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An empirical analysis of the underlying premises of the

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Over the past 30 years, there has been a debate in courts and academia over whether federalism is better protected by judicial or political safeguards. In *Garcia v. SAMTA* (1985), the Supreme Court ruled that it would not decide 10th Amendment cases and that the political process adequately protects state interests and federalist structure of government. I examine various versions of this thesis advanced by both judges and academics and empirically scrutinize their underlying premises.