

Celebrezze of Cleveland

As the limousine pulled up to take him to the White House that summer of 1962, he was scared to death. This would be his first Cabinet meeting. Born in Italy's boot, son of a trackwalker for the Wheeling & Lake Erie Railroad, 5 foot 4 inches tall, middle child of 13 who grew up across from an opium den in the slums of Cleveland, he would be the first native Italian to join a President's Cabinet. There he would be around a table with brilliant people like Douglas Dillon, Bobby Kennedy, Robert McNamara, Dean Rusk, and President John F. Kennedy. Would he make a fool of himself, he fretted.

12 years later, when he was a federal judge and I was his law clerk, he shared the answer with me: "Heck, after 5 minutes, I figured out they were as dumb as I was."

Anthony J. Celebrezze moved to America at age 2 in 1912. By age 6, he was shining shoes for 25 cents and selling newspapers at the corner of Prospect & Ninth. One of the 10 children of Dorothy Marcogiuseppe and Rocco Celebrezze who survived infancy, he worked his way through public schools, graduated from John Carroll, and got a law degree in 1936 from Ohio Northern, where he scrubbed floors, boxed for pay and worked odd jobs. He promised his Mom that when he made his millions, he would tear down the overcrowded walk-up where he grew up, where his Pop died, where his mother's hair turned silver gray. One day when I drove him to a speech on the east side, we passed Cuyahoga Community College, and he pointed, "That's where I grew up. I tore the slum down as Mayor, and that's how I kept my word to my mother." He laughed the way that gentle people do when proud of a relative's accomplishment, not as a boast. Left unsaid was that he never made the millions he dreamed

about as a youngster, after choosing public service as his career.

You won't find that in the public record about Anthony J. Celebrezze. What you will find is a list like this:

- 5-term Mayor of Cleveland, re-elected with increasing majorities each time, responsible for the urban renewal of then the fifth largest American city, the first big-city mayor in the early '50's to build public housing, sainted by his City with his name on Cleveland's Federal Building and a fireboat in the Flats;

- a US Court of Appeals Judge for 30 years, whose dissenting opinions turned into more majority opinions of the US Supreme Court than any other judge in America;

- Health Education & Welfare Secretary under Presidents Kennedy and Johnson, the point person for shepherding through Congress the Medicare Act, the Civil Rights Act of 1964, the Elementary-Secondary Education Act, the Clean Air Act, the Economic Opportunity Act and 17 other major pieces of the Great Society's transformative fabric of modern society.

When Lyndon Johnson appointed him to the Sixth Circuit U.S. Court of Appeals, the President told a private gathering at his farewell get-together: "Secretary Anthony J. Celebrezze has been one of the great successes of the Cabinet - not just in this Administration, but in the whole history of the Government of the United States." In off-the-record remarks that day, Johnson recalled stopping five years earlier at the Cleveland airport on his way to the 1960 Los Angeles Democratic Convention: "As soon as we were on the ground, [the Mayor] asked me to come with him to a press conference he had somehow managed to set up in the

airport terminal. I followed him into an elevator. The doors closed. We pushed the button – the elevator rose about five feet and stopped. There we stayed, while the news conference, Senator Kennedy and the rest of the world waited. I decided there and then two things about Tony Celebrezze and me:

1. That both of us needed to lose a little weight.
2. And, that if it had to happen, there is nobody I would rather get stuck in an elevator with than Tony Celebrezze.”

For an understanding of the person I knew as the Judge, or when he was not in earshot whom we law clerks called "the Breeze," here are four insights about what made him who he was and the lessons he left behind for us, including our politicians.

First, he was never beholden to another person or group. The point of elective politics was to obtain a mandate from the people, not from back-room folks who decided on candidates in those days, and not from the moneyed interests that in any city largely run its affairs, and not even from your own ethnic, religious or racial tribe. No, instead, Mayor Celebrezze got elected by the slogan, "I cannot be bought. My only bosses are the people of Cleveland." This got him elected Mayor against party boss supported candidates. He was elected Cleveland's Mayor in ever increasing landslides five times from 1953-61, and earned the respect of business, labor, the press and political opponents alike. He had plenty of foes who tried to do him in. When arriving as Chairman of the US Conference of Mayors at an annual meeting in Hawaii, an adversary hired a scantily clad woman to lie on the bed of the hotel room to which the Mayor was assigned, and arranged for a photographer to be in the lobby.

Possessing sharp antennae, the Mayor invited the photographer to enter the room first. The resulting front page snapshot of the failed trap resulted in headlines about how the Mayor had foiled a nefarious plot, only increasing his reputation as incorruptible, and no doubt selling a few newspapers to boot. Louis B. Seltzer, Editor of the *Cleveland Press*, was then and ever after a major supporter, eventually selling his west-side home to Judge Celebrezze at a friendly price many years later.

His annual salary as HEW Secretary from 1962-65 was \$25,000. Owning a home in Cleveland and trying to keep a small apartment in Washington resulted in hometown debts that piled up of \$30,000. He went to Lyndon Johnson to resign because he could not keep his home and remain in public office. Johnson accepted and commented that Celebrezze was "the first cabinet secretary to go broke while working for the White House."

Refusing to cozy up to political mavens cost him the Governorship. In 1958, he lost in a primary to Mike DiSalle, when the Cuyahoga County Democratic boss refused to support the Mayor and backed the other Italian instead. Governor DiSalle lasted one term, but greater things lay in store for the Breeze.

A second lesson is about the art of politics after election – what it's really about. While Mayor, the Breeze needed a 5 cent increase in the water rate. The City supplied water throughout Cuyahoga County, and a rate increase needed approval from the County Commissioners, who were Republican and largely beholden to suburban voters. The Mayor invited his political adversary, the Commission President, to lunch at the Oak Room. He told the Commissioner he absolutely needed 5 cents. The Mayor's plan was to broadcast a public

demand for a 10 cent increase and call it essential. Mayor Celebrezze told the Commissioner that he should then yell and scream in headlines about how the City was trying to rob the suburbs and threaten that no such outrageous increase would ever be approved. Then they could settle on the 5 cent increase that was needed to sustain and upgrade the Water Works. They shook on the deal and proceeded as agreed. They both got credit. Each represented his constituency. And Cleveland and Cuyahoga County got water that achieved a top level of quality for years to come.

Third, the Judge believed that politics is not about patronage or unbridled freedom or meeting the demands of the rich and powerful. It is about equalizing real opportunities for people, meeting human needs and improving communities. It is about a social covenant, building a society that is great. Public housing replaced living conditions unacceptable to a civilized people. Reducing infant mortality did not happen by wishing others good luck, but through publicly supported health clinics and pre-birth counseling efforts. Equal opportunity did not spring spontaneously, but depended on sustained collective effort to hold everyone accountable for wrongful acts of racial and other discrimination. To the Breeze, public service is about improving the lives of people, most importantly children. This was eloquently put when Secretary Celebrezze was being grilled by a Southern Democrat in a hearing about the Civil Rights Act of 1964, just before a cloture vote. Instead of attacking the Senator for views that even then stood out for their blatant bigotry, Secretary Celebrezze responded by congratulating the Senator on his choice of parents. He remarked that the Civil Rights Act was a way of giving other children the same privilege, so that their choice of parents worked as well for them as it had for the Senator. No doubt in his mind were memories of his father being called Rocco the

Wop. But he did not let this memory turn into anger or recrimination, instead offering the Senator a path forward out of his personal wilderness.

Finally, his 30 years on the bench added luster and common sense to the period of the Warren Court and its reinvigoration of the Bill of Rights. As a Judge, he had the street smarts that some legal scholars never have or leave behind when they depart the ranks of Law Review, if they ever had them at all. Some judges write their own opinions. Judge Celebrezze did not. That was our function as law clerks. He decided the outcome, and we wrote the explanation in the prose of judicial opinions. I remember the case with the improbable name of American Mini Theatres and Pussy Cat Theatres of Michigan v. Roman Gribbs, Mayor of Detroit, where the 3-judge Court of Appeals panel considered a zoning law that tried to restrict adult movie houses to a very small area of Detroit. Two judges (one a Republican and one a Democrat) held that this violated the First Amendment's free speech clause. Judge Celebrezze dissented. After reading my draft of the dissenting opinion, he scrawled a handwritten note and gave it to me: "Good work," but added that I should insert the following sentence at the end: "It seems to me that if we are to prevent our cities from becoming uninhabitable jungles, we must, within constitutional safeguards, restore to our cities the right of self-government." His dissent became the law of the land when the US Supreme Court took the case and ruled as Judge Celebrezze had viewed the limits of the First Amendment.

Recall Judge Celebrezze's apprehension in advance of his first Cabinet meeting, and his conclusion after its first five minutes. Yes, those brilliant men around JFK's Cabinet table were as dumb as he was. What a tribute to their genius.

Joseph J. Dehner, for the Literary Club, November 26, 2012 (revised after editorial comment by
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