

Marvin Gaye & Police Brutality

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“The police was beatin’ on them, but they weren’t bothering anybody. I saw this, and I started wondering what was going on” (Maganga, para. 6). Songwriter Obie Benson said this in response to the Watts Riot of 1965; a protest of such sheer violence and police brutality, that it inspired Marvin Gaye to write his song, “What’s Going On.” Although music like “What’s going On” gives a voice to acts of resistance, society at large acts as an avenue for social change by creating movements like #Handsuptdontshoot, and by participating in protests such as Bloody Thursday. First, this paper analyzes the theory set forth by Gerald Rosenberg in *The Hollow Hope*, which states that the courts follow rather than lead change. Then using the article “Fight the Power” by John Street, this paper shows how music shapes the passions which animate political action. Using the theories from Rosenberg and Street, this paper evaluates Gaye’s song “What’s Going On” and society’s impact on police brutality. This paper discusses the political climate of the 1960’s by highlighting the Civil Rights Movement and key protests, such as the Watts Riot. After analyzing the lyrics to Gaye’s song, this paper evaluates how a growing frustration in black communities influenced the emergence of new movements, like “No Justice, No Peace,” and civilian armed groups, like the Black Panthers. This public outrage pushed for changes in the law, as seen with court cases like *Tennessee v. Garner* (1985), and changes with police procedures, such as President Obama’s 2014 Body-Worn Camera Pilot Program. Finally, this paper shows how recent events, like the death of Trayvon Martin, inspired groups like #Blacklivesmatter to push for change, further indicating the timelessness of Gaye’s song.

In chapter 13 of *The Hollow Hope*, Rosenberg argues that those who rely on the courts “will fail to achieve meaningful social change, and may set their cause back” (Rosenberg, pg. 419). In other words, the courts at best follow rather than lead change. Rosenberg illustrates this by evaluating the *Baehr v. Lewin* (1993), *Baker v. Vermont* (1999), and *Goodridge v.*

Department of Public Health (2003) litigation to see if the courts created an increase in political mobilization for same-sex marriage. If litigation created political mobilization, then Rosenberg should have reasonably seen changes in state marriage laws. However, he found that even after *Baehr*, *Baker*, and *Goodridge*, only in Massachusetts could same-sex couples legally be married (Rosenburg, pg. 415). Rosenberg concluded that the courts did not succeed as a means of obtaining same-sex marriage.

Although there was an increase in support for same-sex marriage, litigation actually created more barriers to its achievements by spurring a backlash. Judicial victories from same-sex couples galvanized opponents into action. This could be seen with the 2004 presidential election of George W. Bush. During his campaign, Bush used the state-wide opposition towards same-sex marriage to win votes, as his stance on the subject resonated with conservatives (Rosenburg, pg. 369). On the ballots, 22% of voters claimed that “moral issues” involving same-sex marriage was the most important issue at the time, and 80% of them had voted for Bush (Rosenburg, pg. 370). So, the 2004 election was largely thanks to litigation like *Goodridge*. In addition, in a direct response to *Baehr*, the Defense of Marriage Act, or DOMA, was created in 1996, defining marriage across the country as between one woman and one man (Rosenburg, pg. 365). Here, litigation caused more grief than relief for same-sex couples. Same-sex activists reached for the courts too soon, and society at the time was not ready for such changes. Therefore, it is society who dictates change and the courts have indirect effects.

Although society is an avenue for social change, music also has the capacity to provoke political responses. In John Street’s “Fight the Power,” he argues that music forms the passions which animate political mobilization. He illustrates this by evaluating music as propaganda, music in opposition, and music with social movements. When it comes to organizations, music

as propaganda tries to evoke particular associations or images. Street uses the example of the Nazis in World War II to explain this point. The Horst-Wessel Song was played in schools because the “mental training of German youth was one of the Nazi party’s greatest priorities” (Street, pg. 115). This song helped build group cohesion and obedience from an early age amongst the children. Music was a powerful tool because the sounds created an emotional attachment to the Nazis. Street states that a common fear of music as propaganda is it being socially disruptive. Yet, many times the purpose of music is to disrupt society, as music gives voice to opposition. Subcultures make sense of their class status by reinterpreting popular culture and creating “rituals of resistance” (Street, pg. 121). Street uses lyrics “massa sleep in de feather bed, nigger sleeps on de floor” from a slavery work song as an example (Street, pg. 120). These lyrics show how African Americans were able to articulate the inferiority they felt in regard to their owners during the era of slavery in the United States.

In addition, Street also discusses music’s impact on social movements. Here, he states that there is an undeniable connection between music and politics, claiming that “music is a product of politics, and politics is a product of music” (Street, pg. 124). Street uses the impact of Rhythm and Blues on the Civil Rights Movement as an example. Essentially, Rhythm and Blues were able to dramatize and celebrate shared aspects of the African American experience, “which prompted blacks to speak up against the discrimination they were facing” (Street, pg. 122). By articulating the anger that they felt through Rhythm and Blues, African American singers were able to mobilize the black community. In this way, music acts as a platform for political action, as popular culture and political thought are interlocked. Using the theories from Rosenberg and Street, this paper evaluates Marvin Gaye’s song “What’s Going On” and society’s reaction to police brutality in America.

Although the Civil War had abolished slavery, African Americans across the U.S. were still experiencing the hate and disclination that came from racism, especially in the South. From the mid 1950's to the mid 1960's, the Civil Rights Movement was in full motion, with prominent figures like Martin Luther King Jr. and Rosa Parks at the forefront of the movement ("Civil Rights," para. 1). African Americans and supporters for racial justice mobilized, beginning a two-decade fight for equality. From early on in the Civil Rights Movement, the issue of police brutality was brought to the attention of the public. In fact, during the Civil Rights March on Washington D.C. on August 28, 1963, many protestors held signs that read, "we demand an end to police brutality NOW!" ("Long," para. 17). However, this was not the only protest going on at the time.

Even though there were a lot of important events leading up to the 1970's, this paper focuses on two key protests, the first being the Watts Riot of 1965. This took place in the town of Watts, Los Angeles and began with the arrest of Marquette Frye, an African American man, by a white officer (Edy, para.1). The officer thought that Frye was intoxicated, and he used excessive force on Frye. The officer's action ignited a six-day riot amongst the enraged black community in Watts and ended with "34 people dead and 1,032 others injured" (Edy, para. 1). This riot shows how the black community were already on edge about police brutality, but when they actually saw injustice in front of their own eyes, they took action.

Although the Watts Riot was a direct result of police brutality aimed at blacks, many protests during this time were against the Vietnam and the Cold War. Another famous example is Bloody Thursday. On May 15, 1969 in Berkeley, California, a protest in People's Park against the Vietnam War took place ("From," para. 2). What started as a peaceful protest ended with "58 people hospitalized" ("From," para. 3). Police officers openly shot into the crowds, and

protestors fought back with knives, hence coining the term, Bloody Thursday. One of the songwriters of “What’s Going On,” Renaldo Obie Benson, actually witnessed this violent protest (Maganga, para. 5). Benson was so shocked by all of the bloodshed, that it inspired him to write some of the lyrics to Marvin Gaye’s song, “What’s Going On.”

Marvin Gaye was a black soul singer and songwriter who produced his own records that often addressed controversial themes (Maganga, para. 2). His very powerful political song “What’s Going On” was released in 1971 and was inspired by police brutality in America. Many of the lyrics in the song blatantly address police brutality, such as “don’t punish me with brutality” and “brother, brother, brother, there’s far too many of you dying” (Gaye, para. 1). Here, Gaye is referring to the death and destruction he experienced along with his “brothers,” or the African American community, in regard to the police using deadly force against them. He does not want the police or the community to respond with violence, but instead he wishes for people to be kind to each other, as stated in his lyrics, “only love can conquer hate” (Gaye, para. 2). The song’s feel-good, jazzy, and upbeat tone complement Gaye’s heartfelt message about spreading love instead of violence.

“What’s Going On” resonated with a large crowd of people and became an instant hit, instantly reaching number 2 on the Billboard Hot 100 in 1971 (Buskin, para. 1). Marvin Gaye played a crucial role in the cultural politics of the 1970’s not just by articulating a specific shared consciousness, but by “providing a key element that facilitated community activism” (Street, pg. 123). Marvin Gaye’s song gave a musical form to the hopes and dreams of the black community. Songs like “What’s Going On” helped shape the legal debate on police brutality by acting as a medium to give voice to resistance.

The black community started to notice these overly violent attacks directed at them, and created the famous 1970's slogan, "No Justice, No Peace" (Maganga, para. 7). The protestors who chanted "No Justice, No Peace" were fed-up with police brutality and decided to take the law into their own hands. Fighting groups, such as the Black Panthers, started to form. With roughly 2,000 members dressed in black leather jackets, this group of "armed citizen patrols monitored the Oakland police" as a way to protect themselves from police brutality ("Black," para. 1). Although on the surface this appears like an outrageous thing to do, violence seemed like the only option at a time when law enforcement was not on their side. With the black community growing angrier, becoming more desperate, and installing social unrest across the country, the courts had no choice but to act on police brutality.

Since the release of Marvin Gaye's song, there have been many changes in the law regarding police brutality, especially in the courtroom. For example, in the court case *Tennessee v. Garner* (1985) a police officer shot 15-year-old African American Edward Garner in the head to stop him from climbing a fence ("Tennessee," para. 1). The officer later admitted that during the chase he saw no evidence that Garner was armed. The Supreme Court ruled in a 6-3 decision that "the Fourth Amendment prevents police from using deadly force on a fleeing suspect unless the police have good reason to believe that the suspect is a danger to others" ("Tennessee," para. 3). Before this court case, many African Americans were being shot at unnecessarily. There was no reason for this officer to open fire at Garner, especially since there was no proof that Garner was in possession of a gun. This court case has heavily impacted society because now police officers need probable cause to shoot at a suspect. This action alone has saved many potential victims of police brutality.

Similarly, in the court case *Graham v. Connor* (1989) officers had hand-cuffed an African American named Dethorne Graham for no good reason to the hood of their car, and Graham suffered multiple injuries, including a broken foot (“Graham,” pg. 6). Although the Supreme Court unanimously agreed that the officers “violated the Fourth Amendment's objective reasonableness standard” by using excessive force, they also stated that “the reasonableness of a police officer using force should be based off what the officer's viewpoint was when the crime occurred,” (“Graham,” pg. 17). This court case might seem like it favors officers over victims of police brutality, however it did help establish a set of rules that officers must abide by when pursuing a suspect. For example, “an officer must be able to articulate the facts and circumstances that led up to a use of force” (Spitzer, para. 13). Now, instead of using their hunches, officers must describe reasonable facts that justify their actions.

One final law this paper discusses is the 1994 Police Misconduct Statute, which makes it “unlawful for law enforcement agencies to allow officers to engage in a pattern or practice of conduct” that could deprive an individual of their rights protected by U.S. laws (“Civil Applications,” para. 17). If patterns of violence from officers continue to occur, this law allows the Department of Justice to “step in” and take legal action. By looking for officers practicing unlawful conduct, this law has made society a safer place for potential victims of police brutality. This law is also makes it important for police agencies to check regularly and see if any of their officers are engaging in patterns of misconduct in order to avoid potential lawsuits, which would reflect badly on their agency.

Although Marvin Gaye’s song came out decades ago, it’s message about police brutality is still relevant today. In March of 1991, after a high-speed chase Rodney King was unnecessarily beaten by four officers who were later taken to trial for using excessive force

(Newton, para. 1). After the trial, “a white jury acquitted the officers” (Newton, para. 1). This enraged citizens following the case and sparked a series of deadly riots in Los Angeles. Not long after the King incident came the deaths of 17-year-old Trayvon Martin and 15-year-old Michael Brown (“Trayvon,” para. 2). In both cases, the officers who had shot these unarmed boys were acquitted at trial (“Trayvon,” para. 3). Following these deaths, a study from the Guardian reported that “young black men were 9 times more likely than other Americans to be killed by officers,” with 1,134 total deaths in the year 2015 alone (Swaine, para. 1). These tragedies and statistics set off a new wave of protests, the most popular named #Blacklivesmatter.

In 2013, the activist movement #Blacklivesmatter formed in response to Trayvon Martin’s death, and it campaigns against violence towards black people (Jackson, para. 1). Surprisingly, in 2014 #Bluelivesmatter was created in response to #Blacklivesmatter. In this movement, supporters of law enforcement believe that officers are just doing their job, and tragedies are sometimes “collateral damage” (Jackson, para. 6). #Bluelivesmatter has installed the “us versus them” dynamic between minorities and law enforcement. Rosenberg’s argument can best be reflected here, as opponents of police brutality victims were galvanized into action only once activists started to win mini victories, such as media attention.

In addition, #Handsupdontshoot was created in response to Michael Brown’s death and it went viral. The St. Louis Rams American football players actually “raised their hands as a symbolic gesture entering the field” before one of their league games in 2014 (Lee, para. 5). These movements have received more political awareness because of social media. With the click of a button, technology has offered a new platform for people to create social change. Although these movements have new titles, they still carry the same message as “No Justice, No Peace.”

Due to the public's outrage, Barack Obama created the Body-Worn Camera Pilot Program in 2014. This program has "awarded grants totaling more than \$23.2 million to 73 local and tribal agencies in 32 states" to promote the use of body-worn cameras on officers ("Justice," para. 1). This benefits society because it has installed more trust between society and law enforcement. Police officers wearing cameras now know that their actions are being recorded, and this leaves little room for unlawful practice. Although currently 34 states, including California, have body-worn camera laws, the goal is to get to all 50 states ("Justice," para. 1). In addition, the 2019 California Act To Save Lives is also a result of society demanding change. This bill was signed into law this past August, and states that "police officers should only use deadly force when absolutely necessary" ("California," para.1). This law will prove to be beneficial for society because changing the deadly force standard from "reasonable" to "necessary," will make it much easier to prosecute officers who use deadly force.

Given the research done, the topic of police brutality in America shows that change comes from the people. As more lives were being lost at the hands of police, society responded with social movements like "No Justice, No Peace," protests and riots, and political songs. Drawing from the theories of Rosenberg and Street, it is clear that political action from society, either through music or social media, influences societal change, and the courts merely echo that change. Although Marvin Gaye's song "What's Going On" defines an era of protests against police brutality, this issue is still relevant today. The deaths of boys like Michael Brown have enraged society yet again, sparking new movements like #HandsUpDontShoot. This recent public outrage has influenced new laws, like the California Act to Save Lives. The use of deadly force against unarmed African American's not only equates to a complete disregard of the victims' humanity, but it also carries the weight of years of historical injustices.

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