

Governor G. Mennen Williams and the Great Ferris Fire

By Steve Savickas

Under the administration of Gov. G. Mennen “Soapy” Williams, a unique law—intended to establish Ferris Institute as a state college—was just months from achieving its goal. Then, a great fire razed the “Old Main” Building (a Ferris identity symbol at the Big Rapids campus), prompting fears the law might be preempted. But Gov. Williams, a former state assistant attorney general and future Michigan Supreme Court chief justice, galvanized bipartisan support to enact the law ahead of time. Soapy’s leadership upheld the rule of law, enabling the forerunner of Ferris State University to “rise phoenix-like out of the ashes.”



Gov. G. Mennen “Soapy” Williams later served as a chief justice of the Michigan Supreme Court.

Photo courtesy of Michigan Capitol Committee



Ferris archives

On May 17, 1949, Gov. G. Mennen Williams (center) signs into law the Smith-VanderWerp Act, which accepted Ferris as a gift to the state college system. Third from left is the act’s cosponsor, state Senator Colin L. Smith, a Big Rapids attorney and Ferris alumnus.

Introduction

Green ink flowed from a ceremonial fountain pen as Gov. G. Mennen¹ “Soapy” Williams, clad in his trademark bow tie of dark green with bright white polka dots,² affixed his official signature to the Smith-VanderWerp bill.³ Signed into law as State of Michigan Public Act 114 of 1949,⁴ the legislation transformed the private Ferris Institute, founded in 1884, into a state college. The signing took place on May 17, 1949, although the act would not take effect until July 1, 1950.

For supporters of Ferris Institute, the act was a storybook ending wherein the new state college “would live happily ever after.”⁵ In reality, a fiery brand of adversity intervened.

Baptism by fire

At 5:10 p.m. on Tuesday, February 21, 1950, just four months shy of Ferris Institute’s becoming a public institution, a radio bulletin announced that a flash fire had engulfed two-thirds of the Ferris campus in Big Rapids. Tongues of flame rose 200 feet.

Columns of billowing black smoke were visible for miles.

The Ferris community, battling the elements of bone-chilling winter weather, mobilized. Volunteers manned pump hoses. An administrator used his wooden leg as a battering ram. Students, many of them World War II veterans, formed a water-bucket brigade. With a thunderous roar, a brick wall collapsed, injuring four football players trying to retrieve pharmacy equipment. A teammate’s leg was fractured.

Despite the valiant effort, the venerable Old Main Building,⁶ built in 1893, and the pharmacy school⁷ annex fell in flames. Suddenly, transferring Ferris to state ownership, which ought to have been a formality, ignited into a near-death (-of-an-institution) experience. As the state’s chief executive, Gov. Williams faced his own firestorm: a political crisis testing the enforceability of PA 114. The year-long delay between signing and activating the law as set forth in the legislation—a “legal technicality”—proved controversial.

Hopes seemingly dashed

By dusk, as the embers still glowed, well-founded fears circulated that the college, on the verge of state chartering but with financial ruin now lurking, faced impending doom.

At the state Capitol in Lansing, news of the fire stoked long-simmering disenchantment. The fire afforded an opportunity to adversaries—a formidable faction of state legislators intent on relegating Ferris Institute, like an earlier great Ferris family achievement, the Ferris Wheel, to history.⁸ The institute's opponents sought to rescind PA 114 under the guise of construing strictly the act's wording.

By nightfall, in the wake of the fire damage, the school appeared mortally wounded. But by daybreak, much of the gloom was dispelled—first by Ferris President Byron Brophy's declaration on a chalkboard outside the remains of the Old Main Building ("Ferris Will Go On," he wrote), and then by Gov. Williams' leadership in galvanizing within 24 hours of the fire a bipartisan consensus to rebuild.

From the onset, Gov. Williams played a pivotal role in upholding the principle of the rule of law by standing behind the legislation. This dovetailed with his belief that the state, whose post-war economy was booming, needed an educational infrastructure to fuel the growth.

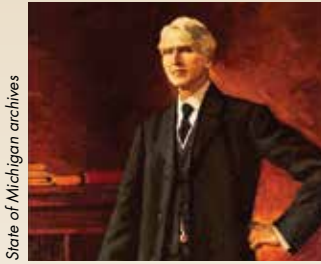
"Michigan's educational system has a definite need and place for the opportunity school which has stood as a monument to the great governor and U.S. senator, Woodbridge Nathan Ferris,"⁹ Williams said.¹⁰

The blaze led Gov. Williams to interpret the applicable law liberally to overcome an error in the less-than-artfully-drafted act. Thus, Soapy placed the law *in pari passu* (on equal footing) with the emergency at hand.

The issue revisited

The act tentatively accepted the private college as a gift to the state provided the school's name and character were kept. The measure¹¹ also imposed an inherent fiduciary duty on the state to preserve Old Main—the original campus's flagship building—as a "living monument" to the founder(s).¹²

Because the act's effective date was still four months away, the law arguably was unenforceable. The extensive fire damage seemingly breached an underlying condition precedent—an intact Old Main that would ensure an operational campus. The state's promise to accept transfer of ownership could be seen as having been rendered nonbinding. Stated differently, the agreement was at least voidable, if not vitiated entirely, because the destruction had nullified



State of Michigan archives



Ferris archives

Gov. Woodbridge Nathan Ferris and Prof. Helen Gillespie Ferris, co-founders of Ferris State University. The state intended to preserve the original campus buildings as "a living (functional/educational) monument" to the college founders.



Ferris archives

Before a law rendered Ferris Institute a state college, a great fire intervened, destroying two-thirds of the campus—including the Romanesque-Victorian style "Old Main" Building and its bell tower, a Ferris identity symbol and a Big Rapids landmark for 57 years. Fred W. Hollister, the building's architect, also designed courthouses for Saginaw, Isabella, Huron, Gladwin, and Ogemaw counties.

an essential element (a "functional educational monument") of the agreed-upon terms.

By way of background, the bill unanimously passed the Senate, 28–0, and passed by an overwhelming 83–8 margin in the state House. In contrast to Gov. Williams, a predecessor had vetoed a similar bill just seven years earlier. During these years the fate of the school was in limbo from the lingering effects of the Great Depression, a leadership void,¹³ and a sharp enrollment decline that caused the institute to teeter on the brink of insolvency. The upheaval of World War II caused attendance to fall to a low of 48 students in 1944. Williams' confidence in the school required faith in the future need for the institute—a belief not shared by everyone in state government.

Formidable opposition

Costly renovations and unconventional curriculum were the main reasons cited by lawmakers opposed to state ownership. Among the most outspoken of the opposition was the chairman of the House Committee on Education, who stated:

I can't see spending a couple of million dollars to rebuild the school. If the state was flush with money, that would be different, but we are facing a serious financial

situation and I for one would be opposed to spending money to rebuild the school at this time.¹⁴

Educators at existing state schools advocated liquidating Ferris Institute and splitting the funds between the University of Michigan and Michigan State University. Throughout Michigan's northland, meanwhile, newspaper editorials suggested that Ferris be relocated and transformed into a liberal arts college. Traverse City and Benzonia were proposed as sites. There were ample state-supported schools in southern Michigan, the argument went, and not enough in the northern half.

Taking wing

Gov. Williams steadfastly rejected such arguments, declaring, "Ferris Institute will carry on in Big Rapids, where it was founded and where it will rise phoenix-like out of the ashes."¹⁵

The governor issued a spate of executive orders¹⁶ serving notice that the implementation of the law would proceed. Ironically, Old Main's demise was an overriding factor justifying Soapy's executive decision. He applied the legal "constructive trust" principle, or "cypres" doctrine, emphasizing the intent of the law as distinguished from

stringent adherence to using exact wording—so-called “strict constructionism.” To summarize Soapy’s position, nowhere did the act provide, “In case of fire emergency, break promise.”

Even “before the ashes had cooled, seeds of resurgence had been sown”¹⁷ for the re-birth of Ferris as a state college. Apparently, Gov. Williams deemed the fire as a *force majeure*—an act of God. Hence, he sensed a public duty and moral responsibility as head of state to fulfill the legislative intent embodied in the act.

All points of the compass

The governor’s resolve resulted in a wave of assistance being rendered from a wide spectrum of organizations and schools including the American Legion, the Veterans of Foreign Wars, Albion and Alma colleges, the University of Michigan, Michigan State University, the Central, Eastern, Northern, and Western Michigan universities, and Soo Tech.

By the Friday following the fire, Gov. Williams named five Ferris alumni to the school’s new Board of Control. Among them were a pair of Grand Rapidians: Mrs. Bess E. Fishman, the first woman to serve on a state board of higher learning in Michigan; and, as chairman, federal Judge Raymond W. Starr, a former Michigan attorney general and past chief justice of the Michigan Supreme Court. The new board, in coalition with the old board of trustees, soon convened in emergency session.

On the following Monday morning, Gov. Williams addressed a special meeting chaired by the student council president in the gymnasium of the Alumni Building—the lone campus building spared by the fire. Assuring the gallery that “Ferris Institute will continue to be an integral part of the State of Michigan,”¹⁸ the governor lauded the college’s 80,000 alumni, who included “senators, governors, attorneys and industrialists.”¹⁹ Subsequently, the state legislature approved reconstruction funds.

Soapy’s was a promise not to be broken. His proactive executive actions compelled the law to take effect retroactively (*nunc pro tunc*²⁰) to its date of enactment.

Epilogue

Williams was elected governor for a record six consecutive two-year terms (1948–

1960). President John F. Kennedy later appointed him assistant secretary of state, heading the new African Bureau. Soapy capstoned a half-century career of public service²¹—which began in 1936 fresh out of the University of Michigan Law School as a state assistant attorney general—by winning a seat on the Michigan Supreme Court bench (1970–1986), serving as chief justice in his last term.

Today, Ferris State University has an enrollment of approximately 14,000 students at its 880-acre Big Rapids campus, which includes the G. Mennen Williams Auditorium. The school offers degrees in 180 disciplines. ■

Steve Savickas, a criminal defense attorney in Grand Rapids, is an alumnus of Ferris State University and Thomas M. Cooley Law School. He can be reached at ssavickas@sbcglobal.net.

ENDNOTES

- Gov. Williams’ maternal grandfather founded the Mennen shaving-lather/cosmetics company in 1878.
- The polka dot bow tie’s color theme is apparently symbolic of sudsy lather (soap and water) bubbles.
- The bill’s sponsors were both Ferris alumni: State Sen. Colin L. Smith, a Big Rapids attorney; and Don VanderWerp (Fremont), chairman of the Senate Education Committee.
- Currently embodied in MCL 390.801.
- Deupree, *A Century of Opportunity: A Centennial History of Ferris State College* [J. E. Deupree, 1982], p 150.
- Tens of thousands of former Ferris students passed through the portals of “Old Main.” Saginaw architect Fred W. Hollister’s masterpiece had been destined for listing on the National Register of Historic Places. Built in 1893, the Romanesque-Victorian style Ferris identity symbol, a Big Rapids landmark for 57 years, featured a bell tower ascending 145 feet, red-brick veneer masonry, limestone window ledges, gables, and inlaid tiles of Vermont Purple slated roofing.
- The pharmacy program was instituted in 1893 by W. N. Ferris (an alumnus of U-M Medical School) tutoring a lone student. Now, half the pharmacists in Michigan are Ferris graduates.
- Invented by Ferris’s great uncle, engineer George Washington Gale Ferris, the Ferris Wheel was demolished just 13 years after debuting at the 1893 Chicago World’s Fair. A rival to the Paris World Fair’s Eiffel Tower, the 26-story ride rotated 36 gondolas the size of Pullman passenger train cars carrying 2,000 riders.
- Gov. Ferris’s wife, Mrs. Helen Gillespie Ferris—is now recognized by the school as cofounder and the trail-blazing matriarch of Ferris State University. Career educators, the Ferrises were teacher-trained at Oswego State University of New York (class of 1873).
- Ferris State College yearbook (1980), p 8.
- Within a month of taking office, Soapy appointed a special task force to conduct a feasibility study. All but a single appointee shared a common trait with the bill’s sponsors: their alma mater was Ferris Institute. The committee included Edward W. Sharpe, a Michigan Supreme Court chief justice; the presidents of U-M, CMU, and the state pharmaceutical association; and state officials (controller, superintendent of public instruction, and legislators).
- School Hailed as “Living Monument” to Sen. Ferris*, Big Rapids Pioneer, Autumn 1949, p 1.
- A faculty hire by W. N. Ferris in 1898, Gerritt Masselink was heir apparent to the Ferris presidency. He served as director of the school while Mr. Ferris served as Michigan’s governor and a U.S. senator. Within a 13-month span, fatal bouts of illness claimed the lives of both mentor and protégé. Masselink was just 57. The Great Depression, in conjunction with a carousel of presidents, sent Ferris into a tailspin. A nonprofit entity, formed by a group of Big Rapids businessmen, helped Ferris weather the crisis.
- Ferris State College yearbook (1980), p 8.
- Id.* at 9.
- Gov. Williams issued an executive order halting the arson investigation because of insufficient incriminating evidence and lack of fatalities. The cause of the fire was “of undetermined origin,” according to a state fire marshal’s office investigator.
- Ferris State College yearbook (1980), p 6.
- Ferris State College yearbook (1980), p 9.
- Among the early distinguished Ferris alumni are former Michigan Governor Frank D. Fitzgerald (his son, John Fitzgerald, a charter member of the Thomas M. Cooley Law School Board of Control, served as chief justice of the Michigan Supreme Court and his grandson, attorney Frank M. Fitzgerald, served as state insurance commissioner); Thomas Read, former state attorney general; Grand Rapids attorney Glenwood C. Fuller; attorney Fred M. Butzel; Dr. Isaiah Bowman, past president of Johns Hopkins University; Frank Johnson, chief engineer of Ford Motor Co.; Harlow H. Curtice, president of General Motors (1953–1958)—then the world’s largest corporation; W. G. Bower, vice president of New York Central System; Tunis Johnson and Charles Bowles, former mayors of Grand Rapids and Detroit, respectively; three-term congressman William W. Blackney; Big Rapids oil and gas entrepreneur William “Top” Taggart; Nate S. Shapero, president of Cunningham Drug Company; Homer S. Pace, founder of Pace Institute, Manhattan, New York (est. 1906); and prominent minister Edward Archibald Thompson.
- Defined as “a thing done now which shall have the same legal force and effect as if done at the time it ought to have been done.” Black’s Law Dictionary (8th ed). In contrast, a criminal law applied retroactively (*ex post facto*) is unconstitutional. US Const, art I, § 9.
- Soapy was a decorated veteran of WWII, serving as a lieutenant commander in the U.S. Navy. He was awarded 10 battle stars and the Legion of Merit medal.