CARL VON  
CLAUSEWITZ<sup>1</sup>  
.....



RUSSIA		UKRAINE
845,000	MILITARY FORCE	130,000
\$78 billion	MILITARY BUDGET	\$1.6 billion
27,607	ARMORED VEHICLES	4,460
3,082	WARPLANES	27
973	ATTACK HELICOPTERS	4
289	WARSHIPS	21
63	SUBMARINES	1

SOURCE: GLOBAL FIREPOWER (GFP)

FIG. 1: AN EXAMPLE OF A PRE-WAR COMPARISON

Russia, we had been told, was a peer or near-peer force measured against the USA and NATO. It was believed that Russian President Vladimir Putin had caused the military to upgrade its capabilities and could credibly hold it out as the world's second armed force.

To Western pundits and politicians, it appeared to be no contest.<sup>3</sup> How, they said, could Ukraine hope to stand up to forces such as these? Prognosticators predicted that Ukraine would collapse in days or weeks. Russia displayed confidence at all scales. There was general mobilization neither of the military nor of the economy. Many infantrymen were issued only a few days' supply of food and ammunition. Some soldiers packed their dress uniforms. Western opinion held that at best, the Ukrainians would continue a popular resistance after a swift strategic defeat. The prospects for Ukrainian sovereignty seemed dismal.<sup>4</sup>

As the world now knows, no such thing occurred. Russia invaded Ukraine on February 24 with about 190,000 men organized around some 120 Battalion Tactical Groups, i.e., air-land maneuver units. These were supported by elements of the Russian air force and navy. Within hours, these thrusts were in trouble.

Russia first tried a lightning strike in the north, using Putin's vaunted VDV airborne elite soldiers. The plan appeared to be to seize Hostomel airfield near Kyiv, and bring in an invasion force by air. The capital captured, and the government deposed, Putin would be in a position to dictate terms. This and other special-operations attacks failed spectacularly. At Hostomel the Ukrainians were waiting; they immediately counterattacked and inflicted heavy losses. Russian air support failed to appear and follow-on ground forces were interdicted. The surviving VDV were last seen running into the woods.

Putin had commissioned Chechen Prime Minister Ramzan Kadyrov to supply mercenaries. At extravagant cost, an armored column of these battle-hardened "Kadyrovites" was equipped with the latest Russian weapons and sent as an independent striking force to seize

the government in Kyiv. They brought with them their reputation for ruthlessness and brutality. Two days into the war, this column was ambushed by Ukrainian light infantry using man-portable rockets and drones. The Chechen column was obliterated. Fifty-six tanks were lost, along with hundreds of Kadyrov's elite mercenaries including their commanding general.

Then the Russians assembled a forty-mile-long convoy and sent it against Kyiv. It included tanks, armored personnel carriers, supply trucks, mobile anti-aircraft, and motorized infantry. Surely this juggernaut could accomplish what the lighter forces did not? Ukraine and the West anxiously tracked its ponderous descent on the capital. The forty-mile convoy never got there. It was stopped by thirty men. Thirty men mounted on four-wheel motorcycles and armed with portable weapons went out at night and shot up the leading vehicles. The road-bound convoy now immobilized, Ukrainian forces harassed it with all available armaments and after taking heavy losses, it broke up and scattered. By about March 10 the Russian offensive in the Kyiv-Kharkiv region was stopped, and forces in the north later withdrew under fire and were re-positioned in the east.

There, Russia's air force having failed to secure air superiority, the army fell back on its age-old tactics of indiscriminate heavy shelling and slow advance. As Western weapons such as HIMARS guided rockets and guided artillery came on line, Russia lost almost all of its maneuver capability. Russian gains per day were measured in hundreds of meters. As this is written, the war is consuming Russian men and equipment voraciously. Estimates of Russian losses vary wildly but reasonable Western appraisals claim 50,000 casualties and perhaps 5000 pieces of equipment lost.

It appears that Russia has almost run out of combat power and is facing a Ukrainian counteroffensive. Russia is now recruiting men up to age 60 and is hiring convicts to replenish its losses. To be sure, Ukraine has suffered appalling losses itself, and the outcome of the war is still in doubt, but Russia has already been defeated on the strategic level.<sup>5</sup>

How did this happen? How did the world's second army fail against a manifestly smaller opponent? How did Ukraine surprise the world, if not themselves?

To answer this question, I will argue that simple comparisons of force disparity between Russia and Ukraine such as Figure 1 offer a misleading picture.

This argument has implications for the defense lawyer.<sup>6</sup>

Let's first examine the Russian military. Like its Soviet predecessor, it is designed to compete with the USA and NATO anywhere in the world. It features a large land army equipped with all manner of weapons and vehicles. There is a blue-water navy of expeditionary surface ships and nuclear-powered submarines. The air force includes strategic bombers, fighting aircraft, and a large helicopter fleet. Russia has by far the world's largest collection of strategic and battlefield nuclear weapons, which are extremely expensive to build and maintain. Russia can also boast of costly advanced weapons such as T-14 tanks and hypersonic missiles. The Russian military is in essence a shoestring copy of the US military.<sup>7</sup>

And here's the point: The disparity in Figure 1 looks like an overwhelming mismatch, but how much of that

Russian strength is relevant on the ground in Ukraine? The expensive super-weapons either have no measurable impact, or do not exist in sufficient numbers to be fielded. The navy is of limited utility in a mostly land invasion. Ukrainian coastal defense (and Turkish diplomatic action) has seen to that.<sup>8</sup> The strategic bomber fleet is useless as long as Ukrainian air defenses exist. The big nuclear arsenal is not intimidating anybody from supplying help to Ukraine. Much, or most, of the Russian military establishment is not relevant to the war.

Now to examine the Ukrainian side. Ukraine has regular forces, with combat experience in the Donbas region since 2014. The regular forces' weapons and training are optimized only to repel a foreign invasion. Ukraine spends no money on an expeditionary navy. Its air force has no strategic bombers. It buys no nuclear weapons. It spends not a penny on specialist soldiers or civilian experts to run such systems. Ukraine's entire military is organized to defend Ukraine against Russia. Ukraine has far fewer active-duty soldiers than does Russia, but every man exists only to defend the homeland. The regular army is augmented by the Territorial Defense Force of military reservists and civilians trained in support services, such as logistics and medical aid. And since the invasion, it

# EZ MONITORING

JOHN BURNS FAMILY OWNED & OPERATED



## GPS & RF ANKLE MONITORS

- ▶ Programmable Court Restrictions
- ▶ Inclusion and/or Exclusion Zones
- ▶ Victim Notification Available
- ▶ Custom Schedule & Range Settings
- ▶ No Phone Line Required

**ORDERED TODAY**



**INSTALLED TODAY**



## AT HOME ANKLE MONITORS

- ▶ DIVERT Program Approved
- ▶ Color Picture Verification
- ▶ Court-Ordered Test Schedule
- ▶ Alcohol Specific
- ▶ No Monthly Recalibration
- ▶ Portable & No Phone Line Required

For More Information  
Call Shannon or Shaun

**713-228-3969**

609 HOUSTON AVE. | HOUSTON TX 77007  
EZMONITORING@YAHOO.COM  
SE HABLA ESPAÑOL



has raised a large force of Volunteers at almost no cost. In the opening days of the war, anyone who showed up at a recruiting station could get a rifle and a yellow armband.

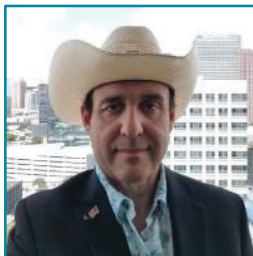
These Volunteers were not sent to the front as cannon fodder but were employed intelligently doing rear echelon duties such as guarding prisoners and supply routes, thereby freeing trained soldiers to fight the Russians. Some of these Volunteers armed themselves with rifles and portable weapons to hunt Russian armored units stuck in the mud. They roamed the fields and forests at night, invisible and terrible.

What is happening in Ukraine is that only a fraction of the Russian military is meeting all of the forces Ukraine can muster.



FIG. 2: UKRAINIAN VOLUNTEERS RECEIVE AK-74 RIFLES

## If You Have a DUI/DWID Case or Accident/Liability Investigation You Better Call "Sol"



### Qualifications

- BA In Chemistry
- PhD in Toxicology
- Board Certified, American Board of Toxicology
- 18+ Years of Experience
- 40+ Toxicology Cases
- Adjunct Professor, UTMB, Department of Pharmacology & Toxicology, Galveston, Texas

### Will Accept Court Appointed Cases



ToxSci Advisors LLC

**Sol Bobst, MBA, PhD, DABT**

**President, ToxSci Advisors LLC**

**832.581.2686**

281.686.6363 cell

832.581.2587 fax

2016 Main St. Suite 1901

Houston, Texas 77002

sol@toxsciadvisors.com

The District Attorney's Office appears formidable, but it cannot bring its entire panoply of personnel against you and your client. The vast majority of its forces are irrelevant to your client's case, or are occupied elsewhere.<sup>9</sup>

You, however, can devote your entire attention, or a significant portion of it, to your client's defense. In the courtroom, which where it counts, you can aspire to match the opposition. It takes a great deal of effort, and efficient allocation of limited resources, but when the trial starts, you should be more-or-less at parity with the prosecutor's lawyers.

One way to do this is by specialization. There are lawyers in Harris County whose practice is devoted almost entirely to DWI defense. DWI defense is a niche practice which requires mastery of arcana such as field investigations and scientific testing.

Lawyers who so specialize do not face all the expertise of the DA's Office, but only that portion that can be devoted to the prosecution of DWI and related crimes.

By limiting their practices, specialist defense lawyers can build up at least as much expertise as anything the DA can throw at them.

Other lawyers may find that their practice concerns complex felonies. Their file cabinet contains fewer but more difficult cases.

They will find themselves daily up against experienced prosecutors, frequently from special divisions.

Complexity of cases might appear at first glance to be a disadvantage, but it can be leveraged to achieve something closer to parity. One method is to start working early and stay ahead of the prosecutor. Particularly in the early stages of a prosecution, the defense can devote more time and attention to a case than can the prosecutor. If a defense lawyer immediately obtains and reviews discovery, investigates the case, does legal research, and otherwise actively prepares for trial, he will be ahead of the prosecutor's preparation curve.

By early mastery of a complex case, the defense lawyer finds himself in a position to influence any plea-bargaining and can credibly represent himself as ready for trial.

Defense lawyers have to think like Ukrainians.



-----  
*Joseph W. Varela graduated from the University of Texas School of Law. He was licensed in 1983. He is board certified in criminal law, and practices criminal trial and appellate law in Harris County.*

## DEATH PENALTY MITIGATION & FACT INVESTIGATION FOR CAPITAL CASES

# NEED TO KNOW THE TRUTH?

Life history and fact investigations for  
defendants facing capital punishment  
and juveniles facing life sentences.

**TEXASLEGALINVESTIGATIONS.COM**

**ATLANTIC  
INTERNATIONAL**  
ASSOCIATES

texaslegalinvestigations@gmail.com | 207.838.7260

JEFF WAX | TEXAS LICENSE # A04131101

- 1 On War, Book III, Chapter XIV (1832). Trans. J. J. Graham.
- 2 Personal communication, Harris County District Attorney's Office, July 2022.
- 3 I have departed from my usual practice of extensive references. The war in Ukraine is an emerging situation and I have relied on contemporary news reports which will not be cited. Additional information was obtained from videos of military action posted on the internet. Doubtless, when the histories are later written, the record will be corrected.
- 4 I confess that I was in this camp. I thought the likely outcome would be a rapid conquest followed by high-intensity guerrilla resistance. But I'm in good company: the appreciations of military thinkers worldwide failed comprehensively. That so many experts got it utterly wrong is itself unsettling.
- 5 And, I would add, on the level of grand strategy: The USA's position of leadership is re-affirmed, NATO is invigorated, Russia is isolated financially and diplomatically.
- 6 In choosing to do so I ignore other Russian failures such as a flawed conscription system, reliance on outdated weapons, chaotic logistics, poor command structure, incompetent leadership, lack of realistic training, systemic corruption, intelligence failures, bad morale, and everything else the Russians got wrong. These factors are critical to Ukraine's success to date, but are not necessary for my argument.
- 7 The US alone spends at least ten times as much on its military as compared with Russia. And the US still has to make hard choices on how that money is allocated.
- 8 Without a navy to speak of, Ukraine sank the Black Sea Fleet's flagship and compelled said Fleet to retreat from the coast.
- 9 This is not a criticism; how could it be otherwise?



## CELEBRATE LIFE & LOVE

Custom Designed  
Wedding Stationery,  
+ Much More

the  
**printed  
bride**

  THE PRINTED BRIDE  
THEPRINTEDBRIDE.COM