

Baker County Sheriff Harvey K. Brown (1871-1907):
Small-Town Oregon Sheriff's Role in Solving Murder
of Former Governor of Idaho May Have Cost Him His Life

by
Gary Dielman

A little after ten o'clock on the evening of September 30, 1907, as former Baker County Sheriff Harvey K. Brown entered the gateway of the picket fence surrounding his house at 1241 4th Street, Baker City, Oregon, a powerful explosion rocked the neighborhood. The blast destroyed the gatepost—there was no gate--just above ground, plus part of the wooden walkway leading to the front of Brown's house. Every window on the front of the house was blown out, as were many windows in nearby houses.

James Kenyon, Brown's neighbor and mining partner, was the first to reach the still conscious Brown, who was lying in the front yard to the right of the walkway. Kenyon's wife, who arrived moments later, cradled Brown's head in her lap, while her husband went inside the house to check on Brown's wife, Dorcus, and ten-year-old daughter, Ethel, who were unable to get the front door open.



Dynamite bomb was attached to damaged fence post.

Before he slipped into unconsciousness, Brown said to Mrs. Kenyon, "They've got me. They've got me. They've got me at last."

Brown was rushed in a horse-drawn hack to the hospital, where he died the next afternoon.

Headlines on the front page of the evening newspaper read:

ANOTHER STEUNENBERG TRAGEDY!
HARVEY K. BROWN BLOWN TO PIECES LAST NIGHT
HE DIED AT 3:15 TODAY

Harvey Kimbell Brown was born August 17, 1871, to William and Julia Brown. He grew up working on the family homestead located eight miles northwest of Baker City, Oregon, in the shadow of 9000-foot-high Elkhorn Butte just a mile west of the Brown place. As a young adult, Brown worked as a ranch hand and in mining in Nevada. For a while he owned a livery stable in Sumpter, Oregon, hub of hard rock mining activity in the Elkhorn Mountains. He acquired his own placer gold mine in Stices Gulch ten miles south of Baker City, which he worked in his spare time.



Harvey Kimball Brown

William Brown, a Baker County Commissioner as well as farmer, left office in 1902, the year his son was elected Sheriff and Tax Collector of Baker County. Julia Brown, a devout Methodist, insisted that on the Brown farm the Sabbath was a day of rest for the family and the farmhands.

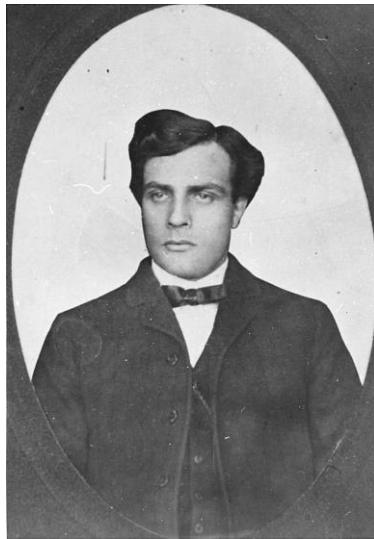
Upon taking office July 1, 1902, Brown set about straightening out the tax collection books. By December auditors determined that the books turned over by Brown's predecessor, Alfred H. Huntington, were \$12,000 short (equivalent to about \$250,000 today). Huntington, who had already admitted that he was \$3,500 short, traveled to Chicago to raise money to pay back his debt by selling shares in mining property he owned in Baker County.

County officials feared Huntington would never return to Baker County once he learned he was being charged with a much larger shortage. Brown found himself in the rather awkward position of traveling to Chicago, where he arrested Huntington for embezzlement. One can only wonder what the two Baker County sheriffs talked about on the long train ride back to Baker City, where Brown lodged Huntington in the same jail Huntington used to run.



Minnie Ensminger, ca. 1901

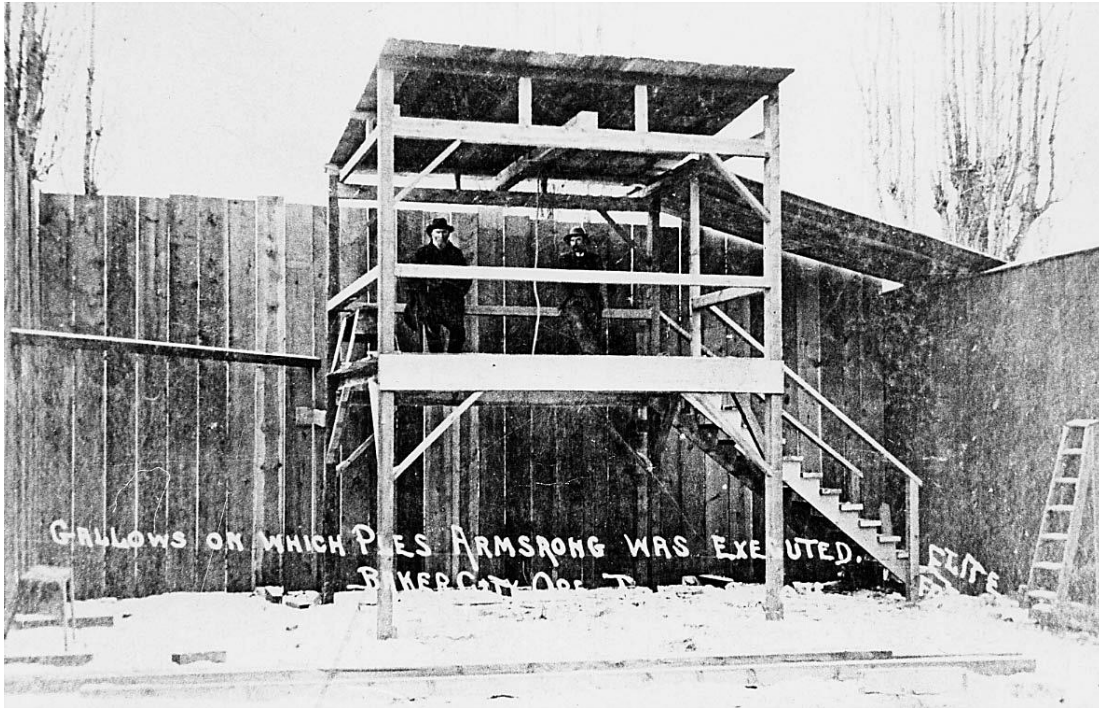
Two days later, Christmas Day 1902, Huntington was joined in the Baker County Jail by Pleasant Armstrong, charged with murdering his girlfriend, Minnie Ensminger, after a Christmas Eve dance at a farm house west of Haines, Oregon. The crime would prove to be the defining case of Brown's tenure as sheriff.



Pleasant Armstrong, ca. 1903.

Haines area men, fearing Armstrong might escape the hangman's noose by pleading temporary insanity, conspired to lynch Armstrong. Around midnight on March 3, 1903, about 150 armed men with faces covered by bandanas showed up at the county jail demanding that Armstrong be turned over to them. Much to the lynching party's dismay, Armstrong was not in the jail. Having received word of the plot, Sheriff Brown ordered Armstrong taken from his jail cell and hidden in the Clerk's vault of the courthouse and later transferred to the Multnomah County Jail to be held until trial later that month.

The Haines men need not have worried about the outcome of the trial. The jury found Armstrong guilty of Murder in the First Degree. The judge sentenced him to be hanged on May 8, but an ultimately unsuccessful appeal to the Oregon Supreme Court put the execution on hold.



The gallows and enclosure were on the south side of the second courthouse. The site is presently the courthouse parking lot.

On January 22, 1904, at 7:00 a.m., the gallows stood ready within a thirty-two by sixty-foot snow-covered area next to the jail defined by a fourteen-foot-tall board wall. A rope line and special deputies armed with Winchester rifles kept back a curious crowd estimated at 2000. The gallows compound was packed with upwards of 500 men who had received black-bordered invitations signed by Sheriff Brown, including Jacob Ensminger, father of murder victim, Minnie Ensminger. Among those standing on the gallows, in addition to Brown, the condemned man and his priest, were county sheriffs from Multnomah, Benton, Malheur, Union, and Washington (Idaho) counties, plus the superintendent of Oregon State Penitentiary, who was to conduct his first execution in Salem the following week.

After an emotional speech by Armstrong, a hood was placed over his head, and, at a signal from Brown, the hooded executioner sprang the trap door on which Armstrong stood. A few minutes later, he was pronounced dead by a panel of doctors, and all in attendance dispersed silently into the cold, gray January morning.

Although several men had been lynched in Baker County since it's founding in 1862, Armstrong's was the first and last legally sanctioned execution in the county. And it was the next-to-last public execution in Oregon, due to a new law requiring that all future executions take place within the walls of the state prison.

In spring 1904, voters re-elected Brown to a second two-year term based on clearing up tax shortages, collecting a backlog of delinquent taxes, and conducting a flawless execution that received press coverage around the Northwest. He began his second term with a regional reputation as an honest and serious law enforcement man.

Baker City, however, had a reputation as a wide-open town allowing liquor sales on Sundays, gambling, and, in Chinatown, opium dens. City officials saw these illegal vices as a way to bolster city coffers by levying moderate fines and, it was alleged, by collecting payments under the table for not shutting down illegal operations.

With citizens complaining to him about lax law enforcement, Brown turned his attention to illegal activity within Baker City. After he conducted a few raids on gambling houses, gamblers were heard rhyming “Brown’s in town,” and “Brown’s out of town,” and finally, “Brown, Brown, terror of the town.”

After cleaning up Baker City and aware he had achieved a state-wide reputation as a strict law enforcement man, Brown decided not to run for a third term as sheriff. Instead, in the spring of 1906, he filed to run in the primary election as a Republican candidate for the office of Governor of Oregon. Brown ran on a platform that declared, among other things, “I am the only candidate for the office of chief executive of this state, on either the Republican or Democratic ticket, whose platform demands the rigid enforcement of all laws.” Brown’s campaign was short and vigorous, but ultimately unsuccessful. Only in Baker County did he win a plurality of votes.



Brown’s campaign poster, spring 1906.

Harvey K. Brown, sheriff of Baker county, Oregon, and erstwhile an aspirant for the Republican nomination for governor of his state, was one of the party of Elks who visited Boise yesterday for the purpose of attending the funeral of Charles H. Stoltz. In speaking about his defeat at the primaries Mr. Brown said: "I am well satisfied with the results. I carried my own town and county and that was something that it was predicted I could not do. It was a law and order campaign. I have strictly enforced the Sunday saloon law and the gambling law since I was sheriff of Baker county. I announced myself a candidate for the nomination for governor merely to test the question of whether or not the majority of the citizens of Baker county wanted the law enforced or not. I won in that county and proved that the majority of the people are for law enforcements. I rejoice because I know now for a certainty that the people of my county indorse my past work."

Sheriff Brown acknowledges his election defeat.
Idaho Daily Statesman, April 24, 1906.

Several months earlier, on the evening of December 31, 1905, former Governor of Idaho, Frank Steunenberg, was blown up outside his residence in Caldwell, Idaho, by a dynamite bomb attached to the gatepost. Sheriff Brown, by chance in Boise on business, was invited to join the present Governor of Idaho and law enforcement officials on a special train speeding to Caldwell to look into former Governor Steunenberg's assassination.



Former Idaho Governor Frank Steunenberg.

The investigation soon focused on Harry Orchard, a supposed sheep man. Upon seeing Orchard, Brown said he was sure he knew Orchard by another name as a miner at the Bourne mining camp in Baker County. Brown subsequently participated in a search of Orchard's hotel room, where bomb-making materials were found. Authorities arrested Orchard on a charge of murder.

Orchard soon made a full confession, not just to Steunenberg's murder but to numerous other murders of enemies of the Western Federation of Miners at the

behest of that union's leadership. Steunenberg's murder, according to Orchard, was revenge for his having busted a miners strike in northern Idaho in 1898.



Blown up gate at Steunenberg's home in Caldwell, Idaho.

Brown's connection to the Steunenberg case did not end upon his return to Oregon. Orchard implicated Steve Adams as involved in the plot to kill Steunenberg. Idaho authorities needed Adams to corroborate Orchard's story in order to convict the Federation's leaders. Adams, it so happened, was located at his father-in-law's ranch near Haines in Baker County. Brown arrested Adams and convinced him to waive extradition to Idaho and to cooperate fully with Idaho authorities. Initially Adams corroborated Orchard's story but later recanted.



Albert Horsely, aka Harry Orchard.

Brown was murdered during the Boise trial of Federation official William Hayward, a trial that drew national attention. But without Adams' corroboration, Hayward was found not guilty. Orchard, however, was sentenced to be hanged, a sentence later commuted to life in prison.

Although no one was convicted of the murder of Frank Steunenberg, even the judge in the Hayward trial was convinced that the Federation had ordered the hit. But who murdered Harvey K. Brown? Had the Federation ordered Brown murdered as revenge for his assistance to Idaho authorities in the Steunenberg case? The identical modus operandi of the murder certainly threw suspicion on the Federation. However, authorities never developed any solid leads. Brown's murder remains unsolved.

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