



Robert D. Murgia

July 23, 1922 - June 1, 2021

Lt. Col. Robert D. Murgia, 98
Retired Head Mass. State Police
Had Landmark U.S. Supreme Court Case
July 23, 1922—June 1, 2021

ANDOVER, MA—Robert Delaney Murgia, age 98, died on June 1, 2021 at Bridges by Epoch Assisted Living in Andover. Although his time in assisted living was brief, he found it a warm and loving environment. He was born in Lawrence Mass. on July 23, 1922, to the late Joseph R. Murgia and Veronica (Delaney) Murgia. He was a 1940 graduate of Lawrence High School.

He enlisted in the U.S. Army in 1943 and was a Technical Sergeant in the 407th Antiaircraft Gun Battalion. He served in Belgium, France and Holland. On D-Day, his unit was responsible for a preparatory attack on the beach head. The primary mission of his unit was to counter and destroy the German “Buzz Bombs.”

In 1948, he realized his boyhood dream with his appointment to the Massachusetts State Police Academy. He was a member of the 33rd Recruit Training Troop. As a young boy, he snuck into the closet of his uncle, Harold Delaney, a member of the 13th RTT. When no one was looking, he tried on his uniforms to see how they fit. He served in Troops A, B, C, D and GHQ. He was the recipient of five commendations for bravery and outstanding performance of duty. Among his most notable achievements were his capture of the “Shotgun Gang,” his role in preventing an armed robbery and his help resolving an armed hostage situation.

On November 17, 1957, while returning to his assignment at the Concord barracks, then a Staff Sergeant, he spotted a suspicious car enter the woods. Dressed in plain clothes, in his personal car and unarmed, he followed the car on foot into the woods. He came upon three men and one woman sitting in the car. Armed only with his badge, he ordered them back to the main road. A search of the car revealed four shotguns in the trunk. They were

soon identified as the “Shotgun Gang”, wanted for several armed robberies in Middlesex County.

In June of 1963, Boston Police received a tip that two ex-convicts were going to hold up the Town Lyne Restaurant, a popular restaurant located on Route 1 in Lynnfield. It was also located across the street from the former Lynnfield State Police barracks. The plan was to rob it on a Monday morning to grab the weekend receipts.

On June 24, 1963, Bob, then a Captain and A Troop Commander, Capt. John Moriarty, and over a dozen other officers hid in strategic locations throughout the restaurant. As expected, the suspects showed up, entered the kitchen and immediately drew their weapons. In turn, the officers drew their weapons and exchanged gunfire in the kitchen. The Boston newspapers described it as a “wild west shootout.” One suspect was severely wounded and the second was killed trying to escape. When it was over, Bob had been wounded in his right temple by a ricochet. The bullet came to rest in the silk ribbon of his businessman’s hat.

On November 29, 1964, a Carlisle man took his wife and five children hostage while armed with a shotgun. During a one-hour exchange of gunfire, the wife and children were able to escape the home. Bob and trooper William Jarrett made entry through the front door where they were both hit with rounds from the shotgun. They each suffered arm wounds. However, they took the suspect into custody without further harm.

In 1964, Bob was promoted to Massachusetts State Police Major/Adjutant, which was second in command. In 1967, he was promoted to Lieutenant Colonel and Executive Officer, the highest rank at the time. He was the youngest person to head the department in that era and remains the longest serving Colonel.

During his command tenure, he saw extensive action. There was prison rioting, anti-war rioting, gambling raids and intensive manhunts. Bob participated in the hunt for Albert DiSalvo and William Gilday. DeSalvo, was known as The Boston Strangler, he was wanted for the murder of 13 women; Gilday for the murder of Boston Police Officer Walter Schroeder. The latter became known as the largest manhunt in New England history.

Much to his dismay, state leaders forced Bob to oversee the elimination of the Barracks System. Under this arrangement, officers lived at the barracks for several days, only able to go home on their days off. Instead, the new rules gave all officers take home cruisers allowing them to return home on a daily basis. He felt this system diminished the ability to respond to emergencies in a timely manner, decrease the camaraderie they had

developed by living together and eventually lead to a breakdown of discipline. Bob was well known for his strict discipline.

In the spring of 1972, despite being in excellent health, he faced mandatory retirement at age 50 with 24 years of service. As a result, he filed a civil rights action for age discrimination against the Massachusetts Board of Retirement in Federal Court. The age 50 retirement rule for the Uniformed Branch of the State Police was the lowest in the country of any state police or highway patrol agency. State Police Detectives, however, were allowed to retire at age 65.

The age 50 standard was set in 1921 when the Uniformed Branch was established. At the time, officers worked over 80 hours per week and were seldom home. With only a limited number of barracks, as sunset approached, many officers had to rely on the public for room and board, and if on horseback, for their horse as well. Many of the first officers, World War I veterans, found life too difficult and refused to re-enlist since working conditions were so severe. When Bob was a young officer, pay was so low, many married officers could barely afford a car. As a result, he relied on public transportation to get to his assignment. Even when he was a Lieutenant at the Holden barracks, his wife or a neighbor had to drop him off at the Lawrence bus station for his daily commute.

By 1972, age 50 standard was clearly obsolete. Working conditions and life expectancy had changed dramatically. Many talented officers would be promoted to command positions only to retire a short time later. The state also failed to recognize the rapidly increasing pension liability of state retirees as they were living much longer. Bob collected his pension for nearly 50 years.

Bob was the first to challenge the age 50 standard. He lost the first round of his case in Federal Court. An appeal to a Three Judge Panel overturned the first decision. The court stated that the age 50 rule discriminated on the basis of age and therefore was unconstitutional. That decision was appealed to the U.S. Supreme Court. The court agreed to hear the case and it was the first time it had given full consideration to a mandatory retirement rule. The main question for the court was to determine if the age 50 rule violated the Equal Protection Clause of the 14th Amendment.

Once the case went before the Supreme Court, it attracted national attention, not only from other law enforcement agencies, but from many other occupations that also had a mandatory retirement age. Amicus briefs in support of the case were filed by the American Medical Association, ACLU, Retired Teachers Association and others.

Also watching the case was New York playwright Garson Kanin and his wife, actress Ruth Gordon. Mr. Kanin learned of the case through a CBS News editorial. As a result, he penned the book, *It Takes A Long Time To Become Young*. It chronicled the plight of Bob and others who were forced out of work by mandatory retirement.

The state argued, in part, the age 50 rule was to assure an able workforce for duties related to strength, stamina and alertness, and to boost the morale of younger officers with increased promotion opportunities. Bob's brief, argued in part, that there was no rational basis for the rule: people do not age uniformly; life expectancy had risen dramatically; working conditions had improved considerably since 1921.

On June 25, 1976, in a 7 to 1 decision, the court ruled that the right of government employment was not a fundamental right. While it was not perfect, state police officers over the age of 50, did not constitute a suspect class under the Equal Protection Clause of the Fourteenth Amendment. Thurgood Marshall, the sole dissenter, said in part, that the right to work is a fundamental right. As time has gone on, both Bob and Justice Marshall were proven right. The age 50 rule was abolished in 1992. Today, officers can remain on the job into their 70's as long as they stay fit for duty. The case, officially known as *Massachusetts Board of Retirement vs. Murgia*, is cited in most constitutional law books and has been reviewed several times in numerous law journals.

After his forced retirement, Bob went to work for the former Digital Equipment Company. He was head of security at the Westminister, MA manufacturing plant and later at the Salem, NH plant. He retired at age 71. In his retirement, he enjoyed his time with his grandchildren, riding his horse, Gentleman Jim and working in his garden.

He was predeceased by his wife, Margaret (Towler), his brothers, Raymond J. Murgia and Lt. Col. Francis X. Murgia, USAF. He is survived by his two sons, Joseph Murgia and his wife Marie and his children, Chris, Kathy, Nick, Faith and Hope. And Robert Murgia Jr. and his children, Dr. Robert Murgia, III, Atty. Courtney Murgia and Caitlin Murgia, as well as four great grandchildren.

Arrangements: A Funeral Mass will be held at 10 AM on Saturday, June 19, 2021 at St Augustine Church, 43 Essex Street, Andover, MA. Guests are asked to meet directly at the church. Burial will follow in West Parish Garden Cemetery, 129 Reservation Rd., Andover.

Memorial contributions in memory of Bob may be sent to Perkins School for the Blind, 175 N. Beacon St., Watertown, MA 02472.

The Kenneth H. Pollard Funeral Home, 233 Lawrence Street, Methuen is honored to serve the Murgia family.

Cemetery

West Parish Cemetery

129 Reservation Rd.
Andover, MA, 01810

Events

JUN **Funeral Mass** 10:00AM

19

St. Augustine Parish

43 Essex St., Andover, MA, US, 01810

Comments



“ Sincere condolences to Bob's family.
Blessings, Clare A. (Towler) Janusz,
RN. Senior Employee Healthcare Nurse Digital Equipment Corporation, Salem, NH



Clare A. Janusz. RN - June 13, 2021 at 02:26 PM



“ As neighbors, we only knew Bob in his retirement years. We had no idea that he had such an eventful career in the MA State Police. Bob or "Mr. Murgia," as we would call him, was always kind, well mannered, and very well dressed. Every August he would give us some of his very delicious tomatoes from his garden, even the green ones when we asked for them. We referred to Mr. Murgia and his son Bob as "The Bobs." We will miss seeing him in the neighborhood.

Carole and David

Carole - June 10, 2021 at 06:27 PM