Milan Vuitch (1915–1993) [1]

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Milan Vuitch was an abortion [4] 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 [5] law and was arrested multiple times for providing abortions that were not considered necessary to preserve the pregnant woman’s life. After Vuitch challenged the law in court, the 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, this time by allied forces, who released him after he begged them for the procedure. At the time, abortions were illegal except in life threatening cases. In 1960, Vuitch opened an abortion [4] 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 [6] In DC Code § 22-20, made abortions illegal except in cases where the life or health of the pregnant woman was at stake. Vuitch was arrested six times following accusations of illegal abortions. 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 woman 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 [4] by repeatedly justifying to the courts that in his opinion as a medical professional the abortion [4] was necessary to preserve the life or health of the pregnant woman. Using that justification, Vuitch performed thousands of abortions a year at his clinic. However, Vuitch was convicted of criminal abortion [4] 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 unconstitutionally vague. Vuitch argued that the law failed to define health in terms clear enough that doctors could be sure 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 [4] 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 [4] 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 [4] 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 convicting Vuitch of criminal abortion [4] 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 abortion [4] providers like Vuitch could perform as much abortions as doctors. Vuitch was convicted of criminal abortion [4] in 1973 after seven more arrests.

By the late 1970s, Vuitch had been threatened with closure of his clinic several times due to his failure to follow the licenses that law required. In 1979, DC began to regulate abortion [4] clinics. Soon after, in 1980, Vuitch was accused of violating Washington DC’s 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 subsequent investigations revealed that he never did. 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.

Because of the numerous medical malpractice suits that were settled out of court and medical licensure violations at his clinic, Vuitch was eventually forced into retirement. In 1984, Vuitch signed an agreement with the city of Washington, promising to no longer practice medicine in the District of Columbia. He then retired to Silver Spring, Maryland. On 10 April 1993, when Vuitch was seventy-eight years old, he died of a stroke at Holy Cross hospital in Silver Spring.

Sources


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Subject