



## Massachusetts Bd. of Retirement v. Murgia, 427 U.S. 307, 323 n.4 (1976) (Marshall, J., dissenting)

The retirement board mandated police officer retirement at the age of 50. The officer sued and on appeal, the Court held that the appropriate level of equal protection review was rationality and that the statute furthered a legitimate governmental interest of mandating retirement for governmental employees. The Court stated that the strict scrutiny standard of review was applicable to equal protection claims only when the classification impermissibly interfered with the exercise of a fundamental right or operated to the peculiar disadvantage of a suspect class. Because governmental employment was not a per se right, a lower standard of review was appropriate for legislation that restricted employment opportunities.

### **In Presenting a Counterargument, the Dissent Cited the AMA's Stance on Involuntary Retirement**

See American Medical Association, Committee on Aging, Retirement, A Medical Philosophy and Approach; M. Barron, *The Aging American* 76-86, and sources cited (1961). Because, as one former AMA president bluntly put it, "[d]eath comes at retirement," quoted in M. Barron, *id.*, at 76, the AMA has formally taken a position against involuntary retirement and has submitted an *amicus* brief in this case to inform us of the medical consequences of the practice.