**Teaching Notes**

**Distributive Justice in Indian Country:**

**Should Indian Tribes Share Casino Revenues?**

Sarah S. Works, J.D.

**Learning Outcomes:**

1. Students will be able to explain how multiple theories exist for evaluating issues of distributive justice.
2. Students will demonstrate an understanding of the importance of finding resolutions to debates about whether or not tribes should share casino revenues that consider legal outcomes, moral theory, and tribal values.
3. Students will be able to explain economic, political, and philosophical dilemmas that Native Nations face when trying to build community resources from gaming revenues.

**Intended Audience:**

This case is appropriate for students in advanced college-level classes or with graduate students. It is appropriate particularly for classes in public administration, law, applied economics, sociology, political science, history, philosophy and Native American studies.

**Reflection Questions Appearing at the End of the Case Study:**

*In deciding how to allocate money generated by a tribe’s gaming enterprise, how would you balance the immediate financial needs in the tribal community against the needs of a State government for revenue to support State services and programs? Do the needs of other tribes come into consideration? Why or why not?*

*Under what circumstances would Rawls’ Difference Principle recommend that a gaming tribe share revenue with a State government?*

*Under what circumstances would Rawls’ Difference Principle recommend that a gaming tribe share revenue with another tribe?*

*At what stage in economic development, if ever, does a gaming tribe have a moral obligation to share its gaming revenue with others?*

**Quantitative Reasoning Research Question***:*

How might the "distributive justice difference principle" be operationalized and used to study societal fairness/justice over time?  Is the United States system "just" in terms of Rawl’s Difference Principle? Has this changed and in what ways over time? Consider various ways it might defined and measured through inequalities and disparities in different populations in areas such as income, education, employment, health, etc. Then gather comparative data comparing different populations over several points in time.  What trends do you notice when you look at different tribes? The US Census can be a useful resource for this research.

**Group Debate/Role Play Exercise 1:** Split the class into the following groups:

1. The Tribal Council (up to 12 students)
2. Officials from the local elementary school off the reservation, seeking tribal money to add teachers and reduce class sizes (up to 3 people)
3. Tribal elders in need of fire wood to keep them warm through the winter (up to 5 people, some of whom speak only the native language)
4. Parents of tribal children in need of school clothes, computers, and braces (up to 3 people)
5. The Tribal Planner, presenting a needs assessment for tribal roads and buildings in need of repair (1 person)
6. State representatives in need of money to fund State prisons and the State college system (3 people)
7. Representatives of a non-profit group seeking donations to curb problem gambling (2 people)

This exercise will have the students think through the issues as they would arise in the context of a tribal council meeting. Ask each group of students to study the perspectives and values of their assigned characters, and represent those perspectives and values in the course of a meeting called by the Tribal Council to consider how to spend one million dollars in profit generated by the tribal casino.

**Group Discussion/Writing Exercise 2:**  Ask each student in the class to pick a philosophical theory or area of focus from the following list:

1. Rawls’ Justice as Fairness
2. Marxism
3. Strict Egalitarianism
4. Libertarianism
5. Feminism
6. Critical Race Studies

Try to ensure that each theory or consideration listed above has at least two students assigned to it. Break students into groups based on their choices, and ask them to discuss how their particular theory or area of focus would think about the issue of revenue sharing in Indian gaming. Once students have had ten or fifteen minutes to discuss this among themselves, have each group present their thoughts to the class. Students may also be assigned a 3-4 page writing assignment to describe how their chosen theory or area of focus would evaluate issues related revenue sharing in Indian gaming.

**Group Debate/Role Play Exercise 3 (Advanced):**  Split the class into the following three groups:

1. Lawyers for the tribe that owns the tribal casino at issue (up to 3 people)
2. Tribal leaders from the tribe that owns the tribal casino at issue (up to 2 people)
3. Representatives from the office of the State Governor (up to 2 people)
4. Tribal leaders from other tribes in the State that are suffering from extreme poverty and cannot run profitable gaming operations due to their remote locations (up to 6 people)
5. Tribal leaders from other tribes in the State that are suffering from extreme poverty and cannot operate casinos due to cultural taboos and traditional prohibitions related to gambling (up to 2 people)

This exercise will have the students think through the issues as they would arise in the context of negotiations to reach consensus among the divergent groups. Ask each group of students to study the perspectives and values of their assigned characters and represent those perspectives and values in the course of negotiations about whether or not the tribal-state gaming compact will include any sharing of tribal gaming revenue, with whom, and under what conditions.

**Assessment:**  
To assess student learning through this case the instructor might have students write research papers, position papers, do powerpoint presentations, or write short in class responses to several set questions about the case.  Contributions to the group discussion can also be assessed through evaluation forms.