

Per Curiam

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT
SYSTEM ET AL. *v.* FELZEN ET AL.

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

No. 97-1732. Argued January 11, 1999—Decided January 20, 1999

134 F. 3d 873, affirmed by an equally divided Court.

Michael K. Kellogg argued the cause for petitioners. With him on the briefs were *Mark C. Hansen*, *Neil M. Gorsuch*, and *Sean A. Lev*.

David C. Frederick argued the cause for the United States et al. as *amici curiae* urging reversal. With him on the brief were *Solicitor General Waxman*, *Deputy Solicitor General Kneedler*, *Harvey J. Goldschmid*, *David M. Becker*, *Paul Gonson*, *Jacob H. Stillman*, and *Eric Summergrad*.

John G. Kester argued the cause for respondents and filed a brief for respondent Archer Daniels Midland Co. With him on the brief was *George A. Borden*. *Thom W. Moss* filed a brief for respondent Directors of Archer Daniels Midland Co. *Terry Rose Saunders*, *Robert M. Roseman*, and *Henry P. Monaghan* filed a brief for respondent Paul Felzen et al.*

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE O'CONNOR took no part in the consideration or decision of this case.

*Briefs of *amici curiae* urging reversal were filed for Barclays Global Investors, N. A., et al. by *Andrew N. Vollmer*, *Andrew B. Weissman*, and *Joseph A. Grundfest*; for the Council of Institutional Investors by *Carter G. Phillips*, *Bradford A. Berenson*, and *David W. Jones*; and for Public Citizen, Inc., et al. by *Leslie Brueckner*, *Brian Wolfman*, and *Alan B. Morrison*.

Daniel J. Popeo filed a brief for the Washington Legal Foundation as *amicus curiae* urging affirmance.

Leonard N. Sosnov filed a brief for Lawrence A. Hamermesh et al. as *amici curiae*.