

# THE CASE OF THE MISSING MILLIONAIRE

*Helped by nephew Jimmy Choate, Pearl takes Otis Birch into elevator after leaving the Breckenridge courtroom.*

A. Otis Birch was old and feeble and rich, so he hired a nurse named Pearl Choate to take care of things. In slightly over a year she had taken care of his money, his house, his name, and was leading me on a wild chase across the Southwest.

By JAMES PHELAN

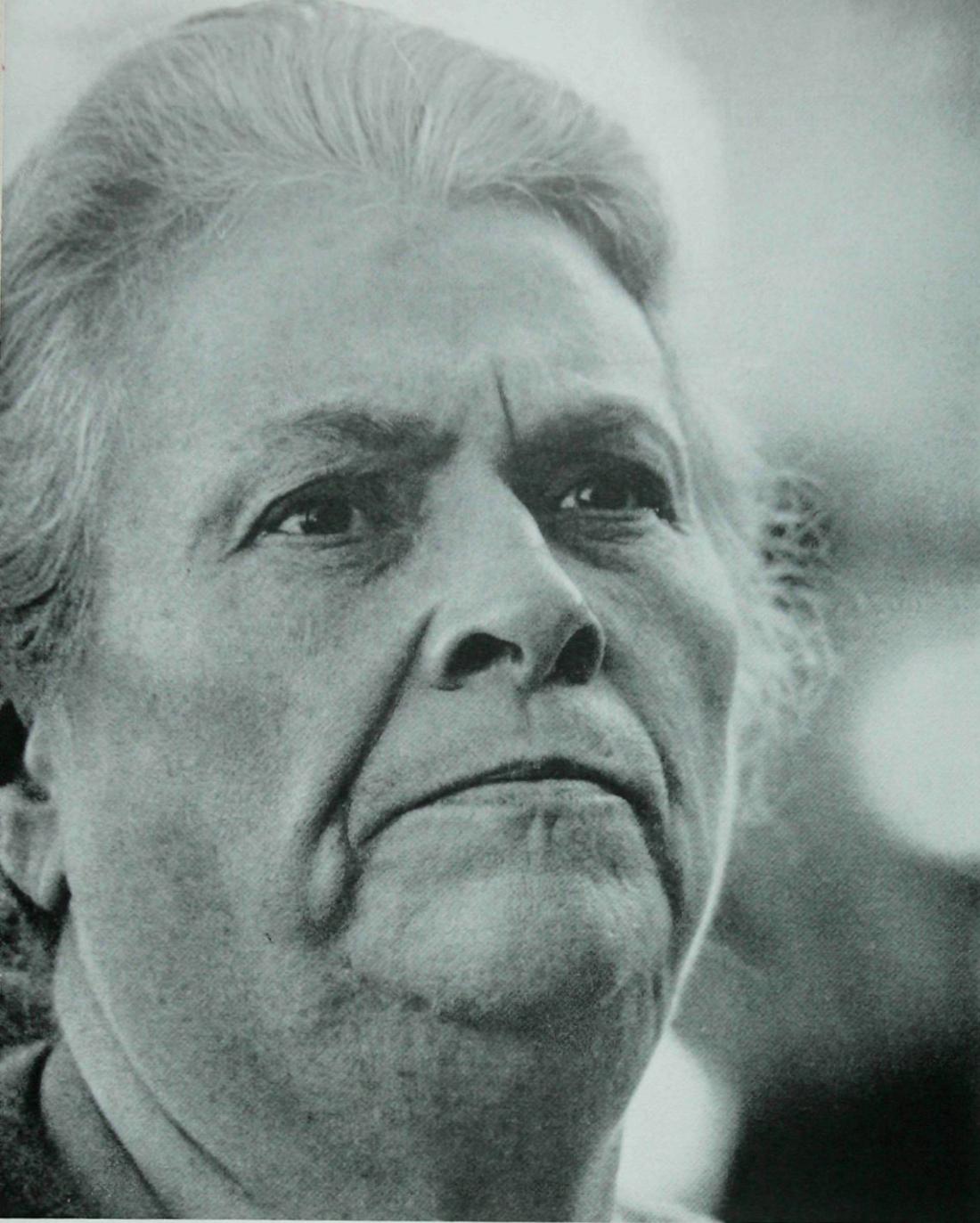
*Photographs by Bill Bridges*

**T**hey delivered the sealed casket to the Inglewood mausoleum on the morning of last October 13. It stood unattended in a corridor near the rear-delivery door for some time, while the cemetery workers took care of another entombment. There were no friends or relatives, no minister or mourners—just the coffin and a lone reporter.

The mausoleum in the Inglewood section of Los Angeles resembles a branch library in some prosperous suburb. The interior, in effect, is a giant filing cabinet. The crypts, one above another in neat rows, hold one body each, indexed by the occupant's name engraved on the crypt door. Identical vases full of bright-hued plastic flowers adorn each crypt face.

Shortly after 11 A.M. the crew wheeled the sealed casket on a rubber-tired carriage past the scentless, unfading bouquets to its assigned niche. It was hoisted smoothly by a mechanical lift and pushed into the wall. Then the crew went off to lunch. Outside, a jet airliner whined down through the thin smog toward nearby Los Angeles International Airport. The whine faded westward, and all was silent in the dimly lighted marble hall.

The body in the casket was that of Marguerite Estelle Conoway Birch, 93, wife of Albert Otis Birch, a 95-year-old Pasadena multimillionaire and philanthropist. Estelle Birch had no children but was loved by hundreds of



Pearl Choate listed her occupation as "companion to the elderly," but her record showed that she had been far too modest.

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Pasadenans. In her long life she and her husband had given more than \$20 million to missions, churches and seminaries. They had lived more than a half century in one house in Pasadena, and were the oldest living members of Temple Baptist Church in downtown Los Angeles. In days past they had played host to parties with hundreds of guests, and once gave a lawn fete for 1,500 in honor of the evangelist Billy Graham.

Yet no one had come to mourn her. I was almost certain I knew why, and standing alone in the silent hall, I thought of the title of one of Ray Bradbury's books: *Something Wicked This Way Comes*. I said good-bye to this gentle old woman I had never known, went down the green cemetery slope to my car, and drove to a downtown mortuary that had handled the funeral.

At the mortuary, a polite young man checked the files and reported that the body of Mrs. Birch had been flown in four days before from Breckenridge, Tex. It had been shipped by the Melton Funeral Home there with no instructions for burial. I found the California mortuary's records contained a single sheet of instructions given them

by a Dr. Bernard Pearson. It said there was to be "No service or view, no newspaper notices." The reason no one had attended Estelle Birch's entombment was that none of her friends had known she was dead.

"*Pearl Choate told me,*" Marie Rickman had said months earlier, "*that when Mrs. Birch died nobody was going to know it, and she was going to go ahead and bury her and then take Mr. Birch over the line and marry him.*"

I had been hunting Pearl Choate and the Birches for more than a month, and I had found Estelle Birch too late. But there was still Otis. From the mortuary I drove home and looked up Breckenridge in an atlas. It was a town of 6,300 about 120 miles west of Dallas. I stuffed all the documents and notes I had collected into an old flight bag, took a jet to Dallas, rented a car, and started driving out toward Breckenridge.

I had got on the story through a tip. Early in September a distant cousin of Estelle Birch had written the *Post* from Iowa and asked for help in locating the Birches. He said they had been taken from their Pasadena mansion by a big nurse named Pearl Choate, that none of the California

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law officials had been able to do anything, and no one could learn where they were. The *Post* called me at my home in Long Beach and suggested that I look into it.

So I went up to South Pasadena to see where they lived. It was a big, eerie old house, at 431 Oaklawn Avenue, and it was called Bridgecrest. Bridgecrest stood on about three acres of ground in a good neighborhood, and it looked like a set from that Gloria Swanson movie, *Sunset Boulevard*. The lawn was burned out, the shrubbery was dying, and the inside of the house had been stripped to the walls. There was an empty trash barrel standing in the middle of a long living room, and on the floor you could see tufts of padding where the carpets had been ripped up. In the rear there was a five-car garage, an empty aviary with the rusty door standing open, and a big fish pond without water in it.

At the South Pasadena police department, I found that a missing-persons report had been filed on the Birches on July 20, signed by Martha Tulleys and Harlan Moehn, distant cousins of Mrs. Birch. For some reason, despite the prominence of the Birches, the newspapers hadn't picked it up. I talked to Moehn, an earnest, bespectacled California aerospace worker who was leaving the next day to move back to Iowa, and to Dr. Adrian Heaton, head of a Baptist seminary in Covina, Calif., which had been largely financed by gifts from old Otis Birch. They were deeply concerned about the Birches, and angry at what they considered apathy on the part of public officials. I went into Los Angeles and talked to the district attorney's office, checked some property transactions in the Hall of Records, made about 40 or 50 phone calls, and pieced together the following story.

Frail old Otis Birch had been 94 years old and Estelle 92 when Pearl Choate came into their lives in the summer of 1965. The Birches had been married 66 years and were living at Bridgecrest, which they had bought in 1911. Estelle had been bedridden for years and was far gone into senility. For several years old Otis had tried to take care of her himself, with the help of Martha Tulleys, who lived nearby. But Mrs. Tulleys had a sick husband of her own and worked full time as a switchboard operator. In the evenings she would stop by Bridgecrest, cook for them, try to do some housework, and nurse Estelle. By the summer of 1965 she was near collapse.

Otis Birch had made millions in years past in California oil, ranching and mining. He had brought in a major oil field more than 50 years ago, back in the days when you could make millions and keep them. Birch was a peppery old man, a strange combination of open-handed generosity and skinflint parsimony. He poured millions into Baptist charities, but would balk at

calling in a doctor. He had a life plan that he and Estelle had worked out. Estelle liked to tell how her mother, a wealthy woman in her own right, had died with only \$1.36 to her name after giving away her money in her last years. Otis and Estelle often said they wanted to do the same thing. In 1965 they were down to their last million, mainly invested in gift annuities held by various religious institutions. There were 54 of them, yielding the old couple something over \$40,000 a year in interest. In addition, they owned three oil wells near Bakersfield that netted them \$1,200 a month, an interest in a Utah mine and mill, and Bridgecrest.

In July of 1965 friends and relatives prevailed on them to hire two nurses. They were picked from a hat, as it were, by a telephone call to the Altadena Nurses Registry. The first to show up was Marie Rickman, who took the night shift on July 21. At seven the next morning the second nurse showed up. She was Pearl Choate, 58, a huge, big-boned woman from Yell County, Ark. She was six feet and weighed over 200 pounds, and everyone thought she was just what the Birches needed. "She was a real take-charge type," says Dr. Heaton. Within two weeks, Marie Rickman was gone and Pearl was on 24-hour duty at \$1,000 a month.

Pearl was a hard worker and strong as a draft horse. She had listed excellent references when she signed on with the nurses' registry, including a glowing recommendation from a Dr. Bernard Pearson of Beverly Hills. When the Birches' friends suggested that the old couple needed a medical checkup, Pearl brought Dr. Pearson into the case. Pearl cleaned the house, tidied up Estelle, made the old couple eat regularly and began running Bridgecrest like a master sergeant. When Otis needed a bath, Marie Rickman recalled, Pearl would pick him up like a child and take him in and bathe him. When Pearl got angry with him, Marie says, she would spank him, and "he just went upstairs, like a little child would, and pouted." And yet, for some reason locked away in his 95-year-old mind, Otis Birch came to look on the hulking nurse as his only friend and protector.

The Birches, who once had five maids and a butler, had outlived all their servants except a devoted Mexican gardener named Manuel Chavez. "Pearl was fine nurse," Manuel recalls, "but there were things people didn't know. I be in the house and she call Mr. Birch 'darling' and 'dear,' but outside she curse him. Sometimes I hear Mrs. Birch calling for help. 'You're hurting me,' old Mrs. Birch cry. 'You're always hurting me.' But Mr. Birch deaf, can't hear her."

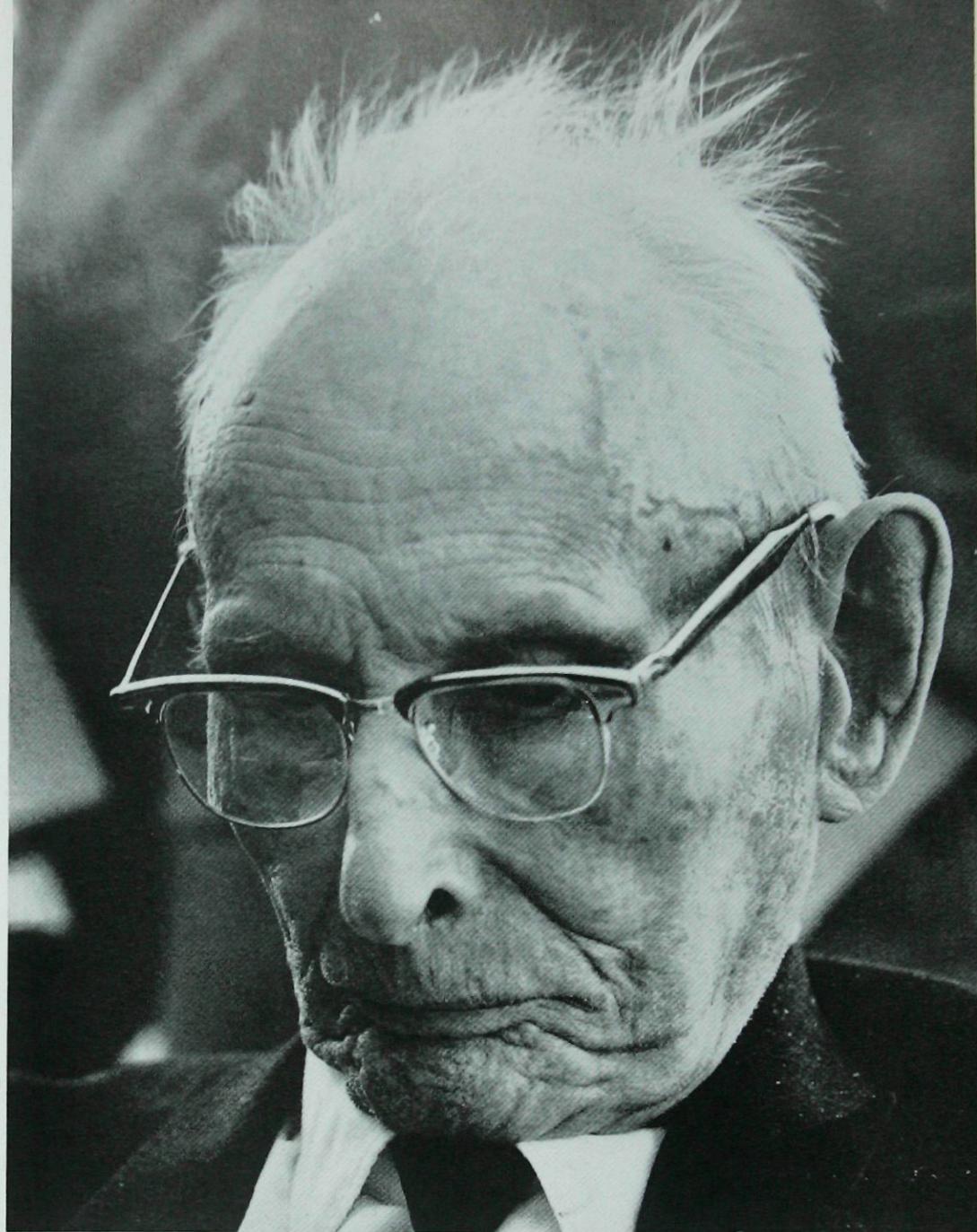
One day Pearl fired Manuel Chavez. "I tell her she had no right to fire me because she did not own that place. She said she in charge of that place already. She call me bad words that I can't say to anyone. She won't let me talk to Mr. Birch."

The people big Pearl couldn't bulldoze out of the way, she conned. She stayed on good terms with Dr. Heaton and his associate at the seminary, Dr. Lawrence Allen, the last two people who were close to the Birches and who occasionally called on them. "We were pleased that she seemed to be taking good care of the Birches," says Dr. Heaton. "We had been concerned for some time at the deterioration in the Birch household, and Pearl seemed to have things well in hand."

After Nurse Rickman went on another job, Pearl stayed in touch with her. "She used to call me all the time," Marie related. "She told me she was going to come into a lot of money and wanted me to go in partners with her in a rest home."

Pearl was a compulsive talker, Marie Rickman says. "Pearl said, 'I'm going to take everything they've got.' I said, 'Pearl, you're going too far.' She said, 'No, if the rest of the vultures can get it, I'll get it.' I told Pearl she was walking on dangerous ground. She said 'I'll have it all so legalized that nobody can touch me.'"

The first thing Pearl got was Birch's three oil wells. She borrowed \$5,000 from a bank in New



Otis Birch was 95 years old, totally deaf, half blind, and all he knew of the world was what Pearl wanted to tell him.

Mexico and bought the wells from Otis Birch. They netted enough—at \$1,200 a month—to repay the purchase price in a little over four months. In May of 1966, Pearl was heard to boast that she had the Utah mill in her name and had the combination to the Birch safe.

On June 2 a deed was recorded in Los Angeles conveying Birch's old mansion and its grounds to Pearl Choate and Dr. Bernard Pearson "as tenants in common." There was no indication that any money had changed hands. The deed was signed by Otis Birch and bore the notation that the recording had been requested by Dr. Bernard Pearson, with the deed to be mailed to his office, 1100 Glendon Avenue, Beverly Hills.

"Pearl told me she had two attorneys in Los Angeles," Nurse Rickman said later. "She said they were guiding her on how to get the money, and were advising her on every word to say."

In April of this year Pearl Choate moved the aged Birch couple out of their spacious Pasadena home and took them to her tiny duplex apartment in Compton, some 20 miles from Pasadena. She told Dr. Heaton that Estelle Birch had undergone exploratory surgery in Beverly Hills and had been found to be dying of cancer. Pearl explained that

she had taken the Birches to Compton because Bridgecrest was too big, and it would be easier to care for them in her own home.

In the meantime, she had brought in her brother, William T. Choate, from Texas, and installed him at Bridgecrest as a "watchman." She had also acquired a Negro chauffeur-handyman named Houston Perry, a one-time rug cleaner and car-wash employee, who moved into the tiny Compton apartment. It had two bedrooms. In one room, in one bed, Pearl installed the senile Estelle Birch and her deaf, near-blind husband.

After Pearl acquired control of Bridgecrest, William Choate and Houston Perry cleaned out the old mansion. With three helpers they drove some old trucks up to Bridgecrest and moved out every stick of furniture, all the antiques, statuary, vases, pictures, oriental rugs, silverware, and even the appliances and the lawnmowers. Relatives later estimated the value of the Bridgecrest contents at about \$80,000. Seeing the empty house being stripped, neighbors called the South Pasadena police who went out and asked what was going on. Perry and Choate produced a bill of sale couched in stilted legal language and signed with the wavering signature of A. Otis Birch.

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On the evening of June 7 the newly appointed pastor of Temple Baptist Church, Dr. Paul Kopp, decided to pay a pastoral call on Estelle and Otis Birch. Dr. Kopp was met at the door by William Choate, who, Dr. Kopp says, "refused to give me any information whatever about the Birches." Late that night, he says, he had an "abusive" phone call from Pearl Choate. Knowing nothing of the background of this strange affair, Dr. Kopp was badly shaken and decided some legal action had to be taken. On the following night, before anything could be done, Pearl piled the Birches into a black Cadillac and blew out of Compton.

She muddied her trail by calling Dr. Allen and telling him she had gone to Palm Springs, but refused to give him a phone number or an address. The seminarians checked at Bridgecrest, and William Choate hinted that Pearl had taken the Birches out to the desert "to get out of the smog."

Some time in June, with Perry driving, Pearl crossed the Mexican border and installed the aged pair in a rented house in the Mexican resort town of Ensenada. Ensenada is a garish beach town with only very mediocre medical facilities, some 65 miles south of Tijuana. It was the first stop on a wild, cruel flight that was to cover several thousand miles, with old Mrs. Birch and her husband jouncing through four states in a series of cars and rented ambulances.

Back in California, the Baptists decided to take their worries to the district attorney's office in Los Angeles, and the office agreed to check it out. Through Dr. Pearson's attorney, the D.A.'s men located Pearl and the Birches in Ensenada. On July 9 two investigators from the D.A.'s office, accompanied by an FBI agent as an observer, went down to Ensenada.

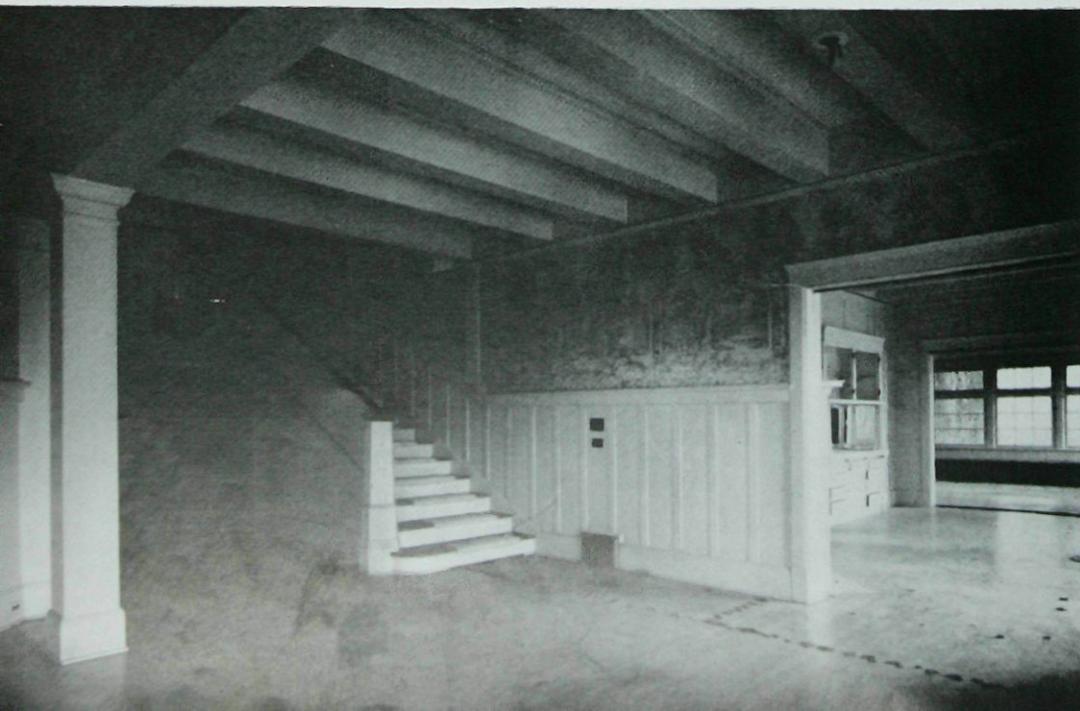
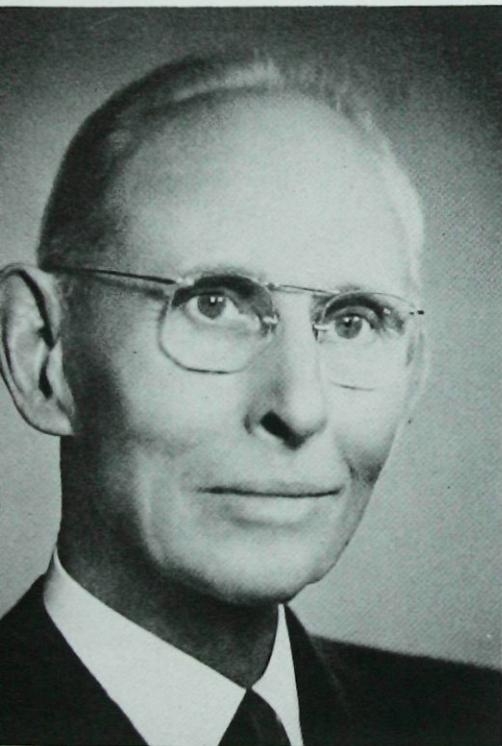
Pearl had old Otis Birch programmed for the interrogation like a computer. He was totally deaf, and the only way anyone could communicate with him was by large, hand-printed messages written on a pad. He would study the message, letter by letter, with a strong magnifying glass, until he comprehended it. Although his mind apparently was remarkably good for a man in his 90's, he was living in a closed world in which the only information he got was filtered to him by Pearl Choate. In response to written questions, Otis declared he was in Mexico of his own free will, and that he had gone there "because Mrs. Choate and I decided it was the best place to come."

Although it was inexplicable for a nurse to bring a dying woman to a cheap Mexican resort, the D.A.'s men decided that it violated no law and went back to the U.S. Within hours, Pearl had bundled up her two charges, closed the Ensenada house and roared off into the night in a second car, leaving Perry and the Cadillac behind.

Back in California, Martha Tulleys and another relative obtained a court order setting up the Security First National Bank of Pasadena as conservator or guardian of the Birch estate, and naming Martha Tulleys as conservator of the persons of Estelle and Otis Birch. On July 20 they filed a missing-persons report with the police department in South Pasadena.

Unable to serve Pearl Choate with legal papers, the conservatorship filed a *habeas corpus* proceeding that named Dr. Pearson, William Choate and Pearson's attorney, and demanded that the Birches be produced in court. At the Pasadena hearing, a Texas attorney appeared and reported that Mr. Birch was hospitalized in Harlingen, Tex., and could not travel for at least 30 days.

At Artesia, N. Mex., in some still-unexplained accident, old Otis Birch had broken his hip. Brawny Pearl had driven Estelle and the old man, broken



Top left, Bridgecrest; center, portraits of Otis and Estelle Birch in happier days; below, a room of their looted house with tufts on floor showing where carpets were ripped up.

## After mysteriously fleeing California, Pearl took the aged couple on a wild ride through Mexico and the Southwest.

hip and all, all the way across Texas before putting him in a hospital.

Excited by this news of the Birches' whereabouts, the two Baptists, Heaton and Allen, hastened by plane to Harlingen. There they found that Pearl had fled again.

"She had bulldozed her way into the hospital," says Dr. Heaton, "and taken out Otis Birch despite the written statement of the attending doctor that he could not travel for a month. She had hired an ambulance in Harlingen, loaded old Mrs. Birch and Otis into it, and had them driven six hundred miles to Midland, Texas.

"We inquired at Midland, and learned that she had put the Birches in a motel. The next day she vanished again. We inquired around at all the ambulance firms, but could find none that had moved them anywhere."

The frustrated Baptists flew back to their California seminary, and the trail went cold for two long months.

Later, it was learned how Pearl had shaken off the Baptist sleuths. She had called out to Breckenridge and sent for an unmarked ambulance. At Midland the ailing old people were loaded aboard and driven back to Breckenridge. There Pearl put them in the Maridee Motel for one night, then transferred them to a Breckenridge nursing home. She kept them there for 18 days, feeding and tending them herself during the day, and sleeping in a rented room at night.

Nurses at the rest home later testified that Estelle Birch had moments of seeming lucidity, when she cried out, "Why are we at the mercy of this woman?" and "Why must we travel so much?" Otis Birch, seemingly passive on the adjoining bed, and stone-deaf, could not hear his wife's outcries.

On August 31 Pearl moved the aged pair out to her brother's house at 1213 West First Street and installed them in a bedroom. Between September 3 and October 7, dying Estelle's last days on this earth, she had no medical attention at all.

Although Pearl Choate's sponsor, Dr. Pearson, had said that Estelle Birch was dying of cancer, the doctor who signed the death certificate attributed her death to "arteriosclerotic cardiovascular failure." A small death notice was given to the local newspaper, and Estelle's body was turned over to the undertaker. On October 9 a modest funeral service was conducted at the Melton Funeral Home by the minister of the Walker Street Church of Christ in Breckenridge. Her body was then flown back to Inglewood.

In Pasadena the bank's conservatorship had asked the cemetery to notify the bank if a body showed up there for burial. On October 12 the cemetery reported to the bank that a body was to be entombed the next day. The bank telephoned the Iowa relatives, and they called me.

Breckenridge strings out on both sides of High-

way 180, which runs straight as a ruler through the flat country of West Texas. The town centers on the Stephens County Courthouse, a well-worn old stone building in a small park. I checked in at the Ridge Motel and went around to the *American*, a three-times-a-week newspaper edited by Virgil Moore. Moore had run a two-inch story on Estelle's death, and it had intrigued him by what it didn't say. The story called Estelle "a resident of Breckenridge for the past two months" and said she was survived by Albert Otis Birch, "a resident of Breckenridge." It said that Mrs. Birch had died October 7 at 1213 West First Street. And that was all. "We couldn't get any details on her background," Moore said, "or where they had lived before they came to Breckenridge."

I checked the West First Street address in the telephone book and found that it was the home of S. H. Choate, proprietor of a Breckenridge tavern. The house turned out to be a modest frame dwelling near the northwest edge of town, out where the sidewalks end and the empty fields start. In front of it were two cars and a small truck. One of the cars was a white Ford with California license RVA-068. I drove back to the motel, called the attorney general's office in California and asked them to check out the license.

The Ford was registered to Pearl Choate. The hunt was over. Wherever big Pearl was, Albert Otis Birch had to be. I called Estelle Birch's relatives in Iowa, Harlan Moehn and another cousin named Dean Gaines, and they said they would leave immediately. Then I called the Baptist seminary president, Dr. Adrian Heaton, and he also agreed to fly down at once.

The next evening, October 24, I met with the two Iowa cousins, Harlan Moehn and Dean Gaines, and we tried to figure out what to do next. They were deeply bitter about the way Estelle Birch had been treated, but it was too late to help her. Moehn and Gaines insisted that they were not interested in Otis Birch's money. "We've never asked or got a dime from him in our lives," said Harlan Moehn, "and we don't expect to be named in his will." All they wanted to do, they declared, was to assure themselves that Otis Birch was not being held against his will, and that he knew what had been happening. "We think Pearl Choate has been poisoning him against all his old friends and relatives," Moehn said. "But if he wants to stay here in Texas and knows what he is doing, that's all right with us."

After about an hour we were joined at the motel by attorney Ben Dean Jr., of Breckenridge, who had been hastily hired via telephone by the California conservator of the Birch estate. Dean is a blunt-spoken, hard-driving Texan who had served in the district attorney's office in Dallas and has a top-flight reputation in Texas legal circles. He told us he was there only as the attorney for the conservatorship, but was willing to listen to what we had to say. It took us five hours to spell out the whole bizarre story.

Dean then gave out some information of his own. When Pearl Choate had hit town, two months earlier, she had tried to hire him as her lawyer. "She told me almost nothing," Dean said, "but what little she said wouldn't wash. I told her to get some other lawyer."

A short time after that Pearl Choate introduced Breckenridge attorney C. J. (Jack) Eden to Otis Birch, and Birch hired him as his lawyer. And Jack Eden was none other than the county attorney for Stephens County.

We ended the motel session at 3 A.M. and were up again at 7:30. By 10 A.M. Dean had pulled together some astonishing information. On August 18, he reported, Pearl had acquired a comprehensive power of attorney from Otis Birch, giving her virtually unlimited authority over his business affairs. On September 21, Dean said, Pearl had filed a petition to be named Birch's guardian, alleging him to be of unsound mind. On October 7 a hearing had been held on the guardianship



Reporter Phelan (right) talks to Deputy Don Raglin during one of the few calm moments he had in Breckenridge.

action, in which Pearl had brought Otis Birch down to the courthouse in a wheelchair. The judge had refused to approve Pearl as Otis's guardian, and she had taken him back to the First Street house around noon.

At 4:45 that afternoon, Estelle Birch had died in the little frame house at the edge of town.

Five days after her death, Dean went on, a petition was filed in district court for Otis Birch to adopt Pearl as his legal daughter, in order, according to his petition, "that she may be capable of inheriting his estate."

"The hearing on this adoption is set for October twenty-eighth," Ben Dean reported. "That's next Friday. If the California conservator so instructs me, I think we will put in an appearance and say a few words."

The next 72 hours were the wildest three days in Breckenridge's memory. "They're gonna be talking about this fifty years from now," a courthouse loiterer observed when it was all over. "I seen most of it happen, and I still don't believe it."

At 10:30 A.M. on the 25th, Moehn and Gaines decided to go out to the house on First Street and try to talk to Otis Birch. Pearl came and peeped out through a window and asked who they were. They identified themselves and asked to see Mr. Birch. Pearl wheeled and was gone for about 10 minutes. Then she came back and shouted, "Mr. Birch don't know anyone from Iowa. Just because this is a small town, don't think you can come out here without an appointment! See his lawyer!" Then she slammed the window.

The Iowans went directly to the downtown office of Jack Eden. He said he would arrange an appointment for them to see Birch that afternoon, and would call them at the Ridge Motel. Then they came back to the motel and told me what had happened. I decided I wouldn't go with them because Pearl knew that I was the cause of a lot of her trouble, and I figured they would have a harder time talking to Birch if I were there.

Instead, I went to lunch with Sheriff Chase Booth of Stephens County, his chief deputy Don Raglin, and Burke Musgrove, the newly elected state representative from Breckenridge. After getting a quick rundown on Pearl, Chase allowed as how it might be interesting to run a check on her in the files down at Austin, the state capital. He pushed back from the table, said, "Y'all take care," and went off with his deputy.

At about 2 o'clock Moehn and Gaines got a call from attorney Eden. He said he was at the house on First Street, and they could come out and see Otis Birch. They got in their rental car and drove off, tense and apprehensive.

Thirty minutes later Moehn and Gaines burst into my motel room, white-faced and stuttering



Harlan Moehn, the relative from Iowa whose concern over missing couple brought Phelan into the story.



Pearl offered to make nurse Rickman a partner, saying, "I'm going to take them for everything they've got."

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in terror. "That big gal came at me with a butcher knife," Moehn said. "She was screaming 'I'll cut your heart out, you —! I'll kill you!'"

Moehn said they had been brought into a back bedroom where Otis Birch was propped up in bed. Pearl and Jack Eden were sitting there, and the atmosphere was tense. Moehn said he wanted to write out some questions for Mr. Birch, and Eden said to go ahead. The first one he wrote was: DID YOU SAY YOU DID NOT WANT TO SEE IOWA RELATIVES? Otis peered at it with his magnifying glass, they said, and answered loudly, "No."

Then Moehn printed: DID YOU KNOW ESTELLE HAD CANCER WHEN YOU WERE TRAVELING AROUND THE COUNTRY? Otis had replied, "Not at first."

As Moehn was writing out another question, Pearl got up and ran out of the room. When she came back she was carrying a butcher knife, and she went straight for Moehn, screaming curses. Attorney Eden grabbed her and wrestled her to a sofa, and Moehn and Gaines ran for their lives.

While the shaken Iowans spilled out their story, a car slid to a halt outside. In came Jack Eden, full of apologies. Pearl was just "overwrought," he said, and he began trying to explain that rushing

at a person with a butcher knife and shouting, "I'll cut your heart out," did not constitute a legal offense. He was still trying to calm the outraged Iowans when the phone began ringing.

It was Sheriff Chase Booth, and he sounded as if someone was after *him* with a butcher knife.

"Hoo-eeee, mister," said Chase. "Been on the phone to Austin. This big old gal's got a record long as Dillinger's, and it's got murder on it. Get down to my office fast."

I hung up, interrupted attorney Eden's oil-pouring, took the Iowans aside and told them what the sheriff had said. Moehn had just begun to get his normal color back, and he went white again. "Lock yourself in the motel room and don't talk to anyone but Ben Dean," I told them, and ran for my car.

Down at the courthouse the sheriff already had a secretary taking down Pearl's record in shorthand. I called the attorney general's office in California and told them what we had found. Inside an hour they had Pearl's California rap sheet from Sacramento. It had been sitting there all these months that the Birches had been listed missing. In the investigations by four law agencies, nobody had picked it up. Nobody.

Big Pearl had a record going back to 1926 on charges ranging from vagrancy through murder. She had been convicted of drunk driving, shoplifting, malicious mischief, felony theft, and had a flock of arrests on which the disposition was unknown. In 1949 she had been sentenced to the Goree unit of Huntsville Prison in Texas for 22 years for pumping four shots into the back of a carpenter named Alfred Allison and killing him.

She had been paroled in 1954, but in December, 1956, had been indicted in Houston for theft and had been sent back to Huntsville for parole violation. Pearl's own version of what had happened in Houston, as related in the prison record, had a blood-chilling familiarity. Pearl claimed that she had been "employed as a companion to a semi-invalid lady" and had been "traveling around the state" with her in a house trailer, when the lady's daughter "made trouble for her" because she thought that big Pearl was going to get the ailing woman to name Pearl in her will.

The prison record called Pearl a "companion to the elderly," and it rated her rehabilitation prospects as "poor." She had an 11th-grade education, was a nonattending member of the Church of Christ, and by 1957 had gone through six husbands. All of them were listed on her record as "deceased" except one, a William Carr, and his status was termed "unknown." She had married C. L. Emerson in 1925, when she was 18; Harry M. Hornbeck in 1927; Calvin Langston in 1930; C. W. Crowsley in 1939; Langston again in 1942 after a 1939 divorce; and Carr and a Texan named Asa Spears on unknown dates. She had been turned loose from Huntsville in 1963, and in September, 1964, she was out in Los Angeles "nursing" elderly people again. In that month she had drawn a suspended 90-day sentence for "malicious mischief to vehicle."

Pearl had signed on with the Altadena Nurses Registry on April 7, 1965. She had been recommended by Dr. Pearson, although he admitted later that he had known she had a criminal record. Under oath in Breckenridge she was to testify that she was neither a registered nurse nor a licensed vocational nurse. She referred to herself as "an undergraduate nurse," a respectable way of saying that she had never completed the minimum training for any kind of license. Knowing nothing of her background, the Altadena registry had sent her out to Bridgecrest to take care of Estelle and Otis Birch.

While the sheriff was running off extra copies of Pearl's record, Ben Dean came striding into the courthouse with Harlan Moehn in tow. Shown Pearl's long rap sheet, Ben Dean snapped: "We're going to make it a little longer. Mr. Moehn is signing an assault complaint against Pearl Choate."

## When Birch's relatives tried to ask him a few questions, Pearl Choate cursed and came at them with a butcher knife.

They brought her down in a squad car on the butcher-knife charge. Pearl was riding in the front seat, a big, slope-shouldered woman with gray hair streaked with yellow dye and pulled back in a tight bun. She was wearing a nurse's white uniform and a blue coat. Before she got out of the squad car, she took off her coat and draped it over her head like a Chicago mobster to foil the photographers. After she was booked and fingerprinted, she made the \$200 bail and came groping out again, her coat still over her head. Angered by the photographers, she suddenly lashed out, missed the newsmen, and twice kicked Representative Musgrove in the leg. Then she was driven back to her house by lawyer Jack Eden.

When the Iowa relatives learned that Pearl had been turned loose, they refused to stay on at the Ridge Motel. "No sir!" Moehn kept saying. "No sir! Not with that big gal on the loose. No sir!" Representative Musgrove arranged to have them moved to the home of a wealthy Breckenridge rancher, "Hack" Veale, where I joined them. By now I had gone two days on less than four hours' sleep, and my mind was numb with fatigue. It was almost 10 P.M. before Otis Birch's plight came crashing in on me. He was out in the lonely house on First Street with a known murderess, and none of us knew whether he knew it.

Representative Musgrove got on the telephone, with me on an extension, and we called county attorney Eden. We asked him if he had advised his client, Otis Birch, of the full record that Sheriff Booth had fished up on Pearl Choate. Eden said he had not, but he allowed that he'd probably get around to it the next day. We urged him to do it that night, but Eden didn't think it was necessary. "I'll tell him tomorrow," he said.

Musgrove then called the sheriff and asked him to stake out the house on First Street. Then he put in a call to the Texas Rangers, and got them to dispatch two teams to Breckenridge.

The Rangers watched the house all night. At midmorning the next day they learned that Pearl had outthought everybody again. Less than an hour before the stakeout had been set up she had loaded old Otis into a brand-new red Dodge Charger she had bought in Breckenridge, and, with one of her nephews at the wheel, Pearl had gone roaring out of Breckenridge.

When he learned that Pearl had disappeared again, Harlan Moehn signed a kidnap complaint and got a warrant for Pearl's arrest. The news was flashed to the Texas highway patrol, and all the Mexican-border crossing points were alerted.

Instead, she ran north. The next afternoon, at Altus, Okla., she got some quick blood tests for her and Otis, and then called the license clerk. "She wanted to know whether a 95-year-old man needed proof of age to get married," says Clerk Connie Connell. "I said the law required it, and that you

could use a birth certificate, a driver's license, or a fishing license.

"Just before closing time, this young man came up to my office and got the marriage license. I remember him because he kept smirking, like something was mighty funny. He asked me to take the license down to the car, where they had this old man propped up, and the old man and this big woman signed the papers. They used a couple of new Oklahoma fishing licenses as proof of age."

From the courthouse they drove to the home of a minister named Joe Laird, who married them in the car. The ceremony was performed just 19 days after the death of Estelle Birch.

The next day, when I drove up to Oklahoma and checked on the marriage, all Altus was talking about the wedding and the fishing licenses. "Know what?" said a drugstore clerk. "I think one of those fishing licenses caught something."

From Altus, big Pearl went straight back to Breckenridge, where she carried her 95-year-old groom over the threshold on First Street, and then went off and made \$5,000 bond on the kidnapping charge. By then the story had broken across the country, and the town was swarming with newsmen. Pearl began granting interviews with anyone who would listen. She claimed that her "only bond with Mr. Birch is love," because she already had all his money. "He gave it to me seven months ago," said big Pearl. She said the whole point of the long, wild flight from California was to "protect him from those devil ministers who were trying to get his money."

She claimed that Estelle Birch had known that Otis was deeding his property to her. "She didn't care," big Pearl said. "She was a wonderful person, and I loved her, and she loved me."

The *American* editor, Virgil Moore, was more interested in what Otis Birch had to say, and he quietly arranged the first interview anyone had with the old man. When first queried as to whether he was married, Otis Birch slowly read the question with his powerful magnifying glass and then said, "No." Pearl jumped up and wrote him a message. TELL HIM, it said. IT'S OKAY.

"I didn't go inside," Otis Birch persisted. "I signed the license, but I didn't know we were married." Pearl wrote some more on the pad, and Otis spoke up again. "I sat in the car," he said. "I didn't go in. I didn't know he was a preacher. If that's all it took, then we are married."

Moore's interview took place on Wednesday night, October 26. On Friday, Otis and Pearl went into court on a *habeas corpus* hearing on Harlan Moehn's complaint that Pearl was holding Otis against his will. It was the same day the court had scheduled the hearing on the plan for Otis to adopt Pearl. The Oklahoma wedding made the adoption not only unnecessary but unseemly, and the matter was dropped. At the *habeas corpus* hearing, Otis denied that Pearl was holding him against his will, and said he had left California because "the authorities wanted to take me and make a test for insanity." He did not identify "the authorities," and he said this information had come to him through Pearl Choate.

Through the rest of the two-day hearing he sat in his wheelchair like a small, waxen statue, isolated from the real world by his deafness. He could see the witnesses' lips move and the lawyers rise and wave their arms, but he could hear nothing of what was said. The world had been like this for a long time, and all he knew was what big Pearl block-printed on a pad. There had been a brief period, back in June, when he'd got a new hearing aid and could carry on a conversation, but when Pearl took him to Mexico in July, she told the D.A.'s men that his hearing aid wasn't working because it needed new batteries. Three months later, in Breckenridge, Pearl testified that she still hadn't been able to get those batteries.

On Saturday, October 29, Judge E. H. Griffin



Pearl kisses new husband after revelation of their marriage. Birch holds magnifying glass which he used to read her notes.

gave his ruling. He said the sole issue was whether Otis Birch was being held against his will, and, despite the evidence presented by Dean, the judge ruled that he was not. Pearl hailed the ruling with jubilation. "He was a good judge," she exclaimed. "He knew the truth and done what was right." Then, with a smile, she wheeled Otis Birch out of the courthouse. As she rolled him toward her new red car, she looked like a maternal Amazon trundling a small child in a perambulator.

For five months she had outthought and outrun the law agencies of two states, and it looked as if she were home free. Then, on November 7, Attorney General Thomas Lynch of California announced that his office was investigating a report that Pearl had another marriage on her long list. Before I had flown to Breckenridge, I'd gone down to her duplex in Compton and talked to one of Pearl's tenants. The tenant said she hadn't seen landlady Choate for several months, and I asked how she paid her rent. "Houston Perry collects it," she said. "You know, Pearl's husband." I had given this information to Lynch's office.

The attorney general's investigators poked around a little and found another tenant who said that on September 2, 1965, he had driven Pearl

Choate and Houston Perry down to Tijuana, and that they had gone into a wedding-lawyer's office and had come out and said they were married.

As this article goes to press, the attorney general's men and Mexican officials are combing records for a marriage license. If they find one, they'll have to comb a lot more to see if there was a divorce. They interrogated Perry for several hours as to whether he had married Pearl, and all he would say was, "I won't say I did, and I won't say I didn't." Then he demanded to talk to Dr. Bernard Pearson.

Pearl herself says she was a single lady when she wed old Otis Birch. But she also testified, under oath, that she could not remember whether she had divorced C. W. Crowsley or Asa Spears. "I don't recall much of my life before 1953, because I died at that time," Pearl said. "I was unconscious for about forty-eight hours, and sometime during that time I died." She insisted that "they had already called the undertaker" when she rose from the dead and rejoined the living. And after her resurrection, everything that had gone before was a total blank.

That's what the lady said, and in a way you hoped that it was true. She was plainly a woman who had a lot to forget. □

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