Landmark Ruling for Birth Control!
Judge Orders Morning-After Pill Over-the-Counter, ObamaAppeals

BY JENNY BROWN, ALLISON GUTTU & ALEXANDRA LEADER

For over ten years, grassroots feminists with National Women’s Liberation — including the lead plaintiff Annie Tummino — have been waging the most important fight in decades to expand access to birth control in the United States: making the Morning-After Pill available over-the-counter without any restrictions.

On April 5, 2013, a U.S. federal judge in Tummino et al. v. Hamburg ordered that the Morning-After Pill be made available “without a prescription and without point-of-sale or age restrictions within thirty days.”

The FDA ignored the ruling but announced in early May that it would put the Morning-After Pill on the shelf for 15-and-over (but everyone would have to prove their age when they pay). Under-15 year olds would still have to get a prescription from a doctor.

This bizarre new scheme has the same problems we had before when the Morning-After Pill (also known as “emergency contraception,” Plan BTM, or Next Choice) was only available without a prescription for females 17 years old and up and was still behind pharmacy counters, forcing everyone to show an ID and be “carded” to buy it.

After the FDA announcement, the Obama administration appealed the federal judge’s ruling, which means that they will not comply with the judge’s order and put it on the shelf for all ages, at least not yet.

We won’t rest until the Morning-After Pill can be stocked on any shelf in any store, next to the condoms, aspirin, or shampoo and no prescription or identification will be needed to buy it, no matter what your age or gender (we think men should take responsibility by shopping for it, too).

The Morning-After Pill prevents pregnancy up to five days after sex, but is most effective within the first 24 hours. This makes the prescription requirement ludicrous and unworkable, not to mention adding cost. It is unnecessary because the pill is safe—safer than birth control pills and safer than aspirin.

The Morning-After Pill (MAP) is not RU-486, which induces an abortion. If you are already pregnant, the Morning-After Pill will not work.

Having this form of birth control at our fingertips will give women more say over whether and when we have children, but it will also give us more leverage. If we had complete control of our reproduction, we suspect that the U.S. would look a lot more like Europe, where birth control is easily available, and there are many fewer unintended births, and a lower birth-rate overall.

As a result, European countries and else-
SLUTS & PRUDES
What’s Behind It?

BY AMY COENEN

In April 2012, Rush Limbaugh called Sandra Fluke a “slut” because the George-town University law student testified before Congress about the high cost of contraception and the need for free, accessible birth control. That same spring, Gainesville women were heckled as “sluts” and “whores” when they confronted former U.S. Representative Cliff Stearns about his attacks on Planned Parenthood and contraception. And recent news has focused on a teenage girl in Steubenville, Ohio who was sexually assaulted by members of the high school football team with much of the community blaming the rape victim for putting herself in a position to be violated.

This is nothing new. The “slut” label is often used to deny access to birth control or to justify rape. So National Women’s Liberation got us wondering: what is the power in calling a woman a slut? But to really address “slut shaming,” we decided we also needed to talk about the name-calling from the opposite perspective — calling women “prudes.”

Twelve women, ranging in age from our 20s to 60s, got together at a Gainesville chapter meeting to answer the following Consciousness-Raising questions:

When have you been called a slut or feared you would be? Who was calling you a slut? What was the effect on you and on your behavior?

When have you been called a prude or feared you would be? Who was calling you a prude? What was the effect on you and on your behavior?

By answering these questions and comparing our experiences, we discovered that we were most often called a prude when a man was hoping to get us to do something sexually that we didn’t want to do; having sex for the first time or, in two cases, agreeing to an “open” relationship. The fear of being called a prude led one woman to pretend to be sexually experienced when she wasn’t, and another woman to have sex with a man she didn’t really want to have sex with. In all of these cases, the prude label had the effect of shutting down and diverting arguments about sex.

Some of us testified that being a “prude” or a virgin when we were younger divided us from women who were more sexually experienced. One woman reported having a “holier than thou” attitude towards more experienced friends, separated in retrospect, separated her from friends.

Many of us who testified about being called a prude also had experience with being called a slut. Some of us wore the badge with pride, but still felt hurt and rejected when others called us that. Three women reported that close boyfriends or husbands had called us sluts — either for having a lover before them, talking to other men at parties, or in one case, after telling a boyfriend that she had been raped. “It definitely made me hyper-aware of my behavior. I could never tell how long was too long to talk to another man,” she said. “I worried about what I was wearing and whether he would think it was too suggestive.”

Another woman testified that men in her high school tried to force her to have sex because she was sexually experienced; since she had sex with other men, she was expected to have sex with any man. This led to some other discussion of times we had had sex when we really didn’t want to because we were afraid of being physically forced. She decided that “it would be easier to f--- him and get it over with than to say no and risk getting beat up.” Being labeled a slut can have violent consequences.

The slut/prude divide pits women against each other and keeps us from comparing notes and experiences.

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where, governments openly worry about the low birth rate and encourage parenting with year-long paid maternity leaves, months of paternity leave, visiting nurses for infants, paid sick leave by law, free or subsidized childcare, cash allowances from the government for each child, and many other benefits we only dream of here. Besides, they all have universal health care.

Here, we have to jump through hoops and pay high costs for birth control and abortion, while the government slashes the few tiny programs, like Head Start, that actually help us raise children.

National Women’s Liberation has been at the forefront of this struggle, from sitting-in at the FDA, resulting in arrest; defying the prescription requirement and handing the Morning-After Pill out on the street to those who needed it; holding speak-outs outside of Health and Human Services; flashmobbing a pharmacy to put it on the shelf ourselves; to filing this lawsuit against the Food and Drug Administration and Health and Human Services.

The Morning-After Pill is already available without a prescription in at least 63 other countries, including the United Kingdom, France, Denmark and Ghana. We are slowly catching up, but it shouldn’t have taken over a decade of pressure from feminists, our allies and a lawsuit, and now more hoops and appeals from the FDA and the Justice Department.

In addition to these new hurdles, there is a still a huge fight ahead of us on the cost of birth control, including the Morning-After Pill. We advocate for coverage through a truly universal national health insurance system (single-payer).

Tummino is an example of organized feminism waging a legal battle, which has been effective because it’s part of a broad mobilization. Because National Women’s Liberation’s campaign included breaking the very prescription requirements we sought to change, NWL members were the perfect plaintiffs to represent the interests of all women, who, just like them, needed the Morning-After Pill to be over-the-counter with no restrictions. The Center for Reproductive Rights approached National Women’s Liberation members and the lawsuit was filed shortly after in January 2005.

Clearly, a court case alone did not get us this far, and a court case alone will not win advances for women. A strong and active “dues-paying feminist” membership is needed to secure and advance the victories won in the courtroom.


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Stephanie Coontz’s work explodes sexist myths about marriage, families, and women’s work, both paid and unpaid. Coontz recently wrote a powerful editorial in the New York Times, “Why Gender Equality Stalled” (February 16, 2013). National Women’s Liberation members collected signatures at this event to put the Morning-After Pill over-the-counter without restrictions.

In celebration of International Women’s Day on March 5, 2013 in New York City, the Federation of Cuban Women spoke with the New York chapter about Cuban women’s access to birth control and the widespread support amongst Cubans for women to be able to have an abortion if she chooses.

On March 13, 2013, the Gainesville chapter co-sponsored a talk at the University of Florida by author and Professor Stephanie Coontz entitled, “The Feminist Mystique at Fifty: 1963-2013.” The talk was organized by the university’s Samuel Proctor Oral History Program, and Center for Women’s Studies and Gender Research.

National Women’s Liberation called a national week of action May 13 – 17, 2013. Flashmobs and other actions were held in 12 different cities in the United States demanding the Morning-After Pill to be fully over-the-counter with no restrictions. Gainesville photos by Pete Sall.
This past spring, two high school football players in Steubenville, Ohio were found guilty of raping a 16-year-old girl during a series of parties. The evidence against them included pictures and video circulated on social media sites, as well as eyewitness testimony from other teens who watched these outrageous acts, but did nothing to stop them.

Steubenville is just up the river from where I grew up. The cult of high school football runs deep in small towns like Steubenville and small West Virginia towns like the ones the victim and I grew up in. When I was in high school, one of my friends was raped at a party by three different football players while she was semi-conscious. She never reported it because she knew her rapists were clean-cut football players who came from “good families” and my friend had a reputation for being trouble, so she blamed herself. I am not surprised by such stories anymore.

As a teacher, I have heard rumors about these kinds of rapes happening at parties with students. Most of the students honestly do not consider rape as rape. Passed out drunk girls seem to fall into the category of fair game because it is somehow their own fault for being in that situation. I have heard students say that the girl will learn her lesson this way; that she deserves it if she is going to act that stupid; and of course, they think that she was asking for it. Also there is something about everyone knowing each other that somehow makes rape not rape. There is this idea that they were all friends, so it was no big deal.

Beyond most students not thinking it is rape, they often think the victim is a “slut.” I have heard multiple times one student calling a girl a slut accompanied by some story about how she had sex with multiple boys at a party, but the story consistently leaves out that the girl was always very intoxicated, and sometimes unconscious.

Rape is about power. Even the threat of rape has an impact on women and girls’ everyday lives. A woman has to think before walking home alone, letting a date pick her up at her house instead of meeting in public, or even deciding to pick up a drink. These are things men never have to think twice about.

I was raped my freshman year of college. I told my friends and my girlfriends rallied around me, but my guy friends took a neutral position. They continued to spend time with my rapist. It was not until two years later that they actually truly believed me and cut ties with him. They finally believed me when several of us who had all been raped by this same guy came forward as a group. My guy friends could no longer ignore me when I had a whole group of women with nothing in common except the same exact experience, supporting me.

How many women have to be raped before we are believed? In my case, it was eight.

The university received the first reports of rape and stalking at the very beginning of the school year. The woman was told they had no evidence and couldn’t do anything about it. The university agreed to keep a file on the rapist and transferred him to a new dorm, mine. Eventually, the university decided they had “enough” women with similar stories pressuring them to move forward. They held an internal hearing. The women and the rapist were offered representation from the school. The rapist refused representation so he would be allowed to question each of his victims while testifying. Yes, the university
allowed my rapist to question me about the rape that he committed.

We successfully had the rapist expelled from school as a danger to students and found out he had quietly been kicked out of a previous school for rape as well. In that case, a Dean had covered up the rape of his daughter, thinking he was protecting her, no doubt focusing on ideas of shame and guilt instead of justice, and obviously, not thinking about sending the predator out into the world to attack other women. The school sent his file to the police department, but no criminal charges were ever filed.

Men rape because our justice system allows them to — even protects them; and because other men stand with them in solidarity, rather than standing with us. In Steubenville, there are so many adults rallying around the criminals. The Ohio Chapter of the National Organization for Women called on the attorney general to look at the role of the coaches and school personnel who gave the boys the belief that what they did was okay, or excusable. As of March 2013, only two boys had been arrested even though the girl was dragged unconscious to party after party and assaulted multiple times. And the sheriff didn’t make any arrests until the hacker activist group, Anonymous, exposed the rapists’ names on the internet leading to massive rallies outside the courtroom. (For more on the incredible failure of the justice system for women in rape cases and how male supremacist solidarity backs individual men up, visit www.womensliberation.org.)

There is no doubt that the protest and national attention this case received is why two boys were arrested at all. We need more of that to make real change. You can see the impact that this collective and public action had in India where a woman who was raped and beaten by many men on a bus and eventually died sparked huge protests around the country. The mass outpouring of women in the street demanding justice put politicians on notice and forced them to discuss problems in the justice system and society. In fact, the international attention and consciousness generated by the protests in India are the likely reason we have seen more outrage in the Steubenville case.

However, when rape charges are taken
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seriously, it’s often for racist reasons. Men of color are often wrongly convicted or over-punished if the victim is white. A recent documentary illustrating the injustice of racist mis-handling of rape cases in “The Central Park Five,” when five black men spent years behind bars for a rape they did not commit, is only the most recent example. In these cases, it’s still not about the woman at all — her rights, her pain — but about white men asserting a “claim” over white women, while at the same time seeking to imprison men of color. As the “Central Park Five” case shows, often the wrong people are locked up while the actual rapist is still free to rape more women. Women — both white and of color — don’t get justice from these hasty, racist practices.

Before the Steubenville trial had started, the foster parents of one of the Steubenville rapists said on the Today Show that they never asked their son what happened because it didn’t matter — they love him no matter what. But what happened does matter.

It matters that men rape women and girls (and sometimes men and boys). It matters that most of the crimes are never reported, that most of the rapists are never prosecuted and when they are, they are often let off the hook. It matters that young adults have a skewed idea of what constitutes rape and what does not. It matters that we have elected representatives who have similar skewed beliefs when it comes to rape and what that means for women. It matters that women are told it is our job to prevent our rapes; that it is our responsibility to not get too drunk; not to walk home alone; to be careful late at night; and to watch what we wear.

There are no rape-able offenses. Instead of blaming women and covering up rape when it happens, why aren’t these people instead calling on men to prevent rape by not raping women, and making sure there are consequences if they do?

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Once called a slut, often for just having a sex life that would be normal for a man, many of us said we were much more cautious about sharing any information about our sexual history with anyone, but men especially: “I realized that people were talking about me and I didn’t like that... it led me to shut down and become much more private, not just about sex but with many aspects of my life.”

Some common themes that emerged from both slut and prude testimony:

- Almost all of us have been a slut or a prude at some time in our lives.
- The accusation of prude or slut often had the effect of silencing us – keeping us quiet about the truth of our sexual history, whether virgins or experienced; making it more difficult to say no to sex that we didn’t really want, or in some cases, making us go along with a man’s sexual desires because it seemed easier than putting up a fight. Once called a slut, we found ourselves more secretive and distrustful.
- The slut/prude divide pits women against each other and keeps us from comparing notes and experiences. The accusation of “slut” hurt us a lot more when it came from a woman.

• Even though this name-calling was often used by men in our lives to manipulate or silence us, most of us fought back against it in some way. One woman said, “I realized it was a warning sign of abuse and I left him.” Another said, “I decided I would never again have sex with someone if I didn’t want to, which sounds so crazy to have to decide that!”

We can only conclude that slut-shaming is an attempt to make women quiet about their sexuality. But we won’t stay quiet. All over the country, women are outraged for being made to feel guilty about their sex lives based on a sexist definition of appropriate sexual behavior. We’re also outraged that this name-calling is being used to attack birth control and defend things like rape. It’s up to us now to unite, fight back, and win more!


What is NWL?

National Women’s Liberation is a feminist group for women who want to fight back against male supremacy and win more freedom for women. We believe that change comes from the actions of everyday people— not politicians, the courts, lobbyists or the media. The freedoms we have now were won by movements of women, organizing and fighting for change.

Men did not become less sexist or decide to give women the vote or legalize birth control because of our individual abilities to reason with them, educate them or because they love us so much. The inequalities between women and men are political problems that require a collective solution.

We believe women of color are critical to the success of the women’s liberation movement. As stated by the Women of Color Caucus of National Women’s Liberation, as women of color, we must come together and meet separately from white women to develop theory on how white supremacy intersects with other forms of oppression and how best to address racism within the women’s liberation movement.

National Women’s Liberation aims to build an organization of feminist organizers to bring new fire to the fight for our liberation. We are funded by the dues of women, not corporations or their foundations.