

## **Speakouts, Sit-Ins and Flashmobs: Winning the Morning-After-Pill Over-the-Counter for all Women Based on Radical Feminist Lessons Old and New**

Speech by Annie Tummino on the panel *Tools of Radical Feminist Analyzing, Organizing and Mobilizing: "Consciousness-Raising" and "History for Activist Use"* at the conference "A Revolutionary Moment: Women's Liberation in the Late 1960s and Early 1970s" at Boston University March 27th-29th, 2014

Good morning. I'm honored to be here and glad that this conference has been organized.

While I work by day as a librarian and an archivist, I spend much of my time outside of paid work organizing with [National Women's Liberation](#) (NWL), a group I helped found. NWL is a new group with old roots, formed out of a collaboration of organizers from Gainesville Women's Liberation in FL and [Redstockings](#) in NYC, two of the early and pivotal women's liberation groups of the late sixties. As you already know, original members and founders of both groups are here on this panel.

National Women's Liberation is a grassroots organization, made up of everyday women who want to put the male chauvinist establishment on the run again. **Today I'm going to talk about our recent successful campaign to win the Morning-After Pill over-the-counter in the U.S.** Ten years of speak-outs, consciousness-raising, petition gathering, flashmobs, and various forms of civil disobedience, combined with a lawsuit against the Food and Drug Administration, resulted in this major victory in 2013. I got involved in the campaign in early 2004, shortly after I moved to New York City, and went on to get arrested with eight other women blocking the doors to the Food and Drug Administration (FDA) in 2005, and to become lead plaintiff in the lawsuit filed with the Center for Reproductive Rights against the FDA. Eight other NWL members and several reproductive rights organizations were also plaintiffs in the suit.

There were many ups and downs in our campaign over the last 10 years including partial victories, organizational changes, and various delays and court appeals. **I don't have time to go**

**into detail, so I'm going to try to focus on the bigger picture - why we thought the morning-after pill over-the-counter was an important women's liberation demand and how we used strategies and principles from the 1960s movement in our organizing.** I'll also share a little about my own learning process and testimony.

The morning-after pill is a slightly higher dose of birth control that can be taken after sex to prevent pregnancy. We thought over-the-counter access was particularly significant because it was an opportunity to push for something big - an offensive gain in the fight for birth control during a time of attacks and rollbacks. Having it available at our fingertips would be a huge improvement in terms of our ability to control our reproductive lives.

**By 2003, when the FDA first considered granting Plan B (a particular brand of the pill) over-the-counter status, the morning-after pill was already available without a prescription in many countries around the world - over 40 - and that number increased to over 60 by the time we won our lawsuit last year.** While you can take the morning-after pill for up to five days after sex, it is most effective within 24 hours. It was nearly impossible for most women to obtain the pill within such a limited window when you had to get a prescription first, not to mention the doctor's visit could be very expensive for women without health insurance.

I have probably taken the morning-after pill at least five times over the last ten years, and I've never experienced any side effects. The situations where I needed it included getting behind on my regular birth control pills, condom malfunctions, and even an instance of getting "carried away" (which of course we women are not supposed to admit). There was at least one time when I was out-of-state on vacation and couldn't figure out how to get it in time. It is a huge, huge

victory that today in that same situation, I would be able to drive to the nearest pharmacy and purchase the pill off the shelf.

A year and half ago I also became a mother when I had my son, Enzo. Although parenting has brought much joy and reward into my life, it has only made my commitment to abortion and contraception stronger. I love this little boy so much it often feels like my heart could burst. But it's a financial strain, and very hard work. The double day, which is really a triple day since I have continued to dedicate time to the movement - is exhausting. The system in the U.S., with lack of paid family leave, limited sick and vacation time, long work hours, and expensive privatized daycare, certainly doesn't help.

**The 1960s demand for abortion was not about privacy or even women's health -- it was about women's self-determination.** It was about abortion as a cornerstone of women's freedom, that we'd never get more power unless we had control over when and if we are having a child. After coming of age in an era of slogans such as "pro-choice" and "we won't go back" this women's liberation take on abortion was refreshing and invigorating, and I hadn't really heard it until I learned it from Redstockings.

I remember so clearly attending my first morning-after pill speak-out in February 2004 in New York City. Alex Leader, now chair of NWL and a primary architect of the campaign, testified that she needed the morning-after pill because "the condom came off inside her." She also said that she didn't end up taking it, got pregnant, and had an abortion. I had never heard women speak so frankly about sex and birth control in public before. This was far from polite. It was real. It struck a chord in my own experience and made me want to get involved more.

**Consciousness Raising (CR) and speak-outs were a primary part of the morning-after pill campaign, just as they were essential to spreading the women's liberation movement in the '60s.** CR, where women compare personal experiences to try to get to the root of their problems, led to actions like the Ms. America protest in 1968, the first abortion speak-out in 1969, and seminal papers like "The Politics of Housework" and "The Myth of the Vaginal Organism."

Through CR we found out that women most frequently needed the morning-after pill to back up condom use. Many women testified that they couldn't tolerate regular birth control pill use due to side effects. We also discovered that many of our male partners resisting wearing condoms- it was a great relief to understand that this is a widespread political problem, not a personal problem. And while many of us had heard rumors that the morning-after pill was associated with epic nausea and vomiting, those of us who had taken it usually experienced minor to no side effects.

**From Redstockings we used the idea "Women are the Experts," which was a rallying cry of the movement to repeal all abortion laws.** In 1969, when abortion was still illegal, a committee convened in New York City to consider reforming NY state's abortion law. The panel was to hear testimony from "experts"—consisting of 13 men and one nun! Members of Redstockings organized an action to storm in and disrupt the hearing shouting "Let the REAL experts testify- women!" About a month later, they held the first ever public abortion speak-out at the Washington Square Methodist Church in Greenwich Village. To a crowd of 300 people, women testified about their painful experiences with back-alley abortions, or having to bring a pregnancy to term and give the baby up for adoption.

Similarly, NWL members testified at the FDA hearings on Plan B in December of 2003. We didn't have to bust in, because women were allowed! But the fact that we spoke directly about needing the morning-after pill, problems with condoms, and the frantic struggle to find a provider and be able to afford the pill — this testimony sent shock waves through the room and got national press attention. We also unfurled a banner showing all the other countries where the morning-after pill was already available without a prescription. **Redstockings calls this exposing the Myth of America — puncturing the heavily hyped notion that the U.S. is number one in living standards and that U.S. women are the most liberated in the world.**

After the 2003 hearings, the FDA's Scientific Advisory Committee agreed with feminists the morning-after pill is safe, voting overwhelmingly to recommend immediate over-the-counter access for all ages without restrictions. Yet, FDA officials, under pressure from the Bush Administration (a fact our lawsuit exposed) engaged in a series of unnecessary delays.

In response we kept up the pressure. We held a series of speak-outs, where women testified about their problems accessing the morning-after pill, setting up on street corners and busy intersections. We also organized a "give your friend the morning-after pill" pledge. Thousands of women pledged that they would commit the "crime" of giving a friend the pill when she needed it, to get around the unjust prescription requirement. We felt we were making public what women were already doing, breaking up birth control packs to help a friend. We also purchased as many packs of Plan B as we could and passed them out to women who needed it at our actions in defiance of the prescription requirement. Feminist doctors joined us by handing out prescriptions with 10 refills.

**One of the key insights of our campaign, also based on the abortion movement, was**

**that going for small reforms would not benefit the masses of women.** The panel of so-called “experts” that RS interrupted in early 1969 were considering small changes to the abortion laws. For example, you could get an abortion if you already had four kids, if you were raped, or deemed mentally unstable. But feminists knew such changes wouldn’t benefit most women. They were fighting for something more fundamental - the complete repeal of all abortion laws. *Roe*, which instituted the trimester system, was actually a compromise from what radical feminists had demanded - to take abortion off the books and treat it as simple medical procedure like any other.

Similarly, some groups in the early to mid-2000s were prioritizing getting the morning-after pill available in emergency rooms. But from doing CR, we knew that women usually needed this pill in more everyday situations – the condom slipped or we got behind on our daily birth control pills. Even those of us who had been sexually assaulted hadn’t gone to the ER. And some groups were focusing on getting individual states to make dispensing arrangements between doctors and pharmacists legal. But we knew that some pharmacists had a history of refusing to dispense the pill, and that such laws would never pass in many states.

**Over-the-counter access was pending before the FDA and had the support of all the mainstream medical organizations. A national change was ripe to happen, but it needed a grassroots push from the masses of women who would benefit.**

We also anticipated and opposed age restrictions from the very beginning, distributing a position paper on this topic as early as 2004. Lucinda Cisler, a leader of the abortion rights movement, wrote a brilliant paper in 1970 called “Abortion Law Repeal (Sort of): A Warning to Women” about the dangers of allowing some groups of women to be bought off at the expense

of others, which eventually weakens the position of all women. Unfortunately, much of what she predicted came true in the form of parental consent laws, mandatory waiting periods, etc.

**We took the simple position that if you are old enough to be pregnant, you are old enough to decide not to be pregnant.** Thus, in 2006 when the FDA, under fire from the grassroots movement and our lawsuit, ruled it would make the pill available at pharmacies, but only for women ages 18 and up, we were prepared to continue the fight. Not only was the ruling unscientific and a blatant violation of young women's rights, it created obstacles for all women, who would have to show an ID and ask a pharmacist for the pill, rather than picking it up off the shelf like tylenol or other over-the-counter medications.

**Finally in April of 2013 a federal court judge ruled on our side that morning-after pill should be made available "without a prescription or any point-of-sale or age restrictions within thirty days."** The Obama Administration, which purports to be pro-birth control, appealed the decision. After continued feminist protests, including several flashmobs in pharmacies led by NWL, the Administration finally dropped the appeal.

At this point we continue to monitor the status of the morning-after pill. It's a bit complicated to go into fully here, but some generic forms of the pill are still subject to unnecessary restrictions and unscientific labeling due to FDA decision making. The pill is way too expensive at \$40-\$50, and many pharmacies are locking it up rather than stocking it on the shelf. **So there is still more to do on the morning-after pill, just as there's more to do in the broader fight women's liberation.** But we can be very proud of this victory. In the words of Kathie Sarachild in the book *Feminist Revolution*, I hope you will join us to "fight for what we women really want." So talk to us after the panel is over about how you can get involved, and

look us up at <http://womensliberation.org/> and <http://www.redstockings.org/> for more information.