

# Charges dropped against New Orleans doctor in Katrina hospital deaths

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Charges were dropped July 24 against Dr. Anna Pou when a Louisiana grand jury failed to indict her in connection with the deaths of four severely ill patients during the evacuation of a New Orleans hospital flooded by Hurricane Katrina.

Dr. Pou, a respected surgeon, was arrested last summer along with two nurses when Louisiana Democratic Attorney General Charles C. Foti Jr. said he had found evidence that they had given lethal doses of morphine and the sedative Versed to four intensive care patients at Memorial Medical Center. The patients were housed in a long-term critical care facility that occupied one floor of the hospital and were too ill to be transported.

At least 34 patients died at the hospital, which was not fully evacuated until a week after the storm hit. Katrina trapped about 2,000 staff and patients in the hospital and cut off phones and electricity. Without air conditioning, temperatures reached over 100 degrees Fahrenheit inside the facility.

Charges against nurses Lori Budo and Cheri Landry were dropped after they were compelled to testify in the grand jury proceedings against Dr. Pou. The attorney general's office had asked the grand jury to return an indictment of one charge of second degree murder and nine counts of murder conspiracy. Pou faced a possible life sentence if convicted.

The grand jury decision not to indict Dr. Pou received wide public support. A recent rally called in defense of Dr. Pou and the two nurses drew over 200 people.

The American Medical Association released a statement praising the grand jury decision. It declared, "The AMA continues to be very concerned about criminalizing decisions about patient care, especially those made during the chaotic aftermath of a disaster, when medical personnel and supplies are severely

compromised."

Dr. Pou is a prominent specialist in the field of endocrine surgery. She suspended her private practice after her arrest and has been teaching at the University of Louisiana Medical School in Baton Rouge.

Last week Pou filed a suit against Charles Foti, claiming the attorney general had used her arrest to further his reelection bid. Police arrested Dr. Pou in a highly public manner, right after performing cancer surgery, despite her pledge to voluntarily turn herself in to authorities.

Dr. Pou's suit claims that Foti made unprofessional statements following her arrest and touted it as part of a fundraising campaign. Pou is demanding that the attorney general's office defend her, as an employee of a state university, against pending lawsuits by families of three patients.

The doctor's suit alleges state agencies—not hospital staff—were guilty of negligence in relation to the storm deaths. It claims the failures of pre-Katrina planning and post-storm response led to staff and patients being abandoned.

To build its case against the healthcare professionals, the prosecution obtained statements from several medical experts who said the levels of drugs in some patients' bodies indicated homicide. Other evidence was weak. For example, witnesses claimed overhearing the accused say that some patients probably wouldn't survive. Other saw Dr. Pou and nurses preparing syringes and giving patients injections.

Dr. Pou and the nurses declared their innocence throughout their long ordeal. Dr. Pou admitted giving painkillers to severely ill patients to relieve suffering, but denied giving lethal overdoses.

In a December 2005 television interview before her arrest, Dr. Pou stated, "There were some patients who

were critically ill, who, regardless of the storm, had the orders do not resuscitate. In other words, to allow them to die naturally, and to not use heroic methods to resuscitate them.

“We all did everything in our power to give the best treatment that we could to the patients in the hospital to make them comfortable.”

Following the grand jury decision, Dr. Pou issued a statement declaring, “Today’s events are not a triumph, but a moment of remembrance for those who lost their lives in the storm and a tribute to all of those who stayed at their posts and served people most in need.”

She continued, “All of us need to remember the magnitude of human suffering that occurred in the city of New Orleans in the wake of Hurricane Katrina so we can be assured that this never happens again and that no healthcare professional should ever be falsely accused in a rush to judgment.”

Whatever the precise course of events in the hospital during those terrible days, it is clear that Dr. Pou and her assistants were singled out by Foti as scapegoats for the criminal negligence and incompetence displayed by all levels of government in the wake of Katrina.

When the levees broke in New Orleans, flooding 80 percent of the city, the lower level of Memorial Medical Center was inundated by 10 feet of water. Utilities went out and there were only a handful of boats available to rescue patients.

The more critically ill patients could be evacuated only by helicopter. In order to accomplish this, staff had to move patients through a 3-foot hole in the wall of the hospital and take them up ramps on gurneys before carrying them to the roof. Several patients died while being transported in this manner.

Federal and state authorities made no serious attempt to bring aid to the devastated city for several days after the levees broke, leaving tens of thousands of stranded residents, mostly poor, to literally die on the streets.

The conditions inside the hospital were described as “bedlam.” One doctor recounted, “It was stifling. We were hoisting patients floor to floor on the backs of strong young men. It was as bad as you can imagine.”

An article in the July 20, 2006 *New York Times* described the conditions Dr. Pou and her staff faced, “Overheated patients were dying around her, and only a few could be taken away by helicopter, the only means of escape for the most fragile patients until the water

receded. Medicines were running low, and with no electricity, patients living on machines were running out of battery power. In the chaos, Dr. Pou was left to care for many patients she did not know.”

No public official to date has been held criminally accountable for any aspect of the inadequate preparation and the failed response to hurricane Katrina. As the two-year anniversary of the catastrophe approaches, people are still dying from many causes, including psychological and physical stress from the trauma of relocation and financial hardship.

New Orleans is suffering from a shortage of doctors and hospitals. According to one report, the city lost 22 hospitals and 4,486 doctors as a consequence of the hurricane. Four of the city’s seven pre-Katrina general hospitals are still closed and only one is operating at pre-storm capacity.



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