

Per Curiam

PARKER SEAL CO. v. CUMMINS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT

No. 75-478. Argued October 12, 1976—Decided November 2, 1976

516 F. 2d 544, affirmed by an equally divided Court.

Leonard H. Becker argued the cause for petitioner. With him on the briefs was *Paul S. Ryerson*.

Thomas L. Hogan argued the cause for respondent. With him on the briefs was *James C. Hickey*.

Deputy Solicitor General Wallace argued the cause for the United States et al. as *amici curiae* urging affirmance. With him on the brief were *Solicitor General Bork*, *Assistant Attorney General Pottinger*, *Mark L. Evans*, *Brian K. Landsberg*, *Dennis J. Dimsey*, *Abner W. Sibal*, *Joseph T. Eddins*, *Beatrice Rosenberg*, and *Gerald D. Letwin*.*

PER CURIAM.

The judgment is affirmed by an equally divided Court.†

MR. JUSTICE STEVENS took no part in the consideration or decision of this case.

*Briefs of *amici curiae* urging reversal were filed by *John O'B. Clarke, Jr.*, *William G. Mahoney*, and *Plato E. Papps* for the International Association of Machinists and Aerospace Workers, and by *Dick H. Woods* and *George E. Feldmiller* for Trans World Airlines, Inc.

Briefs of *amici curiae* urging affirmance were filed by *Warren L. Johns*, *Philip B. Kurland*, and *Alan L. Unikel* for the Seventh-Day Adventist Church; by *James W. Respass* for the Americans United for Separation of Church and State; by *Nathan Lewin*, *Dennis Rapps*, and *Howard I. Rhine* for the National Jewish Commission on Law and Public Affairs; and by *Leo Pfeffer* for the Synagogue Council of America et al.

†[REPORTER'S NOTE: On rehearing this judgment and the judgment of the Court of Appeals were vacated, and the case was remanded for further consideration. 433 U. S. 903 (1977).]