

Wiretapping The Internet?!: VoIP is *Very* Different

The Communications Assistance to Law Enforcement Act (CALEA) is not good policy. It should not be extended to software applications like Voice over Internet Protocol (VoIP), and doing so would not help stop terrorists.

CALEA was a dramatic departure from the fundamental practice in our free society of designing products, technologies, and infrastructures first and foremost with consumers' interests in mind. Altering goods and services for the benefit of government investigators inverts American values and puts the interests of government and law enforcement ahead of the overwhelmingly honest and law-abiding people that make up our civil society.

All Americans should comply with lawful requests for information from law enforcement. Anyone who persistently resists lawful information requests should be exposed for doing so and suffer court sanctions and consumer retribution. But a strong belief in law enforcement does not extend to believing that any element of the society or its commerce should be designed to specifications written by the Justice Department.

It is often suggested that extending CALEA to voice over Internet Protocol applications (VoIP) will have a significant impact on investigating and disrupting sophisticated enemies of peace and order in the United States. It would not.

VoIP is available from offshore producers who are under no obligation to comply with CALEA. VoIP is being developed by the open source community, in which there is no provider to whom CALEA would apply.

The availability of non-CALEA-compliant VoIP means that any sophisticated enemy of peace and order in the United States will use non-compliant VoIP for their communications. Non-complaint VoIP can be downloaded over the Internet today.

Extending CALEA requirements to U.S.-based VoIP providers would add outsized costs — in dollars, foregone innovation, and privacy — without delivering any significant security or law enforcement benefit. All Americans would pay more, and suffer degraded security in their communications, while terrorists and spies would use non-compliant VoIP.