

Milan Vuitch (1915–1993)

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 several arrests, Vuitch challenged the law under which he had been arrested, and his case made its way to the Supreme Court in *Vuitch v. United States*. Although Vuitch technically lost in 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 Yugoslavian 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 Ss. 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 the 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 performed his first abortion in the US 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, 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. Vuitch was arrested sixteen 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 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 performed 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 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 ruled 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 convicting Vuitch of criminal 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 abortion providers like Vuitch could interpret the term health more broadly, even taking factors like psychological health into account when making decisions on whether an abortion was necessary. Though the Supreme Court ruling was a technical loss for Vuitch, according to Greenhouse, the abortion rights movement treated it as a significant victory.

Vuitch continued to get in legal trouble throughout his later career. After *Vuitch v. United States*, Vuitch went back to performing abortions, and with the decision of *Roe v. Wade* in 1973 abortion became legal in even more circumstances. Vuitch could no longer be accused of breaking the law by performing abortions, however he continued to face legal problems. In the latter part of his career he was often sued for malpractice. In 1982, Vuitch was accused of improperly performing a repair on a uterine laceration, or a dangerous rupture of the uterine wall. He settled out of court for \$125,000. Two years later, in 1984, Vuitch was accused of not giving a woman general anesthesia during her abortion. He settled that case as well for \$100,000. Though Vuitch claimed to have three trained anesthesiologists as staff, investigations by city officials revealed multiple instances of improper anesthesiology practices. Such instances included Vuitch administering anesthesia to patients himself rather than having a licensed anesthesiologist do it, as well as several claims by women who did not receive anesthesia when they requested it. Those offenses were part of a larger pattern of non-anesthesiologist staff members at Vuitch's clinic administering anesthesia.

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 line, 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 city. 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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