

HEADQUARTERS  
THIRD UNITED STATES ARMY  
Office of the Judge Advocate

APO 403  
31 August 1945

SUBJECT: Review of Proceedings by Military Commission in the Case of  
United States vs Heinrich Deubert, Anna Margarete Solomon,  
Margot Zeack, and Peter Schindel.

Case No. 12-793-1.

TO : Commanding General, Third United States Army APO 403.

1. THE TRIAL:

The accused Heinrich Deubert, Anna Margarete Solomon, Margot Zeack, and Peter Schindel were tried before a Military Commission in Munich, Germany on 15 August 1945 on the following Charge and Specification:

Charge: Violation of the laws and usages of war.

Specification: In that Heinrich Deubert, a German National, Anna Margarete Solomon, a German National, Margot Zeack, a German National, and Peter Schindel, a German National, did, at Gross-Gerau, Kreis Gross-Gerau, Germany, on or about 29 August 1944, wrongfully and unlawfully beat and strike two (2) Allied airmen whose names, serial numbers, ranks, organizations, and nationalities are unknown, in and about the head, face, and body with sticks, stones, shoes, and other instruments.

2. FINDINGS AND SENTENCE:

The following findings were made:

<u>NAME</u>	<u>CHARGE</u>	<u>SPECIFICATION</u>
Deubert	Guilty	Guilty, except the words "2 allied airmen whose names, serial numbers, ranks, organizations, and nationalities are unknown, in and about the head, face, and body with sticks, stones, shoes, and other instruments," substituting therefor the words "an allied airman whose name, serial number, rank, organization, and nationality is unknown in and about the head, face and body with a stick and his hand," of the excepted words, Not Guilty, of the substituted words, Guilty.
Schindel	Guilty	Guilty, except the words "2 allied airmen whose names, serial numbers, ranks, organizations, and nationalities are unknown, in and about the head, face, and body with sticks, stones, shoes, and other instruments," substituting therefor the words "an allied airman whose name, serial number, rank, organization and nationality is unknown in and about the head, and face with his hand and another instrument," of the excepted words, Not Guilty, of the substituted words, Guilty.



<u>NAME</u>	<u>CHARGE</u>	<u>SPECIFICATION</u>
Solomon	Guilty	Guilty, except the words "2 allied airman whose names, serial numbers, ranks, organizations, and nationalities are unknown, in and about the head, face, and body with sticks, stones, shoes, and other instruments," substituting therefor the words "an allied airman whose name, serial number, rank, organization and nationality is unknown in and about the body with a stick," of the excepted words, Not Guilty, of the substituted words, Guilt
Zeeck	Guilty	Guilty, except the words, "2 allied airmen whose names, serial numbers, ranks, organizations, and nationalities are unknown, in and about the head, face, and body with sticks, stones, shoes, and other instruments," substituting therefor the words "an allied airman whose name, serial number, rank, organization and nationality is unknown in and about the head and body with a shoe," of the excepted words, Not Guilty, of the substituted words, Guilty.

The accused Deubert was sentenced to be confined at hard labor at such place as the reviewing authority may direct for 15 years.

The accused Schindel was sentenced to be confined at hard labor at such place as the reviewing authority may direct for 1 year.

The accused Solomon was sentenced to be confined at hard labor at such place as the reviewing authority may direct for 1 year.

The accused Zeeck was sentenced to be confined at hard labor at such place as the reviewing authority may direct for one and one-half years.

### 3. EVIDENCE:

#### a. For the Prosecution:

As the result of an air raid on the night of the 26th and 27th of August 1944 over Gross Gerau, Germany, which is located on the east side of the Rhine and at that time was in German hands, twenty-nine Gross Gerau inhabitants had been killed (R 7, 20). Their funeral was scheduled for 29 August 1944 (R 20). On that afternoon two captured unarmed allied flyers clad in brownish-gray clothing, one of whom wore a leather jacket on the left breast side of which was the name "Dicks" and on the right side the American emblem, were brought by auto from Trebur to Gross Gerau. (Pros. Ex. No. 1 and 4 and R 21, 48). A crowd began to congregate around the flyers. Oberleitner Kling said that the flyers should be taken away (R 18). Kreisleiter Wagner contended that they should be given "to the people" (R 18). Oberleitner Awer said, "Why take them away, give them to the population, let them lynch them and beat them to death." Policeman Schafar, upon the order of Landrat Demzler, then marched the flyers out and the crowd started to beat them (R 18).

The accused Schindel, who was at the auto during the above conversation, was one of the first to strike the flyers (R 19, 22). He had been completely bombed out (R 40). Elisabeth Schmidt, the



mother of the accused Zeeck, had gone out to see the flyers (R 10). It was about 4:30 P.M. (R 10) and there was a crowd of about 300 present (R 16). She saw an unknown soldier beating up a flyer (R 10). At the same time she witnessed the accused Schindel thrice hit one flyer in the face and head with his fist (R 11). Margarete Woolfle, who was also in the crowd and Dora Schulz who was on the first floor of the city hall likewise saw Schindel hit a flyer on the head once with his fist (R 41, 44, Pros. Ex. 3). Kurt Schaefer, who watched the scene for two or three minutes, saw Schindel hit a flyer several times with a wooden board or other object for half a minute (R 25-26, 27).

The accused Margot Zeeck beat one flyer with her shoe five to six times on the shoulder and head (R 26, 27, ). Mrs. Zeeck later commenting on her participation said "I never got my shoe off that quickly before." (R 32, 43). In a pretrial affidavit sworn to before Captain A. H. Jung, who is attached to Judge Advocate Section investigating war crimes, she wrote in translation:

"My name is Margot Zeeck, and I reside at Frankfurterstr. 20. On 29 August my mother called me several times to come on the street. I said a few times, 'let me alone', but all at once my mother said, 'Look once how they are beating the fliers.' I went on the street and saw a big crowd. I saw Mr. JETSON and Mr. KOCH among the crowd. I also walked to the crowd and arrived in the vicinity of the fliers. The people were crowding one of the fliers and he seemed to protect himself from the blows and in doing it, I was struck in the face. I did strike back, because in my excitement I thought that he struck me intentionally. During this I was pushed and lost my shoe and I was then using it also to do the beating. It was a rubber-shoe with a heel. All of a sudden my mother asked me, if I am crazy and if I am not ashamed as a woman to do such a thing. At this moment I realized my behavior. I was very ashamed and my mother was chiding me some more and she wanted to strike me. Chief of police FACHINGER came at this moment. He held the crowd back, and brought the fliers back into the city-hall. After this I walked home. After a long period of time, I walked into the yard where Mr. and Mrs. DEUBERT were standing. I don't know if Mrs. WOELFLE was also there. They were all talking about the beating, and I said also that I was striking with my shoe. I don't know everything that DEUBERT was saying. He stated that he also participated in the beating. I was very sorry about my action, and that I, as a woman, lost control of myself and was beating a defenseless flier, who couldn't have done otherwise. I still want to state, that I saw a very tall man in the crowd. I didn't know that this was SCHINDEL. I only found out about it later." (Pros. Ex. No. 6).

The accused Solomon devoted her attention to the flyer that Schindel was not hitting (R 44). She used a board about one meter long and one inch thick and struck the flyer 8 to 10 times on the shoulders (R 23-23, 41, 46). In a pretrial affidavit, executed in her own hand writing before Captain Jung, she stated, in translation, the following:

"I, Anna Margarete Solomon reside in the Frankfurterstr. 20, Gross-Gerau. On 29 August 1944, two allied fliers, who were P.O.'s, were beaten in Gross-Gerau. I struck one of them with a strip of wood a few times on his rear. I believe that I saw teacher KOCH among the crowd. I didn't observe if he participated in the beating. Later, Mrs. SCHLIDT said that it was Mr. KOCH. There were many people on the street, about 150. One of the fliers was beaten with a lath by the ones that were standing the closest. A woman lost a lath, I ran to it and picked it up. I struck the flier several times on his rear. I didn't hit it because I wanted to hit him, but because I wanted to remove the lath, but a man rushed me and took the lath



from my hand. I strongly presume that it was Mr. DEUBERT. After this I left the street. Before doing it, I picked up a towel which was lying on the street. Mrs. LEIMFERTMAN stated that one of the fliers had it hanging around him." (Pros. Ex. No. 8).

Then the accused Heinrich Deubert attacked from the rear the flyer whom Mrs. Solomon was hitting, she stopped (R 41, 42, 47). According to Elisabeth Schmidt this was about 5 or 10 minutes after she had seen Schmidt hit the flyer (R 11). At the first Deubert struck the flyer with his hand and thereby knocked him down on the curb stone (R 12, 41, 45). The flyer's face or forehead was cut (R 12, 31, 35). Elisabeth Schmidt called out "Mr. Deubert, leave the man alone." He told her to leave "if you can't stand that." She replied "He has fainted. He can't stand up." (R 12). Deubert then lifted the flyer up twice and let him drop (R 12, 42, 45). Mrs. Schmidt then said "Mr. Deubert, let the man lie there, he can't get up" (R 12). Deubert replied "We'll get him up all right" (R 12). He grabbed the flyer's feet and threw him about (R 42). Mrs. Schmidt said "Now let the man alone. He might break his neck." To which Deubert retorted "he should break his neck" (R 12). Deubert took the board Mrs. Solomon had been using and grasping it with both hands beat the flyer who was on the ground 6 to 10 times (R 13, 15, 30, 31, 42). Mrs. Schmidt then went to get her daughter and upon returning in a short time she saw Deubert hitting the flyer, who was now standing, with his fist and hand (R 14). The flyers were then led to the court-yard of the City Hall by the Chief of Police Fachinger. Mrs. Schmidt followed but Fachinger chased her out of the yard (R 14). He had a board in his hand and a little blood on one hand (R 14). Mrs. Schmidt asked Deubert where he had gotten the board and he said he had taken it from Mrs. Solomon (R 15). Deubert went into the yard and Mrs. Schmidt left (R 15). Deubert was smeared with blood on his hands, face, sleeves, and shirt (R 16, 31, 38, 43). He told her, "They are all finished, none of them will speak another word and none of them will drop another bomb." (R 15). Margarete Barthel entered the yard a little after 5 P.M. (R 37). She asked Deubert about his appearance and he answered that he was not bleeding, but that the people had beat the flyers and he had taken part (R 38). Later in the evening Deubert admitted again to Barthel to having beaten the flyers with his fists and a board, and having thrown them on the ground two or three times and said "that work had given him an appetite and that he had to get something to eat" (R 38). In a pretrial affidavit sworn to before Captain Jung the accused, Deubert, wrote, in translation, the following:

"Heinrich Deubert residing at Gensheimerstr. 20, Gross-Gerau. My daughter ANEMI came very excited into the house and shouted, "Father, come outside quickly, Mrs. Solomon is receiving a beating". At that moment I was very excited, I ran to the crowd outside and struck a man with my hand. The same man fell down, and I don't know if I or the crowd is to blame for it. When the man was lying on the ground, I saw that he wasn't a German. I was informed that they were the fliers. On account of the shouts I lost my head and struck the flier. I can't say exactly, 4 or 5 times on the neck and in the face with my hand. The flier was jumping, I struck him once, and he fell to the ground. He immediately got up again and jumped further. I sprang after the flier and pushed him a few mtrs., in order that he should clear the crowd and get away from the street, but he fell because I pushed him. I wanted to lift him up, but I wasn't able to do it. Then I took hold of his arm in order to help him get off the street, neither was I able to do this. At that time a man came running and he was beating the prisoner with a lath. I saw that he wore a pair of SA trousers. This happened in front of the city hall.



"There, chief of police FACHINGER, ordered us to remove the fliers. A man, whose identity is not known to me, and I brought the fliers through the gate. Then chief of police FACHINGER arrived and he chased away all the civilians. I walked to my wife, who called me. She had an argument with a nurse, because she said that the flier should be bandaged, and the nurse called her an enemy of the state. We went into the yard where I lived.

"Mrs. SOLOMON and Mrs. ZEECK also came there. Mrs. Solomon had a bath or a stick in her hand. Today I can't recall it any more exactly if she had a towel or bath-towel, which belonged to one of the fliers. She said it is a souvenir from Tommy. Mrs. Solomon said that she was always hitting the eye of the fliers with the instrument she had. Mrs. ZEECK said that she ruined her shoe while beating with it. And she said that the Tommy is not going to give her a new one. She related this to my wife and to the other women who were around. When I arrived at home, I had a few blots of blood on my shirt and also one or two on my head. My wife said, "Take the shirt off", which I did. I also washed my face. Mrs. RICK washed the shirt and she will perhaps know that the shirt did not look so bad. I think that I have stated and written everything. I suffer from head-injury and I am on account of it very nervous." (Pros. Ex. No. 10).

It appeared from the testimony that the households of the accused Deubert, accused Solomon, the accused Zeeck, Ringo, Barthel, and Hoefle were all located at Frankfurterstrasse No. 20 in Gross-Gerau (R 35, 39).

It was stipulated by the accused, defense counsel and the prosecution that all of the accused were German nationals (Pros. Ex. 1).

b. For the Defense:

The accused, their rights having been explained to them by the Defense Counsel, elected to remain silent, although they expressed willingness to take the stand and answer any questions which the Commission might have. The Commission did not desire to call any of the accused as witnesses. Upon a suggestion of the prosecution the Commission asked each accused individually if he or she desired to make a statement. The accused Heinrich Deubert replied "I believe that the statement I made in my own hand writing is correct" (R 57). He did not wish to make any further statement. The accused Solomon and Schindel elected to remain silent. The accused Zeeck stated that "What Mr. Deubert said about his wife is not the truth" (R 58). She did not desire to make any other statement.

4. PROCEEDINGS:

The Military Commission was appointed pursuant to the authority delegated by the Commanding General, European Theater of Operations to the Commanding General, 12th Army Group and redelivered by the latter to the Commanding General Third United States Army by letter, Headquarters, 12th Army Group, AG 334 (JA) Subject: Authority to appoint military Commissions, 27 November 1944, such delegation having been continued in effect by letter, Headquarters, United States Forces European Theater, AG 250.4 (JAG-AGO), Subject: Authority to Appoint Military Commissions, 1 August 1945. Specific authority for trial of those accused by military commission was granted by TIX, Headquarters, USFET, received at this Headquarters 11 August 1945, in accordance with letter, Headquarters, USFET, AG 000.5-2, Subject: Trial of War Crimes and Related Cases, 16 July 1945.



The accused were defended by a captain and a first lieutenant, both lawyers. A fair and impartial trial was had. Individual interpreters, who were sworn, were provided for the accused. Challenges for cause were permitted.

#### 5. JURISDICTION:

Reference is made to the discussion of the jurisdiction of military commissions in the review of the proceedings of the military commission in the case of Albert Bury and Wilhelm Hafner, dated 10 August 1945, from which it is apparent that, in general, the jurisdiction of a military commission would extend to cases such as this. It is also apparent from letter, Headquarters, Twelfth Army Group, Subject: Trials of Suspected War Criminal 20 June 1945, which specifically authorized trial of the present case that the nature of the offense and nationality of the victims and of the perpetrators are such as to bring this case within the category of those authorized to be tried by a military commission pursuant to the authority delegated to the Commanding General, Third United States Army. It would have been sufficient for the evidence to show that the victims were Allied flyers, although there is enough evidence from which it may be inferred that these victims were Americans.

#### 6. OFFENSES AND DEFENSES:

The offense set forth in the specification, namely the beating of prisoners of war, clearly is violative of the principle of international law that prisoners of war are to be treated humanely.

In view of the nature of the occurrence it was proper to charge the accused jointly, for all participated in the common action of beating the flyers. That each accused participated in the beating of 2 allied flyers, is uncontradicted. The method and extent of participation differed among the accused. That differentiation was properly recognized by the commission in its findings with regard to each accused by modification of the specification and the sentence imposed upon each accused. None of the accused presented a real defense. Each's explanation was that she had lost her head. The accused Solomon's excuse that she struck the flyer with a latrine order to remove it so that others could not use it on the flyer is absurd. Deubert admits that he lost his head. It may have been that the testimony of some witnesses was slightly colored because of the fact that three of the accused, their families and several of the witnesses and their families lived in the same house under crowded conditions. In this respect it may be noted that the affidavits of those three accused admit participation in the beatings, and the testimony of other witnesses confirms the accused's actions. The only defense raised at all with regards to Schindel was the fact that he had heard the conversation of the public officials to the effect they would let the crowd beat the flyers up. Schindel was not a policeman or official subject to orders. He was not given any order. His participation was voluntary. Although he may have been motivated by a personal desire to curry favor with the local officials, it is likely that his actions may be accounted for by his anger in having been bombed out.

The commission adopted certain rules for the conduct of the proceedings. The commission provided that it would be governed by the rules of procedure and evidence as laid down in the Manual for Courts-Martial with the following changes: Statements made by the accused in the course of the investigation which appeared to be regularly and properly authenticated were to be admitted in evidence



subject to such attack and explanation as the accused desired to make. Statements made by the accused that were admitted in evidence were to be received generally against all of the accused, subject to such rebuttal as the accused or any of them elected to make. The accused were to be afforded the same privileges with regard to testifying as are accorded accused persons in trials before American courts-martial. However, if the accused were to elect to take the stand as an unsworn witness, he was to be subjected to cross-examination. If the accused elected to remain silent, that fact could be the subject of all inferences and comments. On interlocutory matters other than evidence, the rulings of the president were to be made subject to objection by any member of this commission, objections to be decided by majority vote.

The order appointing the commission empower it "to make such rules for the conduct of its proceedings, consistent with the powers of such a commission as deemed necessary for a full and fair trial of the accused." The order further provided that the commission "shall not be bound by", though it was to have a regard for, rules of procedure and evidence prescribed for general courts-martial. The test of admissibility prescribed was that of probative value to a reasonable man.

Thus, although the commission may have desired to be governed by the procedure and evidentiary rules of the Manual, it could not be restricted by them. The intention of the commission was no doubt that it would be guided and not bound by those rules of procedure and evidence, as is manifest from the character of the proceedings and the evidence admitted. Since the test of admissibility had been prescribed, the commission could not alter that rule. Thus the rules as to the admission of statements of the accused could not effect the right of the president to rule on evidence based upon his opinion of their probative value to a reasonable man. As for the propriety of the rules concerning the accused's privileges with respect to testifying, reference is made to the review of the case of Alfred Bury and Wilhelm Hafner, 15 August 1945.

The rule adopted by the commission that rulings by the president on interlocutory matters other than evidence were to be made subject to objection by any member, such objection to be decided by majority vote, appears to be proper. This rule, similar to that in Article of War 31, is desirable in view of the fact that no provision is made for a law member. In this respect it is interesting to note page 4 of the "Outline of Procedure for Trial of Certain War Criminals by General and Intermediate Military Government Courts" wherein it is stated: "If the members of the court agree, all interlocutory questions arising during the trial may be decided by the President subject to the objection by any member of the court, the findings of the court on all interlocutory questions will be determined by a majority vote of all the members present at the time the vote is taken."

The following questions and answers constitute the interrogation by the prosecution of its witness Elisabeth Schmidt concerning the accused Deubert:

Q. "Did you ever see Mr. Deubert later that day?"

A. "Yes."

Q. "Where?"

A. "Then he came back to his house, that is, in the yard of his home."



- A. "That might have been 10 minutes."
- Q. "Did you notice Mr. Deubert's appearance at that time?"
- A. "Yes, he was sprayed with blood all over his face, his shirt and his pants."
- Q. "Did you have a conversation with Mr. Deubert at that time?"
- A. "Yes."
- Q. "What was that conversation?"
- A. "I asked him, 'Well, Mr. Deubert, what has happened?' He said, 'They are all finished, none of them will speak another word and none of them will drop another bomb.'"

The defense moved for a mistrial on the ground that the witness had left the commission with the inference that Deubert had killed the flyers and accordingly that the commission could not fairly judge the matter. The commission denied the motion after considering it in closed session and cautioned the prosecution that in presenting matters to show aggravation, inference of offenses not charged should not be brought into the case. In this connection it may be noted that the defense did not move to strike from the record the answer which the witness had given, nor did the commission strike the testimony from the record. However, the commission in denying the motion was careful to caution the prosecution not to "bring into the case inferences of legal offenses not charged." From that it is clear the commission disregarded the inference which the defense claimed could be drawn from Mrs. Schmidt's answer. This evidence was relevant and probative with respect to the offense charged and was properly received, the action of the commission being sufficient to limit its effect to the offense charged and to result in no substantial injury to the rights of Deubert.

The defense objected to the introduction of the pretrial affidavits made by the accused Zeeck, Solomon, and Deubert. The statements were properly admitted, for obviously these statements had probative value as to all the accused. It should be noted that in the "Outline of Procedure for Trial for Certain War Criminals by General and Intermediate Military Government Courts," it is provided that "all documents and other written instruments which in the opinion of the Court have a bearing on the issues before it and have probative value are admissible in evidence, including: Proceedings of Boards and Courts of Inquiry; investigations by Inspectors General or other investigating officers and reports of War Crimes and Investigation Teams, either in whole or in part; affidavits and depositions of witnesses (including affidavits which have been translated into a language different from that used by the witness in making the affidavit)" (p. 25).

The defense claimed that since the accused had been taken into custody by American troops shortly after the cessation of hostilities, statements then taken from them were probably not voluntarily made. However, there is nothing in the testimony of the investigating officer which would indicate that the statements were other than voluntarily given. The defense also urged that the statement should not be admitted since the accused could be called to the stand. The contention that the statements were inadmissible is without basis on any ground.



## 7. SUFFICIENCY:

The findings of guilty in the case of each accused are sustained by the evidence, competent within the test imposed by the order appointing the commission. There are no errors or irregularities affecting the fairness and impartiality of the trial or which are prejudicial to the substantial rights of the accused in proceedings such as these. Two-thirds of the members of the commission concurred in the findings and sentence.

## 8. SENTENCE:

All war crimes are subject to the death penalty although a lesser penalty may be imposed. In paragraph 12 of Article 14, supra, it is stated that the commission may be guided by, but is not limited to the penalties authorized by the Manual for Courts-Martial, the laws of the United States, and of the territory in which the offense was committed or the trial is held. In the Manual of Courts-Martial the Table of Maximum punishments provides that assault with intent to do bodily harm is punishable by confinement at hard labor for one year, assault with intent to do bodily harm with a dangerous weapon, instrument or other thing confinement at hard labor for 5 years, assault with intent to commit any felony, except murder or rape, ten years, assault with intent to commit murder and rape twenty years, and assault and battery six months. The German criminal code provides that "anyone who intentionally causes injury to the body or health of another shall be guilty of assault and liable to confinement for not more than three years or to a fine." Article 223. Under Ordinance No. 1, promulgated by the Supreme Commander "assaulting any member of the Allied Forces" is punishable by death or such other penalty as a Military Government Court may impose.

The assaults committed by Schindel, Zeck and Solomon were of about the same degree and do not appear to have been persisted in after the first flush of violence. Schindel, an aged man who had been bombed out appears to have been carried away by the mob hysteria, his own losses, and the circumstance that the fliers entered the scene of a mass funeral of bombing victims, which must be admitted to be a matter in extenuation to some degree. He has been in confinement for a considerable period and apparently has been ill. Reduction of the confinement imposed in his case to a period of 6 months would not condone his offense and would sufficiently serve the purpose of the trial of war criminals such as he.

In the cases of the two women, Zeck and Solomon, it would appear the confinement for a period of 1 year would be adequate.

The offense of Deubert was much more aggravated and was persistent and brutal to an extreme degree. Both in the commission of the assault and in his expressions thereafter, Deubert exhibited the gross characteristics which have come to be considered typical of the want of the Nazi criminals. The sentence is appropriate, disregarding completely the possible inference that Deubert participated in the actual killing of the 2 fliers, for which 2 other have been sentenced to hang.

## 9. RECOMMENDATIONS:

I accordingly recommend that:

1. The findings and the sentence in the case of each accused be approved.



b. Six months of the confinement at hard labor imposed upon the accused Schindel be remitted and, as thus modified, the sentence be duly executed.

c. One year of the confinement at hard labor imposed upon the accused Solomon be remitted and, as thus modified, the sentence be duly executed.

d. Six months of the confinement at hard labor imposed upon the accused Zeeck be remitted and, as thus modified, the sentence be duly executed.

e. The sentence in the case of the accused Deubert be duly executed.

f. The following places of confinement be designated for the accused:

1. Zeeck and Solomon - Frauengefangnis Rothenfeld (Post Erling am Ammersee).
2. Deubert - Anstalt und Sicherungsanstalt Straubing.
3. Schindel - Strafgefängnis Bernau (Oberbay).

10. ACTION:

Forms of action designed to carry the foregoing recommendations into effect, should they meet with your approval, are submitted herewith.

/s/ Chas E. Cheever  
/t/ CHARLES E. CHEEVER  
Colonel, J.A.G.D.,  
Staff Judge Advocate.