To serve the needs of law enforcement while protecting privacy, the legal and technical approaches to Internet wiretapping must be reexamined.

Of late, there has been a great deal of interest in the ability of law enforcement agencies to place wiretaps on the Internet. While there are certainly legitimate reasons for wanting this ability, it is an area that is fraught with technical difficulty and legal ambiguity. In light of these problems, new legal and technical approaches to wiretapping are in order.

In this article, we examine wiretapping problems from several perspectives—statutory, jurisdictional, and technical—and suggest paths to minimizing those problems.

First, and in some sense the simplest, are problems with current statutes. While some of these can be fixed by legislative action, others raise deeper issues. Second are jurisdictional problems; Internet routing systems can make it unclear who has the right to tap a call and under what circumstances. Third, the very nature of Internet communications introduces complex technical problems. Packet-switched networks are inherently much harder to monitor than conventional phone lines. When looked at