Michael Musmanno around 1930. Musmanno, who later became Associate Justice of the Pennsylvania State Supreme Court, fought for the rights of immigrants and the socio-economically oppressed.

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Yet, since his death in 1968, Musmanno has in many ways become a forgotten and even ridiculed man. Once at the center of Pittsburgh’s political scene, he is now usually remembered either for his obsession with the idea that Christopher Columbus was sole discoverer of America, or his persecution of the local Communist party and its leader, Steve Nelson, in 1950. As a sitting Common Pleas Court Judge, Musmanno moved to have Nelson tried under a 1919 state sedition law.

Although Musmanno was colorful and controversial, he was a distinguished and capable jurist. He devoted his life not only to the concept of justice in the law, but especially to achieving social and economic fairness for people who did not have a voice: the recent immigrant and the worker. Musmanno championed causes ranging from the murder defense of Italian immigrants Sacco and Vanzetti to the labor movement. He also fought to pass a law that reigned in the nearly unchecked power of the mining industry’s Coal & Iron Police.

In the early 1930s, Musmanno channeled his disdain for injustice into a short story titled “Jan Volkanik.” Set in Western Pennsylvania’s coal fields, it told of one Polish miner’s effort to right the wrongs done to him and friends by a system marked by ethnic prejudice, exploitation, and naked coercion. In making his stand, the story’s hero becomes what today would be considered an industrial terrorist, but manages to win his demands. The story was the basis
for a screenplay, titled *Black Fury*, which was made into a feature film by Warner Brothers in 1935.

Musmanno published *Black Fury* as a novel in 1966, two years prior to his death. The book represented Musmanno’s return to his roots as a public figure, as it dealt with issues central to his early political and judicial career: the bituminous coal mining industry and the status of the immigrant worker.

Central to the story are the Coal & Iron Police, who were used by coal operators to guard company property and enforce company policies. Editorializing about this system in 1929, the *Pittsburgh Press* stated that there was a “universal demand for curbing the evils which have grown up under the present Coal & Iron Police statute, an indefensible delegation of State authority to private interests.”

Ironically, the book, which glorifies a revolutionary act, was written by a man who was ever respectful of the law and who considered himself a conservative jurist. Today, the plot seems contrived and melodramatic, and it was already considered passé when published. However, the short story, the movie, and the book were inspired by true events, and represented the determination of Musmanno—a young, first-generation Italian legislator—to confront Pennsylvania’s power structure for the cause of justice.

Musmanno’s concept of justice is evident in the many causes he supported during his career: his work as a member of the legal team that defended Ferdinando Sacco and Bartolomeo Vanzetti during their murder trial, the Steel Workers’ Organizing Committee, the United Mine Workers of America (UMWA), the Congress of Industrial Organizations (CIO), and his fight against the Coal & Iron Police. Musmanno firmly believed in the essential dignity and worth of all people, a philosophy reflective of Catholic social teachings, in particular those put forward by Pope Leo XIII in *Rerum Novarum* in 1891. Pope Leo outlined what he considered to be the rights and responsibilities of both capital and labor, specifically a fair day’s work for a fair day’s wage. While agreeing that private property needed to be respected, Pope Leo maintained there was a limit to what an employer could demand of his employees. Working people had rights, and needed protection from economic exploitation.

For Musmanno, the son of Italian immigrants, to espouse such causes took courage and conviction. Such progressive thinking was not reality in Pennsylvania or the United States in the 1920s. In the years immediately following World War I, the United States entered a xenophobic period. The reborn Ku Klux Klan, preaching hatred of African Americans, recent immigrants, Roman Catholics, and Jews, had reached a national membership in the millions by the late 1920s. Reflecting the times, the federal government moved to restrict immigration, and in 1924 barred Japanese immigration entirely, prompting then-U.S. Ambassador to Japan Cyrus E. Woods of Greensburg, Pennsylvania, to resign in disgust.
Such was the broader context that Musmanno confronted when he first mounted his fight to outlaw the Coal & Iron Police. The Coal & Iron Police were distinctive to Pennsylvania, originating in 1866. Essentially they were security guards with guns and the authority to use deadly force, created to protect coalmining operations from saboteurs. Although paid by the coal companies, they also had police commissions from the state, thereby giving them the same level of authority as well as the same immunity protections from civil litigation as metropolitan police, county sheriffs, constables, and state police. They enforced the company’s policies in the mining towns and were therefore an essential tool in maintaining the coal operator’s hegemony over employees. A case in point is provided in a report written in January 1927 by O.R. Chuck, Superintendent of Police for the Bethlehem Mines Corporation, in Ellsworth, Pennsylvania. Bethlehem had previously repudiated its contract with the UMWA. On the report’s first page, Mr. Chuck states the following: The introduction of the Police Department in the Ellsworth Division, for the purpose of affording Police protection during the resumption of operations on a non-union basis, has naturally caused considerable activity of a wide divergence from that coming within the category of routine Police operations. The constant vigilance necessary in the apprehension of labor agents, labor agitators, the exclusion of undesirables and the effecting of numerous arrests and prosecutions consistent with the above mentioned conditions is the natural cause of such divergence.

The “divergence” described involved radical union agitators who attempted to intimidate both workers and police. In his report, Chuck writes that he respects the efforts of the UMWA’s leadership and its attempts to “keep the radical element from resorting to drastic actions, i.e., the gun or the torch.” However, such efforts were not always successful, and, during one incident, the Coal & Iron Police used tear gas as a recourse when they were met by “union sympathizers” who stoned the arriving train due to the remote locales of many mining operations, coal camps and mining towns were literally owned by the coal companies. It stood to reason that coal companies would organize and maintain their own police forces.
cars filled with workers and police, and who nightly fired gunshots into the town during the first month of non-union work.16

Due to the remote locales of many mining operations, coal camps and mining towns were literally owned by the coal companies. In addition to company housing and the company store, there were company banks, doctors, post offices, and in some larger towns, a company hospital. It therefore is understandable that coal companies would organize and maintain their own police forces, so while the Coal & Iron Police were an important factor in keeping out the union, they also performed regular police duties in the communities in which they operated. In the same report cited above, Superintendent Chuck enumerates the various regular law-enforcement issues his force addressed. The list included assault and battery (35 incidents in 1926), larceny (5 incidents), prostitution (19 incidents), and rape (2 incidents).17 They dealt with petty crimes perpetrated by workers as well. Chuck’s report documents numerous thefts of copper wire from the mills, employees intoxicated at work, and trespass.18 The officers in his force received regular police training, so Chuck believed his men “functioned efficiently during the past year,” and showed “considerable improvement in the general police work … manifested by the maintenance of peace and harmony, yet enforcing the law with a minimum number of arrests.”19 Such training was not uniform, however, and Pennsylvania did not require that these officers receive any formal police training at all.20

Although the Coal & Iron Police were present in Western Pennsylvania prior to 1900, they were more prominent in eastern Pennsylvania during the 19th century and played an important role in putting down the so-called Molly Maguires in the 1870s.21 Western Pennsylvania’s bituminous industry did not begin to reach major capacity until the 1880s.

By 1909 though, the Coal & Iron Police had become a presence in Western Pennsylvania. They were used to combat a strike led by the radical Industrial Workers of the World (IWW) against the Pressed Steel Car Company, a U.S. Steel subsidiary located in McKees Rocks, Pennsylvania, Musmanno’s hometown. According to Melvyn Dubofsky in his book on the IWW, We Shall Be All, the strike was a success despite the Coal & Iron Police’s presence.22

It was actually some coal operators who believed that the industry needed to be unionized to combat over-production of coal and over-development of the coalfields, which created serious economic distortions, particularly boom/bust cycles. At the business leaders’ urging, the United Mine Workers of America was founded in 1890 and eventually became the American Federation of Labor’s most successful industrial union, organizing more than 500,000 members.23

When Barcoski went outside, Watts hit Barcoski with the butt of his revolver and proceeded to beat him unconscious. Higgins attempted to stop the beating, but Watts threatened to shoot him and Barcoski.

A wooden baton, such as the one seen here, was in general use by most police forces in the U.S. during this period. Generally referred to as a “Billy Club” or a “Billy Stick,” most contained a lead core and were used for crowd control and subduing suspects.
Coal saw an unprecedented growth in demand from 1865 to 1920, yet after World War I the coal boom turned bust: with Germany's sudden surrender in 1918, every major industrialized nation found itself with huge stockpiles of coal. The situation in Great Britain ultimately sparked the great General Strike of 1926, and the scene in the United States was not much better. In Matewan, West Virginia, a large-scale civil insurrection erupted after company-hired “detectives” attempted to terrorize the townspeople and murder union sympathizers.

Matters in Pennsylvania were almost as desperate. Confronted with the worldwide coal glut and a federal government reluctant to intervene, Pennsylvania coal operators broke their agreements with UMWA, establishing the “open shop”— the mines became nonunion, and the Coal & Iron Police enforced the arrangement. Between 1920 and 1930, many Pennsylvania mining towns could at times be described as functioning like miniature penal colonies operating under an informal state of martial law where various constitutional guarantees did not apply.

John L. Lewis became leader of the UMWA in 1919. He negotiated the Jacksonville Agreement in 1924, which, on paper, guaranteed the miners a daily salary of $7.50, but was not sustainable due to the state of the industry. The matter was concisely outlined in the article “Another Coal Strike in Prospect” that appeared in the March 12, 1927, edition of The Literary Digest, just a few weeks before the Jacksonville Agreement was set to expire. Essentially, Northern coal operators wanted to cut wages because non-union coal operators in Kentucky, Virginia, and West Virginia were paying their miners an average of $2.00 a day less than what was being currently paid in the North. With neither side prepared to compromise on the matter, a strike became inevitable. The conflict was a bitter one that ended in defeat for the UMWA. However, the U.S. Senate Committee on Interstate Commerce investigated the strike in 1928, and, according to Professor Colston E. Warne, was shocked by the poor living conditions that confronted many of the miners. This notwithstanding, the region’s coal operators, and other business leaders, notably Samuel Harden Church, chairman of the Pennsylvania Railroad, insisted that the miners were overpaid.

This attitude was expressed in Musmanno’s Black Fury through Mr. Gord, a coal operator anxious to break the Jacksonville Agreement. His character also expressed an ethnic disdain that Musmanno suspected was privately held by management with regard to their workers, many
of whom were of eastern European extraction. Mr. Gord says, "Imagine a dumb, uneducated hunky getting seven-fifty a day?" 35

There is precious little in the way of hard evidence to confirm whether or not ethnic prejudice of this type existed among southwestern Pennsylvania’s managerial class during the period Musmanno is writing about. However, the issue does appear in another novel dealing with working people in Pittsburgh at roughly the same time: Thomas Bell’s Out of This Furnace. In the novel’s final section there is a confrontation between the protagonist, Dobie Dobrejcak, a labor organizer associated with the Steel Worker’s Organizing Committee (forerunner of the United Steel Workers of America) and a superintendent of the steel mill where Dobie works, Mr. Flack. Flack, in the course of the confrontation refers to Dobie as a “dumb Hunky son of a bitch." 36

In an afterword that appears in the edition published by the University of Pittsburgh Press, Professor David P. Demarest, Jr., of Carnegie-Mellon University states that Bell’s inside source on union activities in the 1930s “appears to have been Louis Smolinski.” Smolinski served as president of the Braddock local of the Amalgamated Association of Iron, Steel, and Tin Workers, as well as a member of the Employees Representatives of the Edgar Thompson works and as a member of the Steel Workers’ Organizing Committee. Demarest further argues that Flack’s character was based upon an actual mill superintendent, and that the shouting matches between the two characters were “directly rendered by Bell from accounts supplied by Smolinski.” 37 Based on these types of assertions, it is likely Musmanno came to suspect that many in the coal industry’s
management held similar views, which in turn influenced his creation of the character Mr. Gord.

The miners’ day-to-day economic reality, effectively portrayed by Musmanno in Black Fury, was far different from what the operators suggested. The Jacksonville Agreement on paper assured the miners an annual salary of roughly $2,340—slightly less than the $2,500 the Department of Labor calculated as the annual income a family of four needed to live in “minimal comfort.”

However, the miners rarely, if ever, earned that amount. Owing to slack demand, there were long stretches in which the miners labored under a reduced workweek or were laid off all together. The result was that the average miner’s salary was usually $1,500 or less. And by breaking the Jacksonville Agreement many operators could pay far less than that.

Musmanno pointed out these facts through the character of Charles Clemenson, one of Mr. Gord’s business associates. During a conversation where Gord rants about the $7.50 day, Clemenson

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counters that “not everyone gets seven-fifty a day. The coal miner gets it if he digs enough coal, sure. But you know the handicaps he’s up against …. The bituminous miner averages only about a hundred seventy-five days of work a year. That means that his income runs about fourteen hundred dollars a year….”41

The miners would certainly have found all of this infuriating, but the Coal & Iron Police kept the workers’ anger in check.42 Musmanno shows in Black Fury how the empowered Coal & Iron Police, when paired with the industry’s blatant ethnic prejudice, became more than keepers of the peace, and in fact, their actions directly caused the murder of miner John Barcoski in February 1929.43

Barcoski’s character in Black Fury is given the name John Barneski, and the novel’s entire narrative pivots around his slaying. Barneski is working late in the mine laying new track. While walking home, he encounters a coal and iron policeman who is stepping out of a speak-easy. Intoxicated, the policeman staggers and falls upon a board with a nail in it, suffering a minor puncture wound. The policeman does not notice the pain until Barneski walks past him, whereupon he accuses Barneski of stabbing him. Barneski denies it, but the policeman arrests him.44 At the station, the policeman and three other members of the force beat and torture Barneski to garner a confession.45 Incensed by his refusal to confess, the four men beat the miner to death.46 Barneski’s family has no recourse, since the Coal & Iron Police enjoy immunity from the state. By charging Barneski with resisting arrest, the policemen were alleviated of any civil or criminal liability.47

This was a fictionalized account. The actual story, far more devastating, was recounted in the April 24, 1949, Pittsburgh Post-Gazette, in an article by reporter Ray Sprigle titled “My Biggest Stories: Murder in the Police Barracks, The John Barcoski Story.” According to that article, the actual incident began in Santiago, Pennsylvania, a small mining town near Imperial. Around midnight on February 9, 1929, two coal and iron policemen, Harold P. Watts and Frank Slapikas, went to the home of Mrs. Anna Blossick to visit with John Higgins, a boarder. Higgins was a former coal and iron policeman and a former Pennsylvania state trooper.48 An alcohol-fueled argument suddenly ensued between the men and Mrs. Blossick’s son and his friends.49 Higgins ordered the men out of the house, where the argument devolved into a fight.

Mrs. Blossick asked her son-in-law, John Barcoski, to try to quiet the men. As soon as Barcoski went outside, Watts hit Barcoski with the butt of his revolver50 and proceeded to beat him unconscious. This was attested to by Barcoski’s brother-in-law in a statement he made for a “Proof of Identity” that was filed immediately after Barcoski’s death.51 Higgins attempted to stop the beating, but Watts threatened to shoot him and Barcoski.52 Slapikas did not participate in the assault. During the mêlée, Watts, still drunk, fell into a scrap woodpile that was loaded with rusty nails, suffering a puncture wound.53 Watts later claimed that Barcoski had stabbed him, and that this was the reason for the beating. A physical examination of the officer proved, however, that the accusation was false.54

The two policemen hustled Barcoski into their police car, taking him to their barracks.
he was admitted at 6:10 a.m. and died at 10:00 a.m. According to the report filed with the coroner's office, Barcoski had suffered a number of injuries, including the fracture of his seventh through twelfth ribs on his left side, as well as the collapse of his left lung, which was determined to be the immediate cause of death. He was 41 years old.57

Barcoski was slain in Imperial, located in District 12, which Musmanno represented in the state house. Because Barcoski was one of his constituents, Musmanno became involved in the case. In addition, the event took place 10 miles from Musmanno's home, which is pointed out in the novel's "Afterword."58 The three policemen were tried for murder in Allegheny County, but were acquitted. Although Dr. Patterson was the prosecution's star witness, he failed to identify the men in court, and the jury voted not guilty. However, the prosecutors decided to retry the men on the lesser charge of manslaughter and won a change of venue to Venango County. In the second trial Dr. Patterson was able to identify Barcoski's assailants, and did so emphatically. Asked why he was now able to make such a positive identification, the physician claimed he'd had a cataract removed from one eye in the time between the two trials, and could now see far more clearly. Watts and Lyster were convicted and sentenced to roughly a year in the Allegheny County workhouse. Slapikas was acquitted yet again.59

Disgusted about such brutality masquerading as police work, Musmanno, immediately after hearing of Barcoski's murder, introduced a bill in 1929 outlawing the use of all such private police forces in the state.60 Passing both houses of the Pennsylvania legislature, the Musmanno Bill was eventually vetoed by Governor Fisher, creating a maelstrom of criticism in which the issue refused to die.61 Fisher's successor, fellow Republican Gifford Pinchot, tried to limit Coal & Iron Police commissions. Eventually, the bill was reintroduced in 1935, and signed into law by Democrat George Hussy Earle in the same year.62 The difference was that Musmanno arranged for a screening of the film Black Fury, which had just been released, for the Pennsylvania legislature in the State House chamber. After the film's conclusion, he presented 50 miners who had been victims of Coal & Iron Police brutality, as well as John Barcoski's widow.63

As mentioned earlier, Black Fury was originally written as a short story, and then converted into a screenplay from which resulted the 1935 feature film.64 The story's central character, Jan Volkanik, is a recent Polish immigrant (renamed Joe Radek in the novel).65 The name "Volkanik" is likely a play on words, conveying a sense that Jan is not simply a man, but an explosive force of nature—a volcano. Initially, he is presented as happy-go-lucky, loved and admired by co-workers and acquaintances. Jan's only concern is his fiancée, Nora.66

Despite her love for Jan, Nora does not wish to become a poverty-ridden, prematurely aging wife of a miner. Nora's fortunes change when she meets a man from an affluent family who is working temporarily for the Coal & Iron Police. Unable to resist the better prospect, she leaves Jan.67

Heartbroken, Jan in his grief backs into a dispute between the UMWA local union and its Communist rival, the National Miners' Union (NMU).68 This dispute, which is encouraged by the coal operator, Mr. Gord, serves as his excuse to break the Jacksonville Agreement, claiming that the UMWA local could no longer fulfill its contractual obligations.69 Meanwhile, Jan gets into a fight with a coal and iron policeman and is

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sentenced to prison, where he becomes a self-taught intellectual in the mould of UMWA president John L. Lewis. Upon release a year later, Jan returns to the town and helps lead a strike to win back recognition of the UMWA as the miners’ bargaining agent. The strike is protracted and culminates with Jan seizing the mine single-handedly and threatening to blow it up unless the coal company recognizes the UMWA as the miners’ bargaining agent. This seizure—referred to as “black fury” in the story—proves successful.

Although the story appears contrived, with Jan as the archetypical proletarian hero, much of it still resonates today, such as the issue of ethnic prejudice. Musmanno attacks the issue of the wealthy employer versus the immigrant employee who performs unpleasant, demanding, and dangerous tasks. He addresses issues such as blaming the victim, poverty, and the frustrations those matters produce.

By the time Black Fury appeared as a novel in 1966, it was already regarded as “old hat.” First, the combativeness that had marked American labor relations in the 1920s and ’30s, which animates the novel’s basic plot, was generally seen as a thing of the past. Second, although Musmanno was a noted liberal, he was also a bitter anti-Communist. His prosecution of Steve Nelson had all of the overtones of civil liberties violations associated with the House Un-American Activities Committee and the McCarthy hearings. Musmanno’s attitudes on that issue had not softened one iota by the mid-1960s, and so he used the story to direct his continuing ire at the Communists in general, and William Z. Foster in particular, who had been leader of the Communist Party of the United States of America in the late 1920s. But the CPUSA had not enjoyed any real influence in the U.S. since World War II.
and its leader, Earle Browder, had been expelled from the party in the autumn of 1945. Concerns over prejudice had shifted away from the plight of recent immigrants and toward eliminating racial discrimination and second-class citizenship for African Americans. In addition, some now saw the labor movement as part of the “Establishment” and thereby part of the problem in a nation that needed basic and immediate change.73

Because of this, Musmanno appeared stagnant. He was fighting for causes he had espoused in his youth, failing to appreciate that the country had moved on and that his side had won. Yet, there is more to Black Fury than an aged political leader reliving his past glory and battles. Possibly, Musmanno feared the bad old days returning. The book was published during a period of great political and social unrest. So much attention was being paid to new issues, such as civil rights and the Vietnam War, that older concerns, like those involving organized labor and the Coal & Iron Police, were no longer part of the conversation. Plus, Musmanno and his old allies, including John L. Lewis, who had retired from the UMWA’s presidency in 1959, were now of advanced age (they would die within a year of each other). Publishing Black Fury in 1966 can be seen as Musmanno’s attempt to combat complacency by reminding people of how bad things were at one time. He wanted to introduce a new generation to the struggles, to the “three pink kisses,” or red X’s, that resulted from a miner’s weekly salary being consumed by the capitalist system and simply wanted to reform that system in order to protect it from its own excesses. Musmanno’s message in Black Fury was, in effect, that any society risks discontent if there are not mechanisms to assure some level of political and economic fairness. In short, desperate people will do desperate things.

More than four decades have passed since Michael Musmanno’s death. In that time, he has receded into the background while the lives of other Pittsburgh notables of his time have been examined in detail, including both David Lawrence and Steve Nelson. The little that has been written about Musmanno often portrays his more unconventional views. A leader of considerable determination, Musmanno, while at times misguided, tried to make his state and its communities a better place for all to live.

Richard P. Mulcahy is a professor of History and Political Science at the University of Pittsburgh at Titusville. He is the author of A Social Contract for the Coal Fields: The Rise and Fall of the UMWA Welfare and Retirement Fund, and the recently published Hungary Through the Centuries: Studies in Honor of Professors Steven Béla Várdy and Agnes Huszár Várdy (East European Monographs, March 2012). He is a former president of the Pennsylvania State Division of the American Association of University Professors, and a fellow of the Center for Northern Appalachian Studies of Saint Vincent College in Latrobe, Pennsylvania.

Musmanno’s message in Black Fury was, in effect, that ANY SOCIETY RISKS DISCONTENT ultimately expressing itself through direct action in the streets if mechanisms to assure some level of political and economic fairness are absent.
14 Ibid.
15 Ibid.
16 Ibid.
17 Ibid.
18 Ibid.
19 Ibid.
26 Lon Savage, *Thunder in the Mountains: The West Virginia Mine War, 1920-1921* (Charleston: Jalama Publications, 1984), 13-16. It should be noted that this book was subsequently picked up and published by the University of Pittsburgh Press after the release of the Feature Film “Matewan” since this book provided information used in that film.
27 Report from O.R. Chuck to T.H. Johns, General Manager of Mines; Shallo, 82-97.
28 Shallo, 97-103; Hays, 93-128; Ricketts, 147. In an extensive footnote appearing in the article cited here, Professor Ricketts states that between 1911 and 1931, there were at least six published reports arising from investigations that some way involved constitutional issues. Pointing this out, she states, “In each case investigators condemned the denial of civil liberties and autocratic nature of company towns. The reports are liberally sprinkled with descriptions of the towns as ‘feudal.’ Miners are characterized as serfs . . . while coal operators are referred to as ‘barons,’ ‘czars,’ ‘slave owners,’ and ‘pharaohs.’”
29 Dubofsky and Van Tine, 38-39.
30 Ibid., 105.
33 Dr. Colston E. Warne, who is cited in the previous note, was a professor of economics at the University of Pittsburgh at the time of the strike, wrote a series of articles in the liberal *Pittsburgh Press* about the issues involved in the strike; in particular, poor living conditions and miner poverty. The series drew a maelstrom of protest from the city’s various boardrooms. (Richard P. Mulcahy, “The Dark Side of the Cathedral of Learning,” *The Western Pennsylvania Historical Magazine* Volume 69, Number 1, January 1986, p. 47.) Church, chairman of the board of the Pennsylvania Railroad, in a letter to Pitt Chancellor John G. Bowman, insisted that the miners were overpaid and coddled by employers. (Letter from Samuel Harden Church to Dr. John G. Bowman, Chancellor, University of Pittsburgh, dated May 1929, File Folder 133, Files of Dr. John G. Bowman, University of Pittsburgh Archives.) Bowman ordered Warne to stop writing about the strike, or risk dismissal from the university’s faculty. (Mulcahy, “The Dark Side of the Cathedral of Learning,” p. 47.)
Although flamboyant and colorful, Musmanno was a man of substance and worth who was concerned about the needs of ordinary people.