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FOREWORD

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FOREWORD

By Daniel Garrie*

Today our country is faced with the stark and harsh reality that cyber warfare is playing an instrumental role in the domestic and foreign policies of both the United States, and international community at large. One cannot go a week without seeing the front page of the news featuring a cyber incident – a crime, attack, act of terror, or other state sponsored activity. From criminals stealing nearly $100 million from the Bank of Bangladesh,[1] to the Ukrainian power grid being knocked out, leaving 230,000 citizens in the dark,[2] and even to determining elections, [3] the impact of cyber warfare is here to stay. The ability of cyber warfare to shape world events can be demonstrated no better than

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[1] *That Insane, $81M Bangladesh Bank Heist? Here's What We Know*, Kim Zetter, WIRED (May 17, 2016), https://www.wired.com/2016/05/insane-81m-bangladesh-bank-heist-heres-know/.

[2] Inside the Cunning, Unprecedented Hack of Ukraine's Power Grid, Kim Zetter, WIRED (Mar. 3, 2016), https://www.wired.com/2016/03/inside-cunning-unprecedented-hack-ukraines-power-grid/.

[3] *Bears in the Midst: Intrusion into the Democratic National Committee*, Dmitri Alperovitch, CROWDSTRIKE (June 15, 2016), https://www.crowdstrike.com/blog/bears-midst-intrusion-democratic-national-committee/.

the very recent cyber-attack on the Democratic National Convention.

Imagine for a moment that instead of headlines like "Russian government hackers penetrated DNC, stole opposition research on Trump",[4] "DNC Hack Prompts Allegations of Russian Involvement",[5] and "Experts: Hard to prove Russians behind DNC hack"[6], we read a headline "Foreign criminals break into DNC HQ and steal communications and opposition research". The latter would likely lead to an unprecedented response by the United States Government, leading to a highly publicized hunt for the criminals, which would lock down all means of egress from our nation until the issue was resolved. Pundits on both sides of aisle would debate the issue, and in likelihood congressional summons would be issued.

The truth of the matter is that none of this happened. The story hit the news cycle for 24-48 hours, and over the course of a month nobody paid the issue any attention. That is until we began to see the fallout. When Wikileaks, on July 22, released nearly 20,000 sensitive

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[4] *Russian government hackers penetrated DNC, stole opposition research on Trump*, Ellen Nakashima, WASHINGTON POST (June 14, 2016), https://www.washingtonpost.com/world/national-security/russian-government-hackers-penetrated-dnc-stole-opposition-research-on-trump/2016/06/14/cf006cb4-316e-11e6-8ff7-7b6c1998b7a0_story.html.

[5] DNC Hack Prompts Allegations of Russian Involvement, http://www.wsj.com/articles/dnc-hack-fits-pattern-of-past-russian-meddling-1469469535.

[6] *Experts: Hard to prove Russians behind DNC hack*, Elizabeth Weise, USATODAY (July 25, 2016), http://www.usatoday.com/story/tech/news/2016/07/25/experts-hard-prove-russians-behind-dnc-hack/87529230/.

emails,[7] the fate of a Presidential election may have been determined. To date, these actors have apparently absconded with zero repercussions, while impacting the election of the leader of the free world, a notion that should seem ludicrous to anyone if it played out in the physical world.

The Journal of Law and Cyber Warfare is not a partisan publication. I write this forward as the Editor-in-Chief to highlight the power of an act of cyber war, and the DNC example is only the tip of the spear.

The articles in this issue present a range of views and perspectives, both U.S. centric and global, and seek to move the issues surrounding cyber warfare and its implications out of the shadows and into the spotlight.

[7] Search the DNC email database, WIKILEAKS, https://wikileaks.org/dnc-emails/.