

Joshua E. Adrian

*VoIP on Tap: Whether the FCC Should Apply Wiretapping Standards
to Voice Over Internet Protocol*

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Abstract by Lisa Pettinati

The author identifies Voice over Internet Protocol (VoIP) as a telecommunications technology used by criminals to bypass law enforcement. The article explains that VoIP connects speakers quickly through broadband or high-speed internet, allowing illegal activity, such as terrorism or drug cartels, to go unmonitored. Therefore, the author indicates that the FCC must move to regulate this new technology under its wire-tapping laws so as to improve governmental oversight of communications that lead to criminal conduct.

The article describes the language used in the Communications Act that fails to include VoIP technology. The author provides a background on the debate over VoIP's classification as it coincides with the evolving deregulation policy of the FCC in the area of telecommunications. The author draws upon the petitions requesting expedited rulemaking in this area and addresses the public comment sought on the Communications Assistance for Law Enforcement Act (CALEA), specifically where the law provides a classification of VoIP.

The first part of the article discusses how the Communications Act and the FCC allow for VoIP technology to avoid regulation enforcement. The second part of the article highlights the Notice of Proposed Rule-Making on CALEA that looks to clarify a definition of VoIP. To conclude, the author reiterates the problem with VoIP classification and suggests that regulations must develop alongside technology in order to be effective.