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Dead Dog Waiting

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I don't make it a habit to bother the governor of New Jersey. But I just dashed off an e-mail to his office with a plea to save a dog I've never met.

I got the address when I stumbled on a Web site dedicated to sparing the life of Congo, an 18-month old German shepherd in Princeton New Jersey, who attacked a gardener. There were extenuating circumstances -- most importantly, Congo's belief that he was protecting his owner.

The fact that I am somewhat consumed by the fate of this animal is strange given the fact that neither my husband nor I particularly liked dogs. In fact, I was afraid of them. I could never quite shake the suspicion that anything descended from a wolf harbored -- however deeply -- a genetic predisposition to bite me.

But under intense lobbying by my young daughter, who argued we could never be fully realized as a family without a dog, I relented and brought one into our home. And then for reasons that aren't quite clear to me, I opened our doors to another one.

And now I want Congo to live.

The story seems to become less important the farther you get from Central New Jersey. But for those who haven't heard of Congo, he is, by all accounts, a big and affable dog who lives with his family, his mate Lucia and four puppies on 10 acres near Princeton. One of his nicknames is "Happy Dog."

In June, two gardeners who worked for a local staffing company arrived an hour early for a job. They came in the yard despite, the family contends, being asked to stay in the truck until the dogs could be corralled.

When Congo, Lucia and three of the puppies came running toward them, one landscaper grabbed Congo's owner from behind to put her between him and the dogs. She screamed

and, according to the owners, landed on top of the gardener as they fell to the ground. Congo reacted as you might expect of a powerful dog with protective instincts.

The landscaper required surgery to close wounds -- mainly to his leg -- and had to receive rabies injections because the puppies (who may have thought a game was in progress) had not completed their vaccinations. The family was fined for the un-vaccinated dogs. The gardener got a \$250,000 insurance settlement. He has said he bears to dogs no ill-will.

It might have ended there.

But Congo seems to have his Javert. Two of them, actually.

A local animal control officer insists the attack was unprovoked. And a municipal judge agrees. Even though Congo has no priors and a parade of workers and delivery people testified that he is friendly and docile, the judge declared Congo "vicious." That carries an automatic death sentence.

Congo's lawyer continues to argue that Congo was reacting as any protective dog would when he thought a family member was being attacked. He also said the landscaper has changed his version of events five times. The animal control officer said in response -- "No, it was only three times."

The owner testified she told the animal control officer she was pulled to the ground, which he put in his notes. Unfortunately, he reports, the notes from the owner and all defense witnesses were eaten by a stray dog he was transporting in the front seat of his truck.

One of the puppies had wounds that the owners say happened when the other gardener struck at them with a rake. The animal control officer says the owners inflicted the wounds themselves to strengthen their story.

The owners turned down a plea bargain that would have labeled Congo a "potentially dangerous" dog, which would have required him to be tattooed (literally) as such and put strict limits on his movements. They argued he didn't do anything wrong.

So Congo remained behind bars from June until mid-November, unable by order of the court to return to his family. Reports are that he was listless and losing weight.

Two days after the municipal judge denied a request to allow him to return home while his case was on appeal to Superior Court, a Superior Court Judge signed a court order freeing him -- under strict supervision -- until the appeal on his death sentence is decided. Accounts say Congo came flying out of the shelter like he was shot from a cannon, giving his family -- and his attorney -- an affectionate mauling.

Congo is home -- muzzled when he leaves the house -- but still on death row. The appeal is not expected to be heard for six months.

Lucia and the puppies, Bear, Shadow, Mangus and Hunter, were said to be in a state of leaping ecstasy when he returned.

There have been demonstrations in front of the court house, cleared court rooms, many thousands of calls and e-mails to the Governor's office, a blizzard of blogs and assorted death threats to the judge. New legislation ("Congo's Law") aims to refine the concept of provocation.

The case has even taken on overtones of privilege and class. The white well-to-do family in an upscale area versus a gardener who, it was reported, is here illegally.

Others have pointed out that the case, which dominated local news for weeks, is out of proportion to its importance. One resident noted there were more people in front of the court house than attended to local Veteran's Day Parade.

Okay- - you can argue there are more important things to worry about. You can argue it's a matter for the courts to decide based on the evidence. You can ask if local sentiment would be different if the bite victim was a local child versus a laborer from another country.

I can't disagree with any of that. But I still don't think this dog deserves to die for protecting a family member on his own property -- especially when so many details are cloudy at best.