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IHT 20/8/2012

Judge rejects deal in Facebook ad dispute

Terms of settlement questioned in case over product endorsements

BY SOMINI SENGUPTA

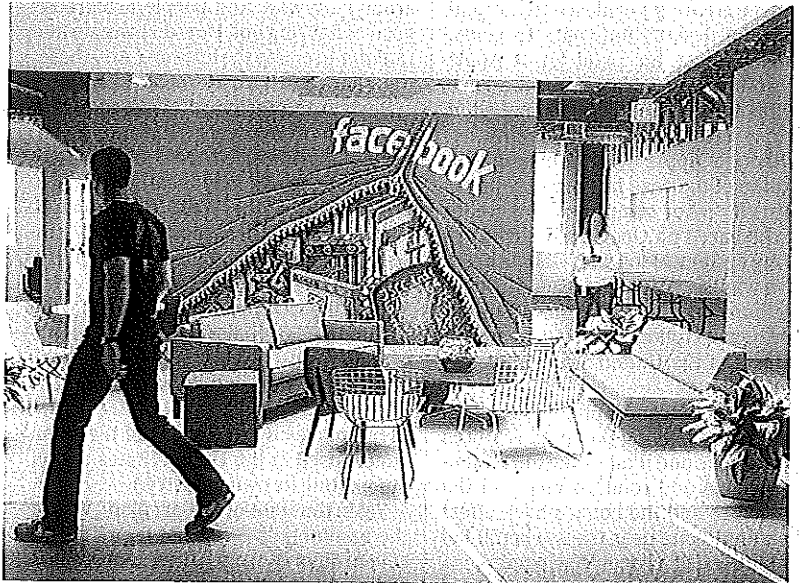
Facebook's advertising efforts now face a new legal hurdle at a time when the company, a social networking giant, needs to increase revenue and convince investors of its long-term prospects.

Late Friday, a U.S. District Court judge in California rejected the pending settlement of a class-action lawsuit against Facebook, calling on both sides to prove that the terms of the settlement were not "merely plucked from thin air."

The case focuses on an advertising tactic known as sponsored stories, in which Facebook users endorse brands, in some cases without their knowledge. For example, when users "like" Wal-Mart, the retailer can use their names and pictures in advertisements to their friends on the social network. Wal-Mart pays Facebook for the service.

Facebook has extolled such advertising. Executives view it as an especially valuable source of revenue on mobile phones, an area in which the company has been struggling to bolster its profit.

In the class-action suit filed last year, the plaintiffs argued that Facebook users had not been sufficiently informed as to how their "likes" translated into profits for the company. The two sides reached a tentative settlement this year. As part of the proposed deal, Facebook agreed to inform users better about sponsored stories, to limit their use and to allow people younger than 18 to opt out of the function. The



PETER DASILVA/EUROPEAN PRESSPHOTO AGENCY

A meeting space at Facebook's headquarters. The company had agreed to pay \$20 million to settle a case in which users of the service appeared to endorse advertisers' brands.

company also agreed to pay \$10 million to a dozen research and advocacy groups that work on digital privacy rights, and \$10 million to cover legal fees for the plaintiffs.

But the settlement did not inhibit Facebook from continuing to serve up sponsored stories.

On Friday, Judge Richard G. Seeborg of U.S. District Court in San Francisco rejected the draft order and asked both sides to justify how they had negotiated the dollar amounts.

"There are sufficient questions regarding the proposed settlement," he wrote.

The judge's questions are likely to draw Facebook's lawyers to court for the next several months.

Judge Seeborg said he wanted clarification on whether there could be relief for the millions of Facebook users whose names and photographs had already been used.

He also asked about the "adequacy and fairness" of how the two sides agreed on the amount to be given to charity.

And he raised concerns about the size of the legal fee payment, worrying that the plaintiffs' lawyers "may have bargained away something of value."

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ANALYSIS

Food producers

A shift from subsistence

Companies facing shortages of both produce and land are increasingly focused on securing the first link in the supply chain, writes Louise Lucas in the conclusion of the FT's Tricky Customers series

It is a match made in heaven and consumed, with perfunctory grunting, in a clover-leaved English field. The bull's musky flanks straddle his mate's wide-arched pelvis, likely as not to produce a healthy calf that could end up in a Big Mac.

McDonald's, the US restaurant chain that gets through more than 1m tonnes of beef a year, is among a growing herd of food and drink multinationals focusing on the starting point in their "farm to fork" supply chains.

More and more responsible companies are saying food does not start at distribution centres but at farms, says Roland Bonney, who co-founded the research farm in Oxfordshire and acts as a consultant to McDonald's.

Be it beef farmers in Britain or milk producers in Mongolia, smallholders are being wooed by food groups. Their aim, amid supply shortages induced by climate change, and volatile commodities prices and exchange rates, is to secure supply, improve quality and reduce payments to middlemen.

This takes multinationals far from their core businesses into areas such as helping organise (or in some cases provide) finance; trying to prevent suppliers using child labour; providing agricultural expertise; and building schools and other social infrastructure.

"We cannot simply be receiving [produce] without making sure that farmer will stay in business and that there are incentives for quality," explains José López, who manages supply chain operations for Nestlé, the world's biggest food and drinks company by sales.

The Swiss-based group now buys produce directly from more than 800,000 farmers, from Ivorian cocoa growers to Pakistani dairy farmers, providing the technical know-how (and in some cases seeds, saplings and other inputs) to tease more bounty out of the same amount of land.

For many companies, this approach is the solution to a conundrum facing everyone who produces or consumes food. By some 2050, the UN forecasts, the planet will be home to another 2bn people. To feed a population of 8bn with a growing appetite for protein and processed food, production will need to increase by an estimated 70 per cent. Yet urbanisation and non-food crops such as corn grown to make ethanol fuel are eating rival claims on land - so farmers will have to produce more



mon to the fundamentals of supply and demand. "We are not Mother Teresa," says Roland Decrovet, head of Nestlé's operations in China, where resources are ploughed into dairy farms in the north and coffee growers in the south-west.

"Because we are working with 1.6m smallholder farmers, I have less fluctuation on input pricing," says Paul Polman, Unilever chief executive. "Because of better agricultural tech-

niques, looked "as if I'd asked if she was into drugs," says Nestlé's Mr López. "My daughter will be a pharmacist, Mr," she replied.

Mr John, who himself abandoned a life on the Angolan sugar plantations for a desk in Switzerland - offers no overnight fix to this situation. Instead, he argues that the manufacturer's role is to help farmers create business models that allow their farms to rise above subsistence

New leaf: an Ivorian cocoa farmer working with food and drinks group Nestlé on a yield-boosting programme. Multinationals are using such schemes to head off forecast commodities deficits

doubling their incomes as a result. Companies' ultimate obligation is to shareholders, not to smallholders in Ecuador or Angola. When situations grow less favourable, they are quick to shift operations, as illustrated by the cotton buyers who fled Pakistan after 2010's devastating floods, says Eteloch Saban of Oxford GB.

Moreover, argues Raj Patel, author of *Stuffed and Starved: The Hidden Battle for the World Food System*, mul-

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Cocoa is a case in point. Assuming supply remains flat and demand grows in line with global gross domestic product, an annual deficit of 1m tonnes is expected by 2020. Executives from Nestlé, and Mars and Kraft of the US, have taken steps to help improve the yields of nearly 5m smallholders in Ivory Coast and Ghana, the world's biggest producers. Mars, one of the biggest confectionery companies by sales, is aiming to help double the production of 1m cocoa farmers.

Starbucks' activities in coffee-growing areas range from analysing soil to erecting elephant-proof fencing. "We want [smallholders] to go from producing six to eight bags per hectare to 14," says Colman Guff, head of the Seattle-based group's trading arm.

Such practices might be perceived as attempted "greenwashing" on the part of the food industry, which has been accused by campaign groups of behaviour such as pillaging poor nations, destroying forests to produce the palm oil used in a multitude of goods from soap to cakes, putting five-year-olds to work fruit-picking and killing orangutans. McDonald's has been accused of "farm washing" in the US, where it this year sought to stem criticism of its food quality with an advertising campaign featuring farmyard settings.

Many executives acknowledge the impact of such pressure, particularly with the growth of all-seeing, all-telling social media - but they insist their recent engagement with farmers owes



more to the fundamentals of supply and demand. "We are not Mother Teresa," says Roland Decrovet, head of Nestlé's operations in China, where resources are ploughed into dairy farms in the north and coffee growers in the southwest.

"Because we are working with 1.6m smallholder farmers, I have less fluctuation on input pricing," says Paul Polman, Unilever chief executive. "Because of better agricultural techniques, soil and waste management, I have better yields."

And the costs of the deals on offer - ranging from interest-free loans to technical expertise that is treated as a business cost and mostly offered free to farmers - are relatively low. Nestlé last year reported sales of \$57.6bn (\$5.7bn), for example, compared with the \$11.1bn it plans to spend in the next decade on plant science and sustainability.

Some might count themselves lucky to have any yields at all. Relations between farmers and traders, processors, manufacturers and retailers are increasingly strained. UK dairy farmers, claiming their profits have been squeezed below zero, last month threatened to pour their milk down the drain rather than sell it at a loss. US farmers, with crops devastated by this year's drought, are calling for an increase in the billions in state aid they receive each year.

It is not just securing their immediate supply of inputs that keeps manufacturers awake at night. "I'm very much concerned about one fact," says Hans Jöhr, Nestlé's head of agriculture. "Who is going to grow our food for the future?"

In Japan, he says, the average farmer is 68 years old. In the UK, the figure is 60, in Ghana, 59. Depositing children in lively toilet schools means their ambitions shift far from their parents' modest plots. One Chinese farmer, asked if his daughter would follow in her foot-

steps, looked "as if I'd asked if she was into drugs," says Nestlé's Mr López. "My daughter will be a pharmacist, sir," she replied.

Mr Jöhr - who himself abandoned a life on the Brazilian sugar plantations for a desk in Switzerland - offers no overnight fix to this situation. Instead, he argues that the manufacturer's role is to help farmers create business models that allow their incomes to rise alongside yields.

Such collaborations can be fruitful. The launch by London-listed SAB-Miller, southern Africa's biggest brewer by sales, of a beer made from cassava and targeting low-income consumers has won plaudits from farmers and non-governmental organisations. It relies on local smallholders, reducing the impact of foreign exchange fluctuations. In addition, some Mozambique farmers have used income from cassava sales to buy processors, enabling them to charge more for manufactured produce than they could for raw commodities.

But there is a darker side to the farm-to-fork story. There are risks in supplying a single big buyer, particularly with a commodity product. The balance of bargaining power lies with the manufacturer, while farmers receive a relatively small share of the spoils. Oxfam, the UK charity, estimates their average share at less than 10 per cent - and frequently less than 5 per cent - of the final supermarket price.

Simon Winter of TechnoServe, an NGO that has helped organise 25m smallholders (still a drop in the ocean) into co-operatives to work with multinationals, says knowing they have a reliable buyer gives farmers the ability to borrow money for inputs - though this does not work for all products. But he says: "We are definitely seeing that this loyal supplier-buyer relationship is getting established and farmers and farmers are

New leaf: an Ivorian cocoa farmer working with food and drinks group Nestlé on a yield-boosting programme. Multinationals are using such schemes to head off forecast commodities deficits

doubling their incomes as a result." Companies' ultimate obligation is to shareholders, not to smallholders in Ecuador or Angola. When situations grow less favourable, they are quick to shift operations, as illustrated by the cotton buyers who fled Pakistan after 2010's devastating floods, says Eriq Shah of Oxfam GB.

Moreover, argues Raj Patel, author of *Stuffed and Starved: the Hidden Battle for the World Food System*, multinationals end up crowding out governments, whose role it should be to eradicate the poverty that often stalks rural populations.

The UN Food and Agriculture Organisation welcomes the changing relationships between multinationals and farmers, noting that sustainable agricultural sourcing is essential for food security. But, says Doyle Baker of the FAO, the risks include diversion from crops that yield low returns but are nonetheless local staples, and from domestic markets. Such practices can also contribute to the indebtedness that often accompanies more intensive practices, which require more cash. Suicide rates among farmers, as Mr Patel notes, exceed those of other trades and frequently stem from debt.

Improving farming techniques can also affect local natural ecosystems. When Nestlé began sourcing its top-of-the-range espresso coffee from Colombia, it introduced techniques that meant fewer poor quality beans were produced - and in doing so put paid to the pin money smallholders' wives earned from selling such beans to local shopkeepers. The company's solution was to build a guest house that the women now run.

Back in Oxfordshire, the bull's work is done - partly. He has 35 cows to service, says Mike Gooding, the farm's managing director. He smiles, and it is not clear if he is referring to the bull or fanning of huge when he adds: "It's not a bad job."

Speed read

Protected produce Multinationals' moves to secure supplies from smallholders include offering agricultural expertise and building infrastructure

Fundamentals in focus Though such schemes might be dismissed as "greenwashing" on the part of a sector often criticised for its conduct in poor regions, executives say they are driven by basic laws of supply and demand

Corporate duties While this approach can be fruitful for both parties, companies' ultimate obligation is to shareholders not smallholders

On the web

Audio slideshow Louise Lucas on the thousands of miles that coffee beans travel in their journey from plant to cup www.ft.com/coffee

"Because we are working with 1.6m smallholder farmers, I have less fluctuation on input pricing"

Tapping Crowds to Design New Military Hardware

By James R. Flaherty

A branch of the Pentagon is looking into whether a bunch of volunteers could design a better amphibious vehicle for the Marines than a defense contractor.

The Defense Advanced Research Projects Agency, known as Darpa, is preparing to assess whether crowdsourcing, a freewheeling collaborative method sometimes used to develop software, can be an effective means of designing military equipment.

The U.S. military hopes crowdsourcing could help counter the enormous costs and long delays that often dog the development of new weaponry and vehicles.

Darpa aims to use crowdsourcing to tap more brainpower than the traditional defense-contractor route, while speeding up development and slashing expenses. The first test of the new approach will be a competition to design a vehicle that would be used to help Marines storm beaches.

Darpa got an opening to test its crowdsourcing theories after the Defense Department in early 2011 canceled another project to create a replacement for 1970s-era Marine amphibious vehicles. The military concluded the project, led by defense contractor General Dynamics Corp., would be too expensive—after sinking in more than \$3 billion toward development. Pursuing the program “would essentially swallow the entire Marine vehicle budget,” the then-Defense Secretary Robert Gates said at the time.

The Pentagon is still pondering



The Pentagon aims to use crowdsourcing to design a possible replacement for 1970s-era Marine amphibious vehicles.

what alternative to pursue. Both General Dynamics and BAE Systems PLC, longtime suppliers to the U.S. military, say they are eager to develop a new vehicle for the Marines.

Meanwhile, however, the Marines have agreed to consider designs the Darpa effort produces to replace the aging vehicles, which continue to be repaired and modified. A spokesman for the Marines said they probably will remain in use for at least another decade.

Darpa plans a series of “chal-

lenges” in which designers could compete for prize money, the largest award being \$2 million for the best total vehicle design. The first challenge is to take place in the first half of next year. Darpa “hopes to see a broad spectrum of participants, from small businesses to large industry to academia, as well as individual engineers at various levels of expertise,” a spokesman said.

One big challenge for Darpa is the risk that crowdsourcing could leak sensitive information about U.S. mili-

sell household products, including pizza slicers and toilet brushes, dreamed up by freelance inventors. General Electric has described crowdsourcing as a potential boon for designing such things as medical and aerospace equipment.

As part of its experiment, Darpa, which is known for its contributions to creating both the Internet and global-positioning technology, this week awarded a \$47.5 million, three-year contract to a research lab at Pennsylvania State University to make sure the designs can be manufactured in a timely and cost-effective way.

After the best design is picked, the lab would oversee the manufacturing process, which would likely involve numerous subcontractors. Final assembly of the vehicle would take place at an Army arsenal in Rock Island, Ill.

Mark Traband, who heads the Penn State manufacturing-research team that won the contract to assess the designs’ viability, said the university’s Applied Research Laboratory has done research-and-development work for the U.S. military since the mid-1940s.

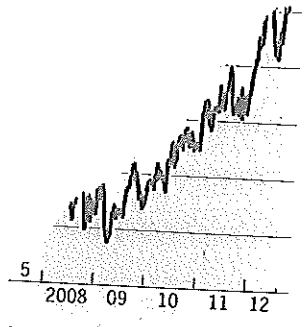
A Darpa spokesman said the agency received bids for the contract “from a variety of sources, including industry and academia,” but declined to name other bidders.

Meanwhile, GE and the Massachusetts Institute of Technology have developed a software “ecosystem” for the Darpa project to help participants share and build on design ideas.

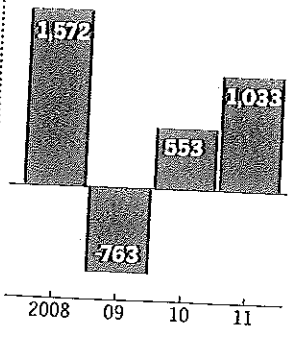
U.S. NEWS

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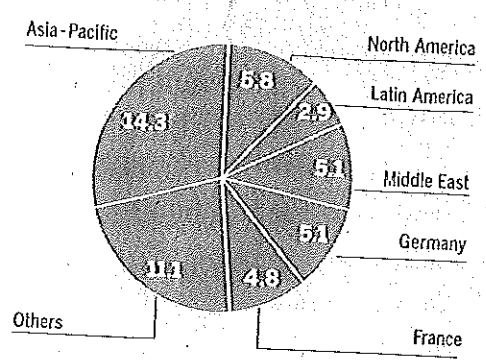
THE WALL STREET JOURNAL.



Sources: Thomson Reuters Datastream; Bloomberg



Revenue by region, 2011 (€bn)



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Finance Times 10/8/2012

St cks in

Twitter lays down the law for app developers

He ant

However, some shareholders warned that it was too early to tell how much billions this spring, which forced some chief executives to resign, will hence remuneration.

senior portfolio manager at a leading UK asset manager said battles over will still continue. said that the slow-down in executive earnings may be due to both a weakening economy and a change of government, under the leadership of media pres-

growth in total earnings were largely attributed to money earned on long-term incentives. The bonus was down on past performance.

only a minority of 100 directors attached bonus to the median value of the company by 18.1 per cent.



holders are making decisions

MEGA New rules applied to smartphones

By Tim Bradshaw

Twitter has threatened to cut off access to "tweets" for some popular smartphone applications, angering developers with its move to exert more control.

A blogpost by Michael Sippey, Twitter's director of product, on Thursday evening set out new "rules of the road" for third-party developers, indicating that they must not build apps that compete directly with Twitter's own software for smartphones.

Additionally, Twitter imposed "requirements" on how other smartphone applications display tweets - the 140-character posts to Twitter - including an edict that Tweets must not be displayed as part of updates on other social networking sites. Sites that do not comply would have their access to tweets choked off.

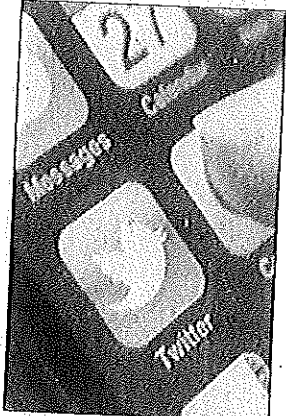
These moves potentially bring Twitter into direct conflict with other social networking sites such as Facebook.

In recent weeks, Twitter has already prevented LinkedIn users from automatically importing all their tweets on to the business social network. It has also revoked the ability for users of Instagram to "find your friends" from Twitter to follow on the photo app, which is being acquired by Facebook.

By moving to ensure tweets are reproduced beyond its own site and apps in a more strictly defined way, Twitter will be better placed to commercialise the activity of brands and celebrity on its network, especially as Twitter expands its platform beyond text to accommodate multimedia and apps as well.

The efforts, which some have compared to Apple, have stoked growing unrest

But these efforts, which some have compared to Apple's tight control of its App Store, have stoked growing unrest among Twitter's developer community.



Twitter is concerned that rivals could tap its full feed

Marco Arment, who runs Instapaper, a newsreader that allows users to clip articles shared by friends on Twitter, among other features, said Twitter was proving "unstable and unpredictable" for developers. "I sure as hell wouldn't build a business on Twitter and I don't think I'll even build any non-trivial features on it any more," he wrote on his blog.

Twitter's moves reflect its desire to protect what executives see as its greatest commercial asset: the interests and passions that it can divine from the people and companies Twitter users, numbering hundreds of millions, choose to follow. Twitter sees this "interest graph" as more valuable to advertisers than Facebook's "social graph", its network of friend connections.

Twitter's proposition to advertisers centres on the ability to target its "promoted tweets" and other advertisements to users based on their interests, and the company is concerned that rivals who can tap its full feed, such as LinkedIn and potentially Facebook, could hijack this data to sell their own ads around it.

This process requires ownership of the end-to-end Twitter experience, but developers have criticised Twitter for threatening to cut off popular apps such as Tweetbot and Echofon, which users say offer more advanced features than Twitter itself.

BEVERAGES Dutch brew to sweeten

By Louise Luc

Heineken is preparing to bid for Asia Pacific 10 days after ThaiBev entered the Dutch-brewer's control with an \$800m offer. The Dutch-brewer's initial bid or basis.

The hotly contested fast-growing Singapore already partly owned by Heineken, has bidding war that to the break owner, Fraser & Neave.

Singapore that owns soft real estate assets. Heineken is tendering S\$530 million for F&N's direct interests in Asia. The bid is aimed at people familiar with the situation, up to S\$50 a share would raise the valuation from S\$5.1bn. There would be a mandatory takeover bid. The Dutch brewer was initially frustrated when companies with Thai Beverage leading spirits company, said to acquire stakes in APB. However, the S\$50 a share bid followed on August 1st. The initial S\$55 a share bid was an affiliate of a company known as Kindest P.

A dictionary's mass appeal

Language

BEN ZIMMER

To "crowdsource," according to the Britain-based Collins English Dictionary, is "to outsource work to an unspecified group of people, typically by making an appeal to the general public on the Internet." As this definition suggests, it's a fairly new word; Collins added it to the dictionary three years ago.

As of last month, however, Collins has gone even further, adopting crowdsourcing not just as an entry in the dictionary but as a methodology affecting its future. Taking a page from its own book, Collins is now crowdsourcing the hunt for new words and phrases, calling on the public to submit suggestions at its Web site (collinsdictionary.com). The response has been robust: In the first two weeks of the initiative, there were 2,637 suggestions from more than 2,000 different users, according to Alex Brown, head of digital at HarperCollins.

This looks like a brave new world for dictionaries — evidence, perhaps, of the shaky status of lexicographical authority in the age of Urban Dictionary and Wiktionary. But in fact, the practice of crowdsourcing goes way back in the history of dictionaries, many decades before there was even a word for it. And this latest project, despite relying on the wisdom of crowds, still employs experts as gatekeepers.

Of the thousands of suggestions, the Collins lexicographers have named 91 as candidates to be added to their online dictionary on Sept. 1. Words in the running include "floordrobe" ("a pile of clothes on the floor that you're forced

to select an item from when you've run out of fresh laundry"), "bridezilla" ("a woman whose behavior in planning the details of her wedding is regarded as obsessive or intolerably demanding"), and "bashtag" ("a mean or rude comment sent on Twitter").

The Web site also lists the words that didn't make the first cut, and may never achieve lexical glory: "mobydickulous" ("ridiculous on an epic scale"), for example, and "brolbus" ("to slide down the banister of a stairway on your posterior").

Given that actual lexicographers do decide which words get the green light, this move by Collins isn't really so wild — it's more of a savvy marketing gambit. Indeed, what Collins is doing is similar to Merriam-Webster's Open Dictionary, which has fielded nearly 20,000 suggestions from users since it began online in 2005. Merriam-Webster's editor at large, Peter Sokolowski, told me that the contributions to the Open Dictionary do serve as inspiration for the annual additions of new words, alerting editors to shifts in meaning and usage.

But Collins is going beyond what other publishers have done. User suggestions will be tightly integrated into its online dictionary, with successful contributors credited by name. And the dictionary is adopting an ambitious online publishing schedule, with updates planned every few weeks.

Dictionary editors have tended to work at a far less hurried pace, and even when updates are made on a quarterly or annual basis, the additions may have been in the works for years. The Oxford English Dictionary is known for its stately circumspection, generally requiring a decade or more of established usage before opening its doors to a new word or sense. The word "crowd-

sourcing" itself hasn't made it into the revised O.E.D. yet.

That's a bit ironic, considering that the O.E.D. was arguably the first reference work to be crowdsourced. Way back in 1879, the first editor, James Murray, made an appeal to "the English-speaking and English-reading public" to scour books for citations that could be used as historical evidence in the entries. The call to arms ultimately generated about a million citation slips that served as the backbone of the O.E.D. The current editor in chief, John Simpson, has renewed the call, launching a "Wordhunt" to drum up early examples of high-profile words and phrases.

Still, even if dictionaries have long relied on outsider input, the Collins plan hits the fast-forward button. I asked Elaine Higgleton, publishing director for Collins dictionaries, if she was concerned that the rapid schedule might lead to inclusions that wouldn't stand the test of time. "Personally, I'm not at all worried about that," Higgleton said. "In the online space, where we don't have constraints over what we can include and we don't have any problems about size, I think that's all good, valid information to include." She noted that even ephemeral items may be of interest to researchers in the future who want to look back and see what the words of the moment were.

So take heed, you bridezillas and keepers of floordrobes. Your language might seem downright mobydickulous now, but unlike transitory slang of the past, it now has a shot at posterity. The invitation to chime in means that it's in your hands to campaign for your favorite word of the moment, so that future generations can one day get a glimpse of lexical life in the early 21st century.

BOSTON GLOBE

LETTERS TO THE EDITOR

An opening in North Korea

Regarding the op-ed article "The view from Pyongyang" (Views, Aug. 17): It was good to see Charles K. Armstrong's sensible, low-key analysis of the situation in North Korea. Recently, far too much uninformed blather about the changing situation in Pyongyang has erupted from those seeking to justify their previous predictions of imminent collapse.

Mr. Armstrong cited striking changes in Pyongyang, and then traveled to the countryside to note how tragically far behind the rest of the country still lags. I agree with his prediction that North Korea "can most likely muddle through for some time to come."

My contacts with North Koreans, including recent talks with senior officials representing the Kim Jong-un regime, lead me to believe that Pyongyang is pre-

paring itself to deal with whatever new policy formulations emerge from Washington and Seoul after the coming presidential elections. I believe that the potential for vastly improved relations exists, and only hope that we are intelligent enough to recognize that opportunity.

DONALD P. GREGG
ARMONK, NEW YORK

The writer served as U.S. ambassador to South Korea from 1989 to 1993.



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