

## overSEAS 2011

This thesis was submitted by its author to the School of English and American Studies, Eötvös Loránd University, in partial fulfilment of the requirements for the degree of Bachelor of Arts. It was found to be among the best theses submitted in 2011, therefore it was decorated with the School's Outstanding Thesis Award. As such it is published in the form it was submitted in **overSEAS 2011** (<http://seas3.elte.hu/overseas/2011.html>)

A HKR 346. § ad 76. § (4) c) pontja értelmében:  
„... A szakdolgozathoz csatolni kell egy nyilatkozatot arról, hogy a munka a hallgató saját szellemi terméke...”

## NYILATKOZAT

Alulírott (Név és keresztnév) ezennel kijelentem és aláírással megerősítem, hogy az ELTE BTK AUGUSZTINA.....alapképzés/alapszak AMERIKAI NYELVTAN.... szakirányán írt jelen záródolgozatom saját szellemi termékem, melyet korábban más szakon még nem nyújtottam be szakdolgozatként/záródolgozatként és amelybe mások munkáját (könyv, tanulmány, kézirat, internetes forrás, személyes közlés stb.) idézőjel és pontos hivatkozások nélkül nem építettem be.

Budapest, 2011 április 29.

  
Aláírás

A nyilatkozatot a záródolgozathoz kell csatolni

## CERTIFICATE OF RESEARCH

By my signature below, I certify that my ELTE B.A. thesis, entitled  
.....LOBBYISTS' ROLE IN LAWMAKING.....  
is entirely the result of my own work, and that no degree has previously been conferred upon  
me for this work. In my thesis I have cited all the sources (printed, electronic or oral) I have  
used faithfully and have always indicated their origin. The electronic version of my thesis (in  
PDF format) is a true representation (identical copy) of this printed version.

If this pledge is found to be false, I realize that I will be subject to penalties up to and  
including the forfeiture of the degree earned by my thesis.

Date: 2011.04.29

Signed: .....Felicia Pichon.....

EÖTVÖS LORÁND TUDOMÁNYEGYETEM  
Bölcsészettudományi Kar

# ALAPSZAKOS SZAKDOLGOZAT

*Az érdekképviselők szerepe a törvényhozásban*

*Lobbyists' role in lawmaking*

**Témavezető:**  
Stanley Ward  
lektor

**Készítette:**  
Fehér Réka  
anglisztika alapszak  
amerikanisztika szakirány

2011

## Table of Contents

1. Introduction .....	3
2. History of lobbying .....	6
3. The defense lobby .....	8
4. The V-22 Osprey .....	8
5. State and local government procurement lobbying .....	15
6. Public School Vending Machines .....	16
7. Public school textbooks.....	19
8. Conclusion.....	21
Works cited .....	23

## 1. Introduction

A major factor in American government spending and lawmaking is the lobby; and has been called the third house of the legislature. (Rosenthal, 2) Lobbying can be defined as “the deliberate attempt to influence political decisions through various forms of public advocacy.” (Woodstock) Almost anyone in the United States can be a lobbyist and is in one form or another because the First Amendment guarantees “the right to petition government for the redress of grievances.” (Constitution)

Any time a government entity needs or wants to purchase goods – be it printer cartridges, cars or airplane parts – it goes through a procurement process. Since money is being spent here, there is a part of the lobbying industry called procurement lobbying. The procurement lobby is “the lobbying that accompanies decisions concerning the specific goods and/or services that the government will purchase.” (Nownes, 149)

The particular procurement process currently used in the United States was established to prevent corruption or the existence of monopolies. In addition, it varies at all three levels of government (federal, state and local) and even from state to state and city to city. A quick overview of the federal procurement process can help better understand the idea of goods acquisition and where lobbyists fit in the scheme.

The first part of the procurement process is compiling the budget proposal and setting the budget. At the federal level, government entities submit a budget request to the president explaining how much money is needed and what it’s needed for. The President and his staff consider it and either change it, add to it, or reduce it. The President then compiles every government entity’s budget request and submits it to Congress in the form of the “President’s proposed budget.” Congress debates this and perhaps makes changes, then finally votes and sends it back to the President to be signed.

The second part of the procurement process is the contracting phase, where a “contract vehicle” (Nownes, 151) is chosen. The government chooses the kind of contract it needs to buy a certain product or service. It can choose a one-time-only contract or a “task order” contract (Nownes, 151) which allots a specified amount of time for the product or service to be provided. However, there are contracts that are indefinite, in the sense that the winner of the bid is not guaranteed any business. They are put on a list of vendors that government employees can choose from to buy a product or service for a pre-arranged price.

The third part of the procurement process is when the government chooses who receives the contract. Two methods for source selection are used: competitive sealed bidding and competitive sealed negotiations (Nownes, 152). Competitive sealed bidding is when the government first issues a public notice that specifies what is needed; then, businesses submit their bids, which are read by the government and a winner is selected. Competitive sealed negotiations, on the other hand, are a request for proposals from businesses. These are evaluated in-depth by the government and negotiations are commenced. The government does not choose winning bidders by lowest price, but instead they choose based on the “best value criteria,” where they consider a vendor’s “financial capacity, plant capacity, skill, judgment, and integrity,” as well as past performance (Nownes, 152). This is to ensure the best quality goods and services are provided for the best price. This type of evaluation is subject to the discretion of the people who choose the winners, thus allowing, for example lobbyists a large amount of space to use their influence in source selection.

According to Nownes, this process has three important points to mention in government spending that pertains to all three levels of government. The first point states that everything is approved by the legislature. The second is that the procurement process begins with government entities asking to acquire goods. The third important point is that the

executive branch has an important role in the process. These show where the lobbyists fit in to the procurement process.

Lobbyists have a number of jobs to do in the field of procurement. Most procurement lobbyists represent business firms. They are usually hired to help businesses navigate and succeed at winning a government contract. This usually involves the lobbying of the executive branch because many times, especially on the federal level and sometimes at the state level, individual executive agencies decide whom they award the contract to. Lobbyists help businesses prepare effective proposals as well as advertise and market the product or service. They prepare unsolicited proposals when the government does not set a specific procurement and many times try to influence what a government agency asks for in the initial budget request.

This paper will be dealing mostly with procurement lobbying and the negative effects it has on government spending at all three levels of government. Procurement lobbying contributes to the creation of monopolies over certain government acquisitions for one or two businesses, thus narrowing the field for other businesses by reinforcing the practice of “money speaks,” i.e. the more money one has, the better represented they are. Furthermore, procurement lobbying assists special interest groups, mainly businesses, in gaining more power in the political process thus creating laws that deregulate their part of the economy. Moreover, procurement lobbying wastes government money many times on unnecessary acquisitions, raising the government debt at all three levels of government.

This paper will be examining three case studies in regards to procurement lobbying. The first section will summarize the history of lobbying from the first days of the American government up to today. The second section will provide an overview of the defense lobby through the example of the V-22 Osprey military aircraft in the subsequent section. The ensuing sections will present the state and local government procurement lobbying through



the example of operating soft drink and snack food vending machines in public schools. The consequent section will be about publishers' lobby and public school textbook procurement. Finally, there will be a conclusion summing up the whole paper.

## 1. History of lobbying

Lobbying and special interest groups have been present in American politics ever since the creation of the Constitution. James Madison wrote about factions and their dangers to the public good in the *Federalist Papers*. Parallel to the American government being set up, the lobby came into existence. In the beginning there were no guidelines as to how a lobbyist and politician can or cannot act, so gifts and donations were made shamelessly by lobbyists to reach their goals. Regulation of lobbyists did not come into being until 1946 with the Federal Regulation of Lobbying Act which defined the term "lobbyist" and required more transparency in lobbyists' dealings with Congressmen and women. (Grier)

Despite the certain damage lobbyists can cause, in general, lobbying do have an important role in political life: they make sure people's voices and opinions are heard where they might otherwise not be. There are many issues that need to be addressed by the government and the number of political leaders are few compared to the overall population. Lobbyists are a source of information for politicians and government officials. They highlight issues that would otherwise be overlooked in a government of that size. Environmental issues, minorities' rights, child labor, poverty and many more are all issues that are being improved upon because of the work of lobbyists. Also, lobbyists themselves are not necessarily villains: they are people hired to do their jobs. The ethics of lobbyists is based on what those certain people believe in and what the clients of lobbyists want done. The real problems with lobbyism started with changes in the way politicians worked. When politicians stopped using lobbyists as sources of information and instead started to use them as sources of income for

ever bigger and more expensive campaigns is when the number of lobbyists rose and the ethics of lobbyists declined. (Woodstock, 27-28)

There has been a dramatic increase of lobbyists at the federal level over the past 10 years; many factors contributed to this rise. First of all, the corporate sector is spending increasing amounts of money every year on lobbying, while using a more sophisticated approach to reach their goals. This is a response to the weakening of labor unions and the globalization of the markets. Cost cutting, downsizing and outsourcing are receiving greater emphasis in business, creating a demand for laws that help smooth these processes along. On the other hand, the quality of the integrity of politicians has dropped significantly. Financially more expensive political campaigns demand a constant pursuit of campaign money from a larger amount of sources because of federal regulation. Much of this campaign money is donated by special interests through lobbyists to ensure their interests are protected by these politicians. Less time is allotted to the politicians to spend time with policy-development activities, giving lobbyists and special interests a larger room for movement within the political scene up to the point of actually taking over certain jobs, e.g. writing bills that are then voted upon by Congress. (Woodstock, 25-30)

Furthermore, adding to the increase of lobbyists in government is an ideological shift that has been happening in recent years. There is a feeling of hostility towards big government and more support for an unregulated free market competition. The welfare state is constantly under fire and questioned whereas privatization is promoted. An increasingly partisan atmosphere hinders significant changes that are trying to be made in the reorganizing of the system. (Woodstock, 25-28)

All these factors, and many others, have supported the rise in the number of lobbyists found not just at the federal level, but at the state and local levels also. Even though regulations are being made, the lobby is constantly finding loopholes and wasting government

money on fees, unnecessary contracts and acquisitions and monopolies that are not in the interest of the public good.

## **2. The defense lobby**

The federal government of the United States spends around \$500 billion a year on homeland security and an extra \$200 billion on the war in Afghanistan and Iraq. (Budget) This has given plenty of space and capacity for an extremely strong lobby to develop. The Pentagon has spent billions of dollars more than originally estimated during the past few decades due to delays and poor management practices within the military procurement. The Government Accountability Office reported, in 2008, that the Pentagon was \$295 billion over budget. (Hedgpeth)

Defense contracts are among the most popular government procurement contracts for businesses to bid for. The procurement process for equipment or service for the military is even more complicated than for other branches in the government, accounting for more loopholes and the abuse of power. Vast amounts of money are wasted due to the lobbyists involved in the processes and companies siphoning off money for useless services. (Kambrod, 127-131) In 2009 Congress passed the Weapons System Acquisition Reform Act, which aims to cancel all weapons programs that go over budget and to receive realistic estimates of weapons programs. Until now, money has been funneled into the Department of Defense to spend it on anything that received political backing in the House of Representatives or the Senate.

## **3. The V-22 Osprey**

In the 1980s military technology reached a point where a breakthrough was needed: there was general dissent over the helicopters of the time. Some dreamed of a helicopter that could fly as far and as fast as an airplane. That would make a definite difference in the way wars were fought and personnel and equipment were transferred over long distances. This kind of aircraft could even change civilian travel all over the world. There were several ideas and plans at the time, but the future V-22 Osprey was thought up by Bell Helicopter in the early 1980s. (Whittle, 7-25)

When Ronald Reagan was elected president, it insured the Department of Defense more funds for programs that had piled up. The extra money added to the federal budget for weapons programs was used to buy new equipment, among them the V-22 Osprey for the military. The Marine Corps was the branch of the military who asked for funds from the government to purchase this aircraft. At the time Bell's main concern was to win the government procurement contract, but it had one big enemy: Boeing Co. Instead of competing against the giant aircraft producing company, Bell made an agreement with them to develop the V-22 in a joint contract. When the time came to bid for the government contract, Bell-Boeing was the only bidder. (Whittle, 102-105) When the government issues a request for proposals for the purchase of a specific product or service, they usually already have a particular private contractor in mind (Nownes, 175-176). The perceived basic law of the free market economy of keeping prices down by competition here had no hold. The Bell-Boeing proposal was accepted by the government because the Marines convinced members of Congress that the aircraft was essential for them and because they were the only bidders. They were able to construct their proposal without too much oversight. Sometimes, if the bidder has enough political backing, the bid does not even have to be very in-depth or concrete to win the contract (Nownes, 153).

The original forerunner of the Osprey, that won Bell-Boeing a multimillion dollar contract, was the XV-15. This was a tilt-rotor aircraft, whose main concept was that it could take off and land vertically and in the air, tilt its rotors and fly like a plane. When Bell-Boeing won the government contract, they promised to further develop the aircraft so that it contained all of the latest technology that the 1980s could afford within eight years. At the time, the prototype was never tested in bad weather and could only seat two pilots. Also, half of the time it could not take off because there was a malfunction. The government bought the idea of the tilt-rotor, but not the aircraft itself, for at the time it did not even remotely approach what the Marines wanted and could have used at the front lines. In fact, when the Marines wrote up their requirements for the tilt-rotor, it was conceived as impossible to build and be cost-effective at the same time. (Whittle, 108-115) From these few facts it would seem the whole concept of the tilt-rotor needed more time to develop and it seems unusual that the government would buy such a seemingly useless, still under-the-works piece of equipment. In spite of all these setbacks, the aircraft had the backing of several major politicians in Congress, the whole Texas delegation and the Secretary of the Navy. (Whittle, 99) Bell Helicopter was centered in Texas, thus winning the Representatives and Senators from Texas because building this aircraft would mean creating jobs in several districts. Boeing's helicopter factory was just outside of Philadelphia, thus winning the Pennsylvanian Representatives and Senators. These politicians concentrated on their constituents and getting reelected and did not really look into what this program would mean. They wanted their constituents to be happy with them and so two of the largest states backed the government contract.

Government contracts are not unwavering, they are overlooked every year and need to be lobbied to politicians and higher-level management constantly to keep the program running and not have it terminated. The Osprey was riddled with political problems from the

beginning. Bell and Boeing spent millions on in-house lobbying to keep the Osprey alive. They had to keep marketing the V-22 to management officials and military officials, who were constantly being promoted and replaced. Also, the four branches of the military – Army, Navy, Air Force, and Marine Corps – who were involved in the program disagreed and started to drop out one by one. The Osprey was not considered important for anyone other than the Marines so the Army completely dropped out and the Navy and Air Force reduced the amount of aircrafts they were going to buy. Politicians were also changing their minds about the V-22. It took six years for Bell-Boeing to build a prototype that could hover 40 feet above the ground for about a quarter of an hour in perfect weather. (Whittle, 165) As time passed, the whole program was being questioned by more people. The first real advance to terminate the Osprey contract was at the time it first took off, six years after the contract was granted to Bell-Boeing, by the newly elected Defense Secretary, Dick Cheney. President George H. W. Bush was trying to cut funds from defense programs and the Osprey was among the first on the list to get cut. Cheney did his best to terminate it, but that would have meant cutting jobs and losing campaign money for Representatives and Senators from Texas, so it was kept in the budget. In all, Cheney tried to kill the program four times, with no luck. Instead he was able to siphon off money from the program, thus hindering the development of the V-22. In the end, he had to stop trying to terminate the Osprey, because he was endangering President Bush's reelection. (Thompson)

The crucial problem with the Osprey was that it never reached the standards set by the military or the government. Even while in development stages, before flying prototypes were built, it was designed to be larger and heavier than the limits set by the contracts Bell-Boeing signed. Each time there was a survey conducted, the conclusions were always based on the potential of the aircraft and never the realistic situation of the moment. There was one survey conducted by the Institute for Defense Analyses that looked at whether the Osprey would be

cost-effective or not during the time Cheney was Secretary of Defense. The survey found that even though the Osprey was more expensive, it would be more efficient for the Marines to use in the long run than helicopters. (Whittle, 191-192) This had happened before the Osprey was being flown and even before any of the prototypes were built. The assumption of the survey was that if more money was spent on the program, it would speed up development of the Osprey and make it a worthy aircraft. However, the reality of the situation was that the concept of the tilt-rotor was never fully developed and the risky details were never figured out correctly. The construction of the aircraft was rushed and the marketing of it was based on the idea of a world-changing means of transportation. The Osprey killed 30 Marines before it ever saw the front lines of battle. Each time it was tested to fly, there was a malfunction and it was never in perfect condition. There were three fatal crashes during its testing: in 1992 seven men died, in April 2000 nineteen Marines died and in December 2000 four men were killed. (Whittle) This was at a time when technological advances suddenly jumped ahead and equipment like Kevlar seemed outdated. Still, Bell-Boeing was unable to build an aircraft that had little to no malfunctions and could constantly be relied on.

In a 2007 Time article, Mark Thompson wrote a scathing review of the Osprey and described the better and worse points of the aircraft. He writes: “The Marines contend that the V-22 is an assault aircraft.” Yet there is “no forward mounted machine gun” to keep the enemy at bay as the Osprey flies in, only a rear mounted “pea shooter” that can only be fired when the ramp is lowered. Furthermore, the quality of the aircraft has been shirked to get it into battle as fast as possible. According to a report by the Government Accountability Office, quoted by Whittle, the V-22s built before 2005 are of such poor quality that they are ready for flight less than half the time and newer models are ready to fly a little over half the time. This was how the Osprey entered the war in Iraq in 2007. Up to date, there has been news that the Osprey is an important part of the war and it “is rapidly changing the way the Marines Corps

performs military operations.” There has not been a fatal crash in the past decade and, despite all appearances, it “is the cheapest rotorcraft the Marines operate.” The main question now, according to those backing the program, is why the other branches of the military are not willing to use this crucial piece of technology. One answer is that the military has outdated ways of measuring the cost-effectiveness of equipment in use and it is incapable of switching from these approaches to equipment procurement. (L. Thompson) This could be the reality of the matter, but the Marine Corps is not the only branch of the military using the Osprey; the Air Force also uses it for special missions, and yet very few is purchased. Furthermore, in this time of crisis and with current President Obama trying to cut funding for defense systems the Osprey is being called out for a new debate on its future. (Clark)

Despite all the setbacks encountered, the government continued to fund the Osprey program. The lobby for the contract was incredibly powerful all throughout the history of the project. Bell Helicopter, Boeing Co., and the Marine Corps were able to set up such defenses, that the Osprey could not be terminated no matter what happened. In-house lobbying was the most significant form of lobbying. From the earliest stages of the tilt-rotor Dick Spivey was the main person to market the aircraft. He started out as an engineer, but ended up making the Osprey his whole life and becoming the main salesman for Bell, according to Whittle. He was the foremost lobbyist for Bell-Boeing during the 80s, the 90s and well into the 2000s keeping the government funding for the Osprey going even in the darkest of days. He made and used as many connections in and around Washington as he could to campaign for the Osprey. He even had one of the prototypes fly in front of the Capitol building to win more people over to his side. Occasionally, each of the companies would hire an outside lobbying firm, but in this case Boeing Co. and Textron (the owner of Bell Helicopter), they stayed within their bounds.

Compared to the cost of the Osprey, the amount of money spent on lobbying would seem rather slim, but in itself it is staggering. Even though Bell and Boeing had a 50-50



percent partnership on this Osprey contract, Bell (Textron) took over most of the expenses and dealt with most of the problems on its own. Only in the last decade Textron spent more than \$49,566,000 on lobbying for the Osprey alone. (CRP) This was what kept the aircraft from being terminated. This is a classic example of the “money speaks” rule in lobbying: the more money a business has to represent itself, the more chances it has of not failing and finally reaching its goals in the political system. All throughout the history of the Osprey, Textron and Boeing had enough money to keep the program going and to keep the government from terminating the contract. In light of all the evidence that the Osprey should not be continued, continuing to spend money on it seemed like a very risky business. All in all, there was one “weapon” that the Marines and the businesses used to keep the V-22 in production. They made the Osprey a national interest and argued that it was part of the national heritage of the military. This was the one reason that it was difficult to oppose the program with force.

Homeland security is the top priority of the United States. As mentioned before, the federal government spends more than \$500 billion a year on making sure the country is safe and that the military is well equipped. For comparison the second largest amount of money the federal government spends is on the Department of Health and Human Services: \$79.9 billion, showing that there is quite a considerable gap between the two. There is little space for cutting funds in the Department of Defense, because if a sufficient amount of money is not spent on services and equipment, the country could be in danger and it is the duty of the federal government to defend the country. This is where the power of lobbyists could be the best highlighted. If enough politicians are convinced by the business sector that one specific contract is the crucial point in the defense of the country, then the matter is won. Throughout the history of the Osprey it is obvious that the only people who actually knew and cared about the aircraft were the Bell-Boeing people and the Marines. All through Whittle’s book it is

quite obvious that very few of the politicians involved in keeping the Osprey funded actually had substantial knowledge of it. They are all quoted in asking the ever-important question of “Will my constituents like it?” These representatives and senators did not take the time to find out more about the Osprey, because it was not in their interest to do so; their main concern was to get reelected for the next term. If they would spend more time doing their job and concerning themselves with issues at stake, then lobbyists would not have the amount of influence over the procurement system that they do now.

#### **4. State and local government procurement lobbying**

Lobbyists try to influence the way government works at the state and local levels also, not just the federal level. In 2004 (according to the Center for Public Integrity – non-profit organization that tracks states lobbying activities) \$953 million dollars were spent in 42 states to influence legislators and executive branch officials. Although this amount of money is a lot less compare to the total amount of government spending it is still a significant amount that could make a difference how the government contracts are awarded.

In a State and local level procurement lobbyists besides working with legislatures they are also targeting those executive agencies that are in charge of buying goods. Often the lobbyists were former government employees so they are aware of the laws and regulations. Utilizing the knowledge of what the agencies are looking for in a contract proposal they can help private businesses to formulate it in a way that can influence the decisions of government agencies increasing the probability the company that they represent will be awarded the contract.

Lobbyist on a State and local level are frequently serving as marketing and advertising consultants for the government agencies. Their interest is to convince the government officials

that the companies' product they represent is the only one that they should purchase. In addition to advertising the strength of the goods they sell they also promote the client's other qualities that could make more appealing for the government to do business with – like using minorities (woman or veteran) as business owners.

Furthermore, they are also trying to convince government personnel that they need a particular good or service that the client they represent is the sole producer. They will try to influence appropriations or internal budget reallocations to pay for what they are trying to sell. (Nownes, 172-180)

The actions of the lobbyists are in a favor of the company they represent. This can create unwanted consequences that are not in favor of the public well being. In the next section another case study is presented that describes how can lobbying be effective for the company and do harm for the public.

## **5. Public School Vending Machines**

The soft drink and snack food lobbies are influencing the government at all levels, starting at the public school level up to the federal level. These lobbies intend to influence the regulation of food offered in public schools at the middle, junior and senior high school levels. These special interests capitalize on the fact that the federal government has not financed the public school system adequately until now and that states are in debt and are also unable to fund schools (Anderson).

Public schools are funded in part by the federal government, but mostly by the state and local governments (Constitution). Because of the unequal dispersion of the population this means some school districts receive more money than others. However, the federal and state debt makes it difficult to fund schools to uphold an environment where students of all

backgrounds are able to study and learn efficiently, so the individual schools and school districts are obligated to find different forms of revenue. One form of extra revenue is a contract with vending machine companies and/or companies who stock those vending machines to fund equipment and special activities. One survey of public schools in Utah found that vending machines in schools added \$3.25-\$3.75 million statewide in revenue. Schools receive larger sums for keeping the vending machines there and also commissions on sales. This helps ensure that schools sell as many of the company's products as possible. Also, revenue from vending machines is considered discretionary funds, meaning there are no policy guidelines specifying what a school can or cannot spend it on. Therefore anything the school district does not fund on a regular basis, or at all, is paid for by this money. Thus, schools become reliant on this extra revenue to the point of not being able to give it up at all.

Soft drink companies lobby schools to win contracts for vending machines. There is very little oversight into what actually happens and so schools are left to independently deal with contracts and the choice of vendors. The Utah survey of public schools found several areas warranting concern due to the lack of policy guidelines. Firstly, there is very little competition among companies for school vending machines. Monopolies among schools and school districts are easily developed. Although competitive bidding is a widely accepted way of ensuring the client – in this case the school – gets the best deal, not all schools actually make use of it. In these circumstances, companies can effortlessly write up contracts that do not serve the interest of the school. Secondly, the survey found that many schools did not use written contracts, only oral agreements for the use of the vending machines or used proposals as contracts. Although the oral agreement is binding, it is risky in that there is not documentation to fall back on to make sure both sides of the agreement are being fulfilled. Also, the proposals are not usually signed by both parties and also include alternatives for pricing that can change during the time of the agreement. The lack of state policy guidelines

leaves schools at the mercy of company representatives (lobbyists) who do not look out for the best interests of the school.

Regulation over public school food is under the jurisdiction of the Department of Agriculture but it is ineffectual; state regulation is also very minimal. The federal government regulates only breakfast and lunch programs offered by the schools, but does not deal with vending machines or school store options. (USDA, Proposed Rule) States regulation is haphazard at best. Almost every state bans food of minimal nutritional value (junk food) from elementary schools and encourages cafeterias to provide a choice of healthy food for children. This provides very minimal oversight and many states do not even touch upon the subject of vending machines. (Summary) Few state politicians are willing to deal with the issue of vending machines in public schools. The “junk food” lobby is one of the reasons this is not dealt with. These companies – like Coca-Cola, Pepsi or Hershey’s – provide revenue not only for public schools, but sponsor events that the states profit from. Also, campaign money is usually generously donated to keep politicians in their seats. Politicians are in turn willing to look the other way or just not spend time on this issue.

On the other hand, there have been several attempts at writing better regulations for school nutritional oversight that have been struck down at the federal level. In 2002 Senator Eddie Lucio and Representative Jaime Capelo worked on a bill to “ban ‘foods of minimal nutritional value’ (soft drinks and hard candy) from schools.” (Economist) This bill was killed on the floor, because of public school dependence on vending machine revenue. On December 13, 2010 President Obama signed the Healthy, Hunger-Free Kids Act into law, which grants the USDA (United States Department of Agriculture) “the authority to set nutritional standards for all foods...including vending machines...” Since this act has been passed, no new regulations have been set by the USDA pertaining to food sold in vending machines in public schools.

Ultimately these measures waste government money in health care because soft drinks and junk food sold in vending machines at public schools contribute to childhood obesity due to the fact that young people are more likely to buy them than to buy healthier food. Obesity is the major epidemic in the U.S. and affects about one in every three children. (CDC) Numerous factors can lead to obesity because this is a very complex issue and selling soft drinks and junk food in vending machines is likely one of them. These added calories in the children's diet combined with lack of exercise in school are strong factors in the argument against vending machines. (Temple University) Millions of dollars are spent yearly by the federal government on health care because of obesity and the diseases it causes. Because children spend most of their day in school, the food they are provided should be better regulated and healthier lifestyles should be encouraged. Schools that try to sell young people unhealthy food to make more money are definitely unethical and it financially sets back the federal government in the long run.

## **6. Public school textbooks**

State procurement is lobbied by businesses the same as the local and federal government, as was seen before. Another example of this is the education industry and textbook procurement. Each state has a State Board of Education who decides what textbooks to buy each year, or when the state provides funds, for public schools. Even though each state can choose from a variety of textbooks, most states look to the largest markets for guidance: Texas and California. These two states have the largest market for public school textbooks and what their Boards of Education chooses has an impact on schools almost everywhere around the country. (Economist, Jefferson) This process shows how publishing companies lobby the state in the race to sell textbooks.

The state procurement process for textbooks has not changed in decades. The well-known physicist Richard Feynman was asked to serve on the State of California's Curriculum Commission in 1964. Two decades later he published his autobiography *Surely You're Joking, Mr. Feynman!* and in it he described the process for choosing the textbooks. There was a study of the California textbook-adoption in the 1990s and it was found that the proceedings have not changed since 1964. (Textbook League) The process that Richard Feynman described was the following: a number of textbooks were put up for review by the Commission and sent out to reviewers all over the state. These people consisted of "schoolteachers or administrators in education," people who did not have a specific knowledge in the field the books were written in. These people did not read the books, only one or two, but they listened to lectures given by the publishing companies about the books. Finally, they rated the books based on these lectures. The study found that the same situations could be found in the 1990s as well.

The publishing lobby enters the scene at this stage of the process. Feynman described several instances of "presents" he received while he served on the Commission from people who were working for the publishing companies who had written the books he was reviewing. He described how he was sent a basket of dried fruit from one lobbyist, a briefcase from another lobbyist and, when he was sent to another city by the Commission, several lobbyists were at the hotel he was staying at and offered to help with whatever he wanted to do in the city. He also described how other members of the Commission commented on how annoying the presents were that they also received from the lobbyists. The study done 35 years later found that state agencies actually help certain publishers market their textbooks, instead of having them reviewed by professionals. According to the study, the Florida State Board of Education publishes a catalogue each year that lists reviews of textbooks. These reviews are

not from teachers or professionals from the field of the textbook, but instead are written by the publishers themselves and are actually advertisements. (Textbook League)

The procurement process for textbooks allows for lobbyists to create monopolies in this part of the education industry. Essentially, the lobbyist's job is to convince the Board of Education to buy their client's textbooks. The way they do that is to distract any reviewers as much as possible from reading the actual books themselves and instead explain the concepts in them for the reviewers. These reviewers, as seen before, are not professionals from the field that the textbook was written in, but instead are random teachers chosen by the state to review the books. Many times the reviewers do not have a deep knowledge of the field of the book they are asked to review so they are not able to distinguish between right and wrong information. Also, states issue the criteria for what must be in the textbooks, but nothing else. Publishers are not required to have their textbooks written by a professional from the field, in fact, nothing is required of the writer of the textbook. In Virginia, for example, anyone can write a textbook as long as it "meets state-specified guidelines and cover the subject matter with accuracy and coherence." (Waters) If the review board does not find fault in it, then it is added to the list of textbooks schools can choose from to ask for.

## **7. Conclusion**

Government procurement can be a lucrative and profitable industry. Large sums of money are spent on acquisitions of all types for all three levels of government. Lobbyists and through them business entities have set up an industry that revolves around profiting as much as possible from government procurement contracts.

Lobbyists infiltrate the government decision making process in many ways as seen through the examples of the V-22 Osprey, the public school vending machines, and the textbook industry. Monopolies are created over government procurement, so that other



businesses could not have a chance to win a contract. Lobbyists insure that once a company wins a contract for an acquisition, it does not lose it as was the case with Bell-Boeing and the development of the V-22 Osprey. Also, school vending machine contracts prove that lobbyists try to get the best possible deals for their clients with no regard for the school or the health issues this raises. Laws and regulations are influenced by lobbyists, who try to protect their clients by making sure changes do not happen that could hurt their client. They constantly monitor the government and all proceedings so that when even the smallest chance of change is suggested, they can inform their clients and take matters into their own hands. The textbook industry is an example of how much companies can influence government decisions to the point of their products being sponsored by the government agencies in question.

As shown earlier, lobbying is not fundamentally corrupt, nor is it completely ethical. More research should be done on this subject to fully understand what it embodies and what can be done to better regulate this part of the government. There are gaping holes in the academic research of lobbyists that helps misunderstandings and misinformation to dominate the mainstream media. A better understanding of lobbyists and what they do, will lead to a better understanding of the government and its shortcomings. This in turn will help national leaders make better decisions about the laws that govern the country, thus helping the people of the United States live happier lives.

## Works cited

- Anderson, Nick. "Administration pushes to rework No Child Left Behind Law." *The Washington Post*. Web 28 Jan. 2011 <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/26/AR2010012604586.html>
- "Annals of Corruption: Part 1." *The Textbook Letter*. The Textbook League. July-August 1999. Web. <http://www.textbookleague.org/103feyn.htm>
- Childhood Overweight and Obesity*. Centers for Disease Control and Prevention. Web. 23 Apr. 2011
- Feynman, Richard. *Surely You're Joking, Mr. Feynman!: Adventures of a Curious Character* W.W. Norton, 1985. Print.
- Gordon, Neil. "State Lobbyists Near the \$1 Billion Mark." *The Center for Public Integrity*. 2008. Web
- Grier, Peter. "The lobbyist throughout history: villainy and virtue." *The Christian Science Monitor*. 2009. Web.
- Hedgpeth, Dana. "GAO Blasts Weapons Budget." *The Washington Post*. (2008) n.pag. On-line. Internet. 22. Apr. 2011. <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/31/AR2008033102789.html>
- "How Sugar Gets Into Schools: Battle of the Vending Machines." *Economist.com*. The Economist n.p. Web. 11 Dec. 2003.
- "Jefferson v Board of Education: Conservatives put their stamp on school curricula in Texas." *Economist.com*. The Economist n.p. Web. 16 March 2010
- Kambrod, Matthew R. *Lobbying for Defense: an insider's view*. Annapolis: Naval Institute Press, 2007. Print.
- Nownes, Anthony. *Total Lobbying: What Lobbyists Want (and How They Try to Get it)*. New York: Cambridge University Press, 2006. Print
- Opensecrets.org*. Center for Responsive Politics, 1998. Web. 23 Apr. 2011
- State of Utah. Office of Legislative Auditor General. "A Review of the Use of Vending Machines In Public Schools" Report Number 2006-10. PDF. 2006.
- "Summary of State School Nutrition Standards." [www.schoolnutrition.org](http://www.schoolnutrition.org) PDF 22 Apr. 2011
- Temple University. "School Vending Machines Dole Out Excess Calories, Fat – USA" *Medical News Today*. N.p. Web. 6 Oct. 2008. <http://www.medicalnewstoday.com/articles/124353.php>
- Thompson, Loren. "The Much-Maligned V-22 Osprey is Confounding Critics." *Forbes*. (2011) On-line. Internet. 22 Apr. 2011.

Thompson, Mark. "V-22 Osprey: A Flying Shame." *Time*. (2007) pg. 1. On-line. Internet. 22 Apr. 2011. <http://www.time.com/time/politics/article/0,8599,1665835,00.html>

United States. Constitution. Bill of Rights:1791 First Amendment.

United States. Dept. of Agriculture. Federal Register. "Nutrition Standards in the National School Lunch and School Breakfast Programs." Proposed Rule: 2011 Washington: GPO 2011

United States. Office of Management and Budget. Budget of the United States Government: Fiscal Year 2012. Washington: GPO 2011

Whittle, Richard. *The Dream Machine: The Untold Story of the Notorious V-22 Osprey*. New York: Simon and Schuster, 2010. Print.

Waters, Don. "Who gets to write public-school history textbooks?" *Slate*. (2010) On-line. Internet. 22 Apr. 2011. <http://www.slate.com/id/2272095/>

Woodstock Theological Center. *The Ethics of Lobbying: Organized Interests, Political Power, and the Common Good*. Washington D.C.: Georgetown University Press, 2002. Print