Subject

Milan Vuitch was an abortion provider in the twentieth century, who performed thousands of abortions in Washington, DC, at a time when abortions were legal only if they preserved the life or health of the pregnant woman. Vuitch was a frequent critic of Washington DC’s anti-abortion law and was arrested multiple times for providing abortions that were not considered necessary to preserve the pregnant woman’s life. After he was arrested in 1969, Vuitch challenged the law in Supreme Court of the United States. Although Vuitch technically lost his Supreme Court case, the Court’s ruling expanded the meaning of health and Vuitch was able to continue providing abortions. Vuitch provided abortions to women who sought them but were not able to legally justify them, and his Supreme Court case was one of the earliest challenges to the abortion law.

Vuitch was born on 15 January 1915 in Serbia, later part of Yugoslavia. When Vuitch’s father died, his mother became the sole supporter of the family. Vuitch attended the University of Budapest, currently Eötvös Loránd University, in Budapest, Hungary, where he received a full scholarship. Vuitch completed his medical degree in 1939. During World War II, Vuitch served in the Hungarian army. During his military service, the Nazis captured Vuitch and conscripted him to serve as a physician in the military to fight for Hungary, at the time under Nazi control. He was later captured again, that time by allied forces, who seized the hospital train where he was working. Vuitch was a prisoner of war until the end of World War II. At the conclusion of World War II in 1945, Vuitch returned to his homeland, Serbia. Once back in Serbia, Vuitch began to practice surgery and gynecology. According to Vuitch, he performed many abortions in Serbia, and he cites the long history of abortion provision in Eastern Europe. He also began teaching at St. Cyril and Methodius University in Skopje, currently Macedonia.

In the years after World War II, Vuitch met and married Florence Robinson, an American citizen living in Europe. They had three children together. Vuitch’s wife helped him obtain a visa to the US. Vuitch and his family left from Serbia to the United States in 1955, and they settled in Washington, DC area. Once in the US, Vuitch completed a two-year surgical residency program at the Doctors Hospital in Washington, DC.

After the completion of his surgical residency program, Vuitch began practicing medicine in Washington, DC. Many of Vuitch’s early patients were immigrants fleeing communism and political uprisings in Hungary during the 1956 revolution against Soviet control in Hungary. According to a journalist Linda Greenhouse, Vuitch preformed his first abortion in 1960 on an immigrant woman from Hungary, who begged him for the procedure. At the time, abortions were illegal except in life threatening cases. In 1960, Vuitch opened an abortion clinic in Washington, DC, just a few blocks from the White House.

Vuitch continued to perform abortions in the DC area throughout the 1960s. The law against abortion in DC, Code § 22-20, made abortions illegal except in cases where the life or health of the pregnant woman was at stake. However, Vuitch was not convicted for any of those arrests. Because determining what constituted a risk to the life or health of the pregnant woman was left to their physicians, Vuitch could legally perform abortions on pregnant women so long as he could justify that in his medical opinion there was a risk to the woman’s life or health. Vuitch avoided conviction for criminal abortion by repeatedly justifying to the courts that in his opinion as a medical professional the abortion was necessary to preserve the life or health of the pregnant woman. Using that justification, Vuitch preformed thousands of abortions a year at his clinic. However, Vuitch was convicted of criminal abortion after his seventeenth arrest.

In 1969, following his seventeenth arrest, Vuitch was convicted and sentenced to a year in prison and a $5,000 fine. He appealed the verdict to the federal district court and argued that the law that he was convicted under was unconstitutional. Vuitch argued that the law failed to define health in terms clear enough that doctors would be able to see what actions complied with or violated the law. Vuitch and his lawyers argued that the DC law was too vague because it lacked clear guidelines for the meaning of health. The federal district court agreed in favor of Vuitch, who was exonerated in November 1969. The law that prohibited abortions in DC was therefore struck down for being unconstitutionally vague. That ruling left DC without any abortion laws in place. Shortly after, the US government announced plans to appeal that decision to the Supreme Court. In the meantime, no DC law prohibited abortions and so Vuitch continued providing abortions. His practice expanded so that by February 1970, just three months after the ruling, he was performing one hundred abortions per week. According to reports, women began traveling from other cities to Washington to obtain an abortion from Vuitch.

In 1971, Vuitch’s circumstances changed again when the Supreme Court heard his case, Vuitch v. United States. The US government had appealed the district court’s decision to exonerate Vuitch and leave DC without an abortion law. The Supreme Court heard arguments on 12 January 1971, and gave their decision on 21 April 1971. They ruled to overturn the district court’s decision that had ruled that the law prohibiting Vuitch from terminating unlawful abortion was unconstitutionally vague. The Supreme Court ruled that the law was sufficiently clear and therefore constitutional. However, the court did allow that the term health could encompass both physical and psychological health. That allowance meant Vuitch could perform abortions that would be legal under this broader definition of health. After Vuitch was convicted of abortion in 1970, Vuitch argued that he could perform the procedures in his clinic without a license.

By the late 1970s, Vuitch had been threatened with closure of his clinic several times due to his failure to follow the licensure laws that regulated clinics. In 1979, DC began to regulate abortion clinics. Soon after, in 1980, Vuitch was accused of violating Washington, DC medical licensure laws that governed medical facilities. Vuitch was bringing recovering patients to his home and letting them stay in his basement, which he called the annex, through their recovery. That was illegal because Vuitch’s basement was not a licensed medical facility. Vuitch also violated other specific issues of medical clinic licensing law, such as prescribing medicine past its expiration date, improperly labeling of medicines, and using outdated equipment. Each time Vuitch’s clinic was investigated, he promised to fix the violations. But Vuitch continued to perform abortions that were not considered necessary to preserve the pregnant woman’s life. After three warnings and subsequent failures to comply on the part of Vuitch’s clinic, Vuitch was not able to obtain a 1983 license for his clinic. Vuitch operated his clinic without a license for the remainder of his career.

Sources

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