

Per Curiam

472 U. S.

JENSEN, DIRECTOR, DEPARTMENT OF MOTOR
VEHICLES OF NEBRASKA, ET AL. v. QUARINGCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No. 83-1944. Argued January 7, 1985—Decided June 17, 1985
728 F. 2d 1121, affirmed by an equally divided Court.

Ruth Anne E. Galter, Assistant Attorney General of Nebraska, argued the cause for petitioners. With her on the brief was *Paul L. Douglas*, Attorney General.

Thomas C. Lansworth argued the cause for respondent. With him on the brief were *Burt Neuborne* and *Charles S. Sims*.*

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE POWELL took no part in the decision of this case.

such expression. The defendant protested repeatedly that such a regime would work capriciously and thereby remedy in the form of invalidation of obscenity convictions based on arrests unsupported by any prior judicial determination of probable cause. Such a rule finds its source in the commands of both the First and Fourth Amendments. See *Id.*, Cf. *Bantam Books, Inc. v. Sullivan*, 372 U. S. 58 (1963). Opting for the contrary course, the Court today sanctions an end run around constitutional requirements carefully crafted to guard our liberty of expression.

**Marc D. Stern* and *Ronald A. Krauss* filed a brief for the American Jewish Congress et al. as *amici curiae* urging affirmance.

Solicitor General Lee, *Deputy Solicitor General Geller*, and *Kathryn A. Oberly* filed a brief for the United States as *amicus curiae*.