

Civil Disobedience

17] Civil Disobedience Update Number Sixteen: An Open Letter to the IPA

Saturday, February 9, 2013

Paul Crake, Executive Director
International Psychoanalytic Association

Charles Hanly, President
International Psychoanalytic Asssociation

Re: Seeking of Independent Membership Status

Copied to: Members of The American and the New Center for Psychoanalysis (Los Angeles)

Dear Paul and Charles,

I write with a delicate matter, and purposefully address you informally, so as to emphasize our status as peers in a more than century-old, international psychoanalytic association. I have been a member of the IPA for some 20 years now, having trained in psychoanalysis at what was the Southern California Psychoanalytic Institute (SCPI) from 1992 to 1996. That organization merged with another nearly ten years ago to form The New Center for Psychoanalysis (NCP). In my tenure at both of those organizations, I have held a wide variety of leadership positions, have taught extension courses every single semester, have instructed in the full training program in which I now serve as a senior faculty member, and have otherwise been actively involved in the leadership of that institution. Last year I earned the faculty of the year award and, the year before that, I earned a similar award from The American Psychoanalytic Association.

Further, I was Certified in Psychoanalysis by The American in 2008, and became a Supervising and Training Analyst (TA) at the New Center later that same year.

I continue to teach in the Extension and Full Training programs, and just recently became an instructor for the Chinese American Psychoanalytic Association (CAPA) where I am currently teaching a course in British Object Relations Theory to a group of students in Shanghai.

For some months now, I have been on a list-serv posting campaign to bring to the attention of my colleagues and friends across the country certain unfair, unethical, and likely even illegal activities on the part of The American. They are incorporated in the State of New York as a nonprofit professional membership organization, and yet their governance structure clearly violates the law. I have filed a formal complaint with the State of New York Attorney General's Office. For more information regarding my letter-writing campaign, please go to alankarbelnig.com, click on alan karbelnig blog, and then click on "the american civil disobedience." There you will find a total of 15 separate postings, beginning with an October 22, 2012 letter to the President of The American (which remains unanswered), and a complete explanation of my concerns about the institution.

I am now in the process of resigning from The American, albeit passively. I continue to try to influence change by posting letters on their list-serv, and therefore I deliberately paid a small part of my 2013 dues. I refuse to enable an organization that is not only hurting me, but harming professional psychoanalysis throughout the United States. As I write this email right now, various individuals in leadership positions of that organization have quite literally hired attorneys – using some small part of my own dues to do so I might add – and are in the process of suing one another. Could any greater evidence of an organizational failure exist?

I believe that, many decades ago, an “agreement” was reached by which psychoanalysts trained in the United States could only join the IPA if they did so through The American. I’m quite sure this was a form of “market control” in that it allowed The American to maintain its medical orientation, which it sustained until it was successfully sued by The American Psychological Association in 1989, in exchange for the guarantee that all American members would become IPA members, thereby bolstering the numbers of the latter. I hope I have my facts wrong here. Much more importantly, I hope this situation no longer exists.

If it did, it would be suggestive of discriminatory practices on the part of the IPA. Such exclusionary, biased, rights-limiting policies would be antithetical to the very foundations of psychoanalysis, and may well also be a violation of international law.

So here now comes the tender part to which I alluded above. I have attended the last three IPA conferences – Berlin, Chicago, Mexico City – and have my airplane tickets to Prague already purchased. I trained at, and am now affiliated with, an IPA affiliated psychoanalytic institution. As a full-time psychoanalyst in the Los Angeles area, I greatly value my membership in the IPA.

Please advise me as to how I can provide payment to the IPA so as to continue as a member in good standing and a proud recipient of the International Journal for Psychoanalysis. I am happy to mail a check, wire transfer funds, or provide you with whatever proper credit card information you require.

I eagerly await your reply, or your request for any additional information.

With kind regards,

Alan

16] Civil Disobedience Update Number Fifteen: A Caring Exodus From A Sinking Ship

Saturday, January 26, 2013

Dear Friends and Colleagues,

This will now be my last civil disobedience posting. I plan to turn my energies towards aggressively pursuing change at our local institute, the New Center for Psychoanalysis (NCP). In a letter dated January 18, the NCP Board advised me that “we have found nothing in the bylaws of the American Psychoanalytic Association that requires the one need necessarily retain membership in The American in order to retain one’s status as a Training Analyst (TA).” The letter adds that the NCP Ethics Committee had drawn the

same conclusion. Now that I have retained legal counsel in case The American tries to rescind my TA status, I have no reason to remain a member. I will be able to serve my supervisees and analysts. I shall withdraw from The American passively, however, in that I paid a few hundred dollars so that I could continue these posts. I will copy my NCP postings on The American's list-serv until I am formally terminated from membership in The American.

I leave the organization with great sadness, mostly because of many friends I have made over the years and fond memories I have of conferences. But I also feel great anger that, after decades upon decades, reform does not happen, and psychoanalysis in the United States suffers as a result. Since my last post, I learned that NCP lost two more clinical associates, with one of them moving to a non-American affiliated institute. So now we train 11 of the 59 individuals in psychoanalytic training in the Los Angeles area. That is, well, pathetic, and a sign we need to heed.

I shall eagerly rejoin The American, or perhaps a substitute national psychoanalytic organization, as soon as it comports with contemporary standards for membership organizations. It must come into conformity with the APA, the AMA, the ABA, or any number of membership organizations who have accrediting functions. It utterly fails to do so. I view the situation of yet another excellent example of Arnold Toynbee's brilliant observation that all civilizations end in the same way: They commit suicide.

I appreciate those of you who have offered support, and also acknowledge those of you who have been angered by my 14 previous posts. I admire your conviction and your individuality. But psychoanalysis moves into the 21st century now, whether you believe it or not, and whether your ideology supports it or not. I STRONGLY encourage any of you like-minded people to resign, and NOW. You are enabling a terrible and destructive dysfunction. Before closing, and then turning to my first New Center post, I am pasting on just a sample of posts in the last week that reveal only a small portion of the malignant disease now fatally infecting The American:

From Jan 21: Could someone please explain to me whom BOPS would sue? What would be the subject of such a law suit? Would their own people testify against them? This is crazy.

From Jan 21: They [BOPS] are acting like the horses that got out of the barn.

From Jan 23: I thought certification was a notoriously NON objective requirement and that the whole point of PPP and the Fishkin proposal was to de-link certification from TA appointment, replacing it with objective criteria a la the IPA. Yet I see that certification is listed as one of the objective and verifiable requirements for TA appointment just passed by the Council. So how are these requirements fundamentally different or better than what we have now? I don't get it. What have we been fighting about for the last 10 years if it wasn't certification?

From Jan 23: Given the resistance within BOPS to following the Executive Council's directive regarding TA appointments, we might consider petitioning the court for a mandamus which is an order requiring an entity to follow the procedures laid down in the law or otherwise adhere to the applicable laws... I think [it would] be within Bob Pyles prerogative as president to engage an attorney to secure an opinion on this matter. If the opinion were favorable, Bob could then address a letter to the leaders of BOPS

requesting them to comply with the directive of the Executive Council within 30 to 60 days, failing which APsaA would petition the court for a writ of mandamus, requiring them to do so.

From Jan 25: I believe this also was in error – or imprecise – in that those who become TA's under the current temporary list of criteria implemented by the committee to be appointed by APsaA's president, Bob Pyles, would be eligible to be a TA at any approved institute HOWEVER any approved institute could add any additional criteria or vetting that the local institute chooses.

From Jan 25: The Executive Council approved a list of temporary objective and verifiable criteria for approval to obtain designation as a TA. President Bob Pyles will appoint an ad hoc committee of APSAA members responsible for processing new applications for TA appointment until the Board of Professional Standards (BOPS) assumes responsibility for administering the new criteria.

From Jan 26: I think that the conflict is about power.

From Jan 26: Some of what happened at the Meeting may be accounted for by the perception of the leaders of BOPS that the decades long hegemony of BOPS in APsaA which began with a committee of BOPS determining who could become a member and continued with the failure of the Local Option and Institute Choice amendments to gain a super majority.

From Jan 26: While APsaA comprises 3000 of the 14,000 IPA members, the voting membership in APsaA ranges from 1000 to 1500 members. In the recent election, I won with less than 600 votes. Only 1010 ballots were valid. In the Council, the TO&V implementation mechanism I coordinated passed by 2 votes. We lost the battle against the 2 day conference by one vote.

From Jan 26: What I find hard to understand is why the leaders of BOPS are determined to escalate the controversy by announcing they will go to court to obtain a restraining order or attempting to overturn a decision of the Board of Directors at the meeting of members at the same time that they ask for a Congress of "conciliation."

From Jan 26: In short, that there was a CONSCIOUS, EXPLICIT AND UNAMBIGUOUS INTENTION TO SUBVERT APsaA's DEMOCRATIC PROCESS.

Each of you reading this, RIGHT THIS VERY MOMENT, is an intelligent, well-meaning, caring person. How could you possibly continue to be part of this organization? How could you possibly want to see your hard-earned dues go towards attorneys rather than towards education, outreach, and professional meetings? How can you support an organization that – in every single way – completely fails to behave in accordance with the "membership organization" as it is incorporated. Please look in the mirror. Please think outside the box. We are all USED to this system, because we all entered institutions that were affiliated with it. You do NOT need to belong to The American, and I strongly urge you to figuratively focus on the "colonies," focus on "state's rights," and then we can all rejoin a "federal government" when a competent one exists.

With best wishes for all

Alan

15] Civil Disobedience Update Number Fourteen: An Appeal to The Hearts and Minds of My Fellow NCP Members

Sunday, January 13, 2013

TO: New Center Friends and Colleagues

FR: Alan Karbelnig

RE: Updates on Efforts to Re-Invigorate the New Center for Psychoanalysis (NCP)

CC: The American List-Serv (MEM)

Dear Friends and Colleagues,

I will soon resign from The American, having concluded now that it has not only failed in its mission as a membership organization, but further it is harming psychoanalysis in our country. I risk losing my TA status by doing so, but have legal means already in place to resist this. I worked too hard to earn that "merit badge" to see myself defrocked for unjust reasons. As it has for decades, The American is not reforming rapidly enough. So I am going to turn my energies now to effect change at the New Center for Psychoanalysis (NCP). Soon I will hear from the NCP leadership regarding my proposed motion, which I will now repeat again:

"The New Center shall immediately activate the Training Analyst Committee and solicit applications from NCP members interested in service as Training and Supervising Analysts (TAs). That Committee shall then screen these applicants, using procedures already in place (except the Certification requirement), and appoint all those qualified to be TAs. This action results from NCP's concern that The American's Certification process – an antiquated and unscientific screening process that historically has been driven by an exclusionary ideology – has not been sufficiently reformed. If and when The American demonstrates that it has developed a proper 'assessment of competency' process, then NCP will consider incorporating Certification by The American as a component of its own selection of TAs."

Our president, Bob James, told me this last Friday that I would soon be receiving a letter re: my proposed motion. Here again we encounter our mutual problem, partially a function of our work as psychoanalysts. We talk and talk. We meet and meet. We do nothing. Bob thought that I was advocating "pulling out" of The American. That is not correct. My proposed motion does no such thing. We in fact cannot "pull out" of a membership organization. As The American's own president, Bob Pyles, wrote in the last issue of TAP, The American needs to externalize Certification and separate out its accrediting function. I am a strong advocate of NCP being part of a national membership organization. The sad truth is that we do NOT have one at this time.

I am convinced that our lack of youth and vibrancy directly relates to the fact that the average age of a TA at NCP is 74, that younger psychoanalytic students are flocking elsewhere as a result, and this directly relates to the dysfunction of The American. Think for a moment: Don't you agree that it is a terrible shame – wasteful, foolish, self-destructive – that NCP currently trains 13 of the 58 students in full psychoanalytic training programs in the Los Angeles area

I continue to encourage you to also resign from The American. By continuing to pay dues to an organization that is objectively failing in its mission, and even violating the laws of the State of New York by doing so, we are enabling dysfunctional behavior. We are metaphorically giving alcohol to the alcoholic.

I'm sure that you share the pride that I have in NCP. I have never before felt so fulfilled in our profession. My experiences with NCP have been uniformly positive, from my student years to my teaching years to my TA status. I count a number of NCP members as my closest friends. The Board of Rose City Center, a non-profit psychoanalytic psychotherapy clinic in Pasadena, has three other NCP members on it. I could see that clinic becoming part of The New Center in future years. I can imagine other institutes, such as PCC, merging with us. The 21st century needs to be one marked by an inclusionary ideology. I wish to avoid the history of splitting that has characterized psychoanalysis, and move us all precisely in the opposite direction – into an era of free thought, of inclusivity, and of growth. NCP stands poised to be a major center of psychoanalytic learning in Los Angeles, but not as long as its members die at a rate that exceeds its clinical associates entering training.

As my days of membership in The American draw to a close, I will now focus my efforts on improving our NCP. I will obtain a copy of our bylaws, and our articles of incorporation, and see how to bring my proposed motion before the membership as soon as possible. In the meantime, I ask for each of you to search your souls and consider taking this bold action regarding the selection of TAs by NCP. My friends, we can do this. We must do this. We can make NCP a model, for the country at least, of an institution guided by inclusivity and openness.

I will write again next weekend, and in the meantime wish you all the best for the new year,

Alan

14] Civil Disobedience Update Number Thirteen: Locality and Legality

January 1, 2013

Dear National Friends and Colleagues,

I am writing to update you on the status of my civil disobedience regarding The American. For a complete overview, please go to alankarbelnig.com, click on Alan Karbelnig blog, and then click on The American Civil Disobedience.

I remain dedicated to effecting immediate change in the policies of The American. I fully understand that a long and complicated reform process is underway, but this has persisted for many decades with no tangible results. As I've mentioned previously, The American fails to act in accordance with its legal incorporation as a professional membership organization. As it has since its inception, The American is guided by an exclusionary ideology. Certification must immediately be discontinued. Accrediting processes should become a separate part of its operations. It would then conform with the behavior of similar membership organizations, like the APA, the AMA, and the ABA.

I have now retained an attorney, just in case I lose my TA status. For those of you interested in philosophy and law, it is an intriguing situation. The American would likely rely on what is known as an “affirmative defense.” Their lawyers would argue that I joined the organization, read the bylaws, and so knew my TA defrocking would result if I quit the organization. My “affirmative offense” would be that my reputation has been harmed, and my income threatened, because The American or the New Center for Psychoanalysis (NCP) revoked my TA status. It would be an interesting legal situation. However, and as I’ve mentioned many times, I have neither the time nor the money nor the interest to pursue this legally.

Please note, however, that no one — not NCP nor The American — has yet advised me as to whether I can retain my TA without remaining a member of The American. This despite my request, in writing, during October 2012, that they advise me either way. Doesn’t that just shout dysfunction to you? If and when I am advised that I can no longer serve as a TA at NCP, then I shall call my attorney — who is already in possession of all relevant documents including the articles of incorporation from the state of New York — and help pay for his children’s college education by filing a lawsuit.

I CONTINUE TO ENCOURAGE ALL OF YOU TO DROP YOUR AMERICAN MEMBERSHIP NOW.

I sent in \$100 in dues myself, only so that I can keep on working for change through these postings. I’m quite sure that will delay the organization’s expelling me for months.

Starting this month, I shall begin putting more energy into my local organization, NCP, beginning by aggressively pursuing the passage of this motion which has thus far gone totally ignored:

“The New Center shall immediately activate the Training Analyst Committee and solicit applications from NCP members interested in service as Training and Supervising Analysts (TAs). That Committee shall then screen these applicants, using procedures already in place (except the Certification requirement), and appoint all those qualified to be TAs. This action results from NCP’s concern that The American’s Certification process — an antiquated and unscientific screening process that historically has been driven by an exclusionary ideology — has not been sufficiently reformed. If and when The American demonstrates that it has developed a proper ‘assessment of competency’ process, then NCP will consider incorporating Certification by The American as a component of its own selection of TAs.”

Please note that passage of this motion will do NOTHING in terms of NCP’s relationship with The American. They could conceivably take the action to “de-accredit” NCP, but that requires a 2/3 vote of the total membership of The American — not just 2/3 of those that vote. This has NEVER occurred in the history of The American. And, if they were to pursue that course of action, it would almost certainly be the final nail in the coffin for an organization which is losing members each year and which has many members (and non-members) who have opposed the Certification process for years.

I am hoping that others at NCP will join me in working to get this motion passed, and then we can all work together to appoint deserving training analysts using our own well-worn methods, broaden our community outreach, perhaps encourage other local institutes, such as the Psychoanalytic Center of California (PCC), to join us. I can envision a vibrant, open center for psychoanalytic learning at NCP, one guided by an inclusionary ideology. Once a national psychoanalytic organization exists, whether it be a

reformed American or another national psychoanalytic membership organization, then I will be among the first to encourage us to join a true membership organization.

With kind regards for all, with appreciation for those who support this, and with compassion for those who don't,

Alan

13] Civil Disobedience Update Number Twelve: Avoiding Splitting While Going Legal

DATE: Sunday, December 16, 2012

TO: Friends and Colleagues of the New Center for Psychoanalysis

FR: Alan Karbelnig

CC: Listserv of The American

RE: An Update on Civil Disobedience

I'm striving each week to be BRIEFER:

1. A document exists, entitled Standards for Education and Training in Psychoanalysis, revised and approved by BOPS during June 2012. In it, in Section VIIIA7, which describes the process of appointing Training Analysts (TAs), it is written that "the analyst is an Active Member in good standing of the American..." Clear ambiguity exists here. I was a member in good standing when I was so appointed, but no longer want to belong to The American. I still have not received a response from my October 22, 2012 letter in which I asked, specifically, if continuing American membership was required for me to retain my TA status.
2. I have received an organizational flow chart from The American in which the over-riding Executive Council has two sub-components, the Executive Committee and BOPS. These are at precisely equal levels of power. This is a violation of nonprofit law in the state of New York.
3. I just learned that BOPS members have no term limit.
4. In the most recent TAPS, Fall/Winter 2012, Bob Pyles, in his article entitled "Unfree Associations," writes about how imperative it is that the impasse within The American be transcended, noting that debate continues "while our numbers dwindle, our energies dissipate, and our profession declines." The article in that same issue by Carney, Ascherman, and Brett note that "standard practice is that membership concerns are kept separate from credentialing and accrediting functions, and certification and accreditation are still further separated from each other. It is a wonder that APsaA has survived this long given the precarious cauldron it tries to contain."
5. I remain steadfast in my belief that The American, as it exists, is an unethical and likely illegal organization. (If the NY attorney general didn't have more serious problems on its plate, like non-profits that steal money and so on, it would certainly be interested in investigating and ultimately forcing the dis-incorporation of The American). I want no part of it. And I will continue in my efforts to convince my local friends and colleagues at NCP to resign from The American. I think NCP should risk losing its accreditation until The American dissolves or reforms itself.

7. Towards that end, I still await a reply from NCP's Board of Directors re: this proposal I have put before them: "The New Center shall immediately activate the Training Analyst Committee and solicit applications from NCP members interested in service as Training and Supervising Analysts (TAs). That Committee shall then screen these applicants, using procedures already in place (except the Certification requirement), and appoint all those qualified to be TAs. This action results from NCP's concern that The American's Certification process — an antiquated and unscientific screening process that historically has been driven by an exclusionary ideology — has not been sufficiently reformed. If and when The American demonstrates that it has developed a proper 'assessment of competency' process, then NCP will consider incorporating Certification by The American as a component of its own selection of TAs."

8. I am intensely saddened by the fact that disputes such as these have led to various splits, in Los Angeles and many other areas of the United States. I am not interested in such splitting. I quite literally love NCP — the individuals involved in it and the institution itself.

9. Out of concern that I have not yet received a letter from Bob Pyles, and the NCP leadership failed to officially vote on my status, I took the expensive step of consulting with an attorney this last week. He advised me that I likely have a basis for a lawsuit related to the threat to my professional reputation that would result if I lose TA status because I no longer wish to belong to a membership organization acting unethically and illegally. MOST unfortunately, the attorney advised me that I would likely have to sue my own dear NCP since it is technically the entity that appointed me as TA and required me to be Certified by The American before they could appoint me.

10. I have NO interest in a lawsuit, but the attorney will be reviewing a set of documents I forwarded to him and will be offering me advice as to how to proceed next week.

11. The successful passage of my proposed NCP motion, noted above, would make all of this disappear, and allow me and my friends and colleagues to grow our local organization, and look forward to re-joining The American, once it starts acting in a proper ethical and legal fashion.

Kindly submitted this lazy Sunday afternoon,

Alan

12] Civil Disobedience Update Number Eleven: Kafka-esque Developments

Saturday, December 8, 2012

My Dear Colleagues and Friends,

Here are a few recent developments, and some new thoughts:

1. On Dec 5, I received an email from the President of The New Center(NCP) indicating that the Board could not find "any written policy that requires a certified TA or NCP to be an active member of The American." The NCP Board therefore deferred a vote on the matter, deciding that I could de facto continue as a TA. But he added, "That could well change if more information comes to light about a hard and fast rule." The President next noted that "NCP would insist that any candidate be fully informed, in

writing, of any possible future consequences of your position that could conceivably limit that candidate's future options."

2. Isn't this so reminiscent of Franz Kafka's writings on the absurd?

3. Wow, so this group of my peers, colleagues, and friends FEAR taking a stance against a membership organization, The American, which is in clear violation of its own mission. Now, each of you reading this right now is a highly intelligent person. Please reflect, just for a minute, on this. Despite years of controversy, despite our now waiting until January to hear of BOPS potentially offering "objective criteria" for Certification, despite the gradual declining membership in The American, despite the fact that many members of NCP do NOT belong to The American, despite the fact that NCP has only 13 of the 58 Clinical Associates in psychoanalytic training in the Los Angeles area, despite objective evidence that Certification is unfair, unethical, and possibly illegal, our own local institute, NCP, will NOT take a stand. Oh how terribly, terribly disappointing and – now risking hurting people's feelings here — pathetic.

4. I have not yet heard from Bob Pyles to whom I sent a letter, on October 22, 2012, asking formal permission to delink my TA status from my American membership. Nearly two full months have passed. Doesn't this in itself say something about the failure of our membership organization?

5. In order to allow me further access to writing these weekly posts, and insisting on change, I have decided to send in a partial payment of my dues so that I'm not cut off from communicating with all of you friends and colleagues. BUT my opinion remains precisely the same as before:

a. Members of The American should resign, en masse, until the organization is either dismantled and re-started as a proper membership organization OR actual, measurable reform has occurred, specifically externalization of Certification, the development of a scientific assessment of competency process for Certification, and by-law changes that would allow for a broader base of American psychoanalysts, including Jungian's for example, to be eligible for membership. The American continues to operate like an exclusionary country club from the 1940s. That era has not only passed, but paying dues to such a country club only enables this persistent exclusionary process to damage psychoanalysis in the entire country.

b. Meanwhile, all local institutes should begin appointing their own TAs because the Certification process, required as part of TA appointment, is improper.

i. Just this morning, a colleague at NCP asked me if there could ever be a valid Certification process. I said yes, based on social science "assessment of competency" research. But the resultant test, whether written, oral, or both, would have to cover general psychoanalytic themes like transference, counter-transference, the unconscious, psychodynamic formulations and the like.

ii. Evaluating individual case work, like occurs currently, would be similar to submitting Matisse's work, or Renoir's work, or O'Keefe's work, to establish his or her legitimacy as an artist. If any of these painters were evaluated by a member of the Representational Art School, for example, they would be summarily rejected. Psychoanalysis is more like art than like science. I fear BOPS still views psychoanalysis as the

equivalent of anti-biotic treatment for a bacterial infection. It is not. Each psychoanalytic dyad is unique, like a Monet painting or, better, a dance. So assessment of competency would have to be much broader.

iii. Certification has not only been unscientific, but it has been guided by an exclusionary ethic, as has the entire institution known as The American.

6. I now await hearing from Bob Pyles, and will meanwhile be pushing forward with my recent proposal for change at NCP. I shall repeat it here:

“The New Center shall immediately activate the Training Analyst Committee and solicit applications from NCP members interested in service as Training and Supervising Analysts (TAs). That Committee shall then screen these applicants, using procedures already in place (except the Certification requirement), and appoint all those qualified to be TAs. This action results from NCP’s concern that The American’s Certification process — an antiquated and unscientific screening process that historically has been driven by an exclusionary ideology — has not been sufficiently reformed. If and when The American demonstrates that it has developed a proper ‘assessment of competency’ process, then NCP will consider incorporating Certification by The American as a component of its own selection of TAs.”

7. Finally, I appeal your simple, common sense. I FULLY SUPPORT a national psychoanalytic association. The profession direly needs one. The profession does NOT have one. Quite literally NOTHING, not the PPP proposal, not the pending BOPS report, NOTHING suggest basic, essential change in the perverse governance of The American. Please join me in fleeing from the sinking ship, and let’s all move forward on a local level until we have a proper, ethical, and legally functioning national membership organization.

With the kindest regards,

Alan

11] Civil Disobedience Update Number Ten: Dismay, Disappointment, and Resignation

December 2, 2012

Dear Local and National Psychoanalytic Colleagues,

Only 29 days remain before I fall into a limbo status regarding my service as a TA locally and nationally. I wrote Robert Pyles on October 22, 2012, asking him to sever the linkage between my membership in The American and my TA status. On October 29, 2012, I wrote my friends at The New Center (NCP), all Officers there, asking for the same thing.

I have yet to receive a reply from either body.

Meanwhile, and without belaboring my nine prior postings, I have concluded that The American is acting in an unfair, unethical, and likely illegal fashion. It is incorporated as a non-profit MEMBERSHIP organization in the State of New York, and has had no business elevating the status of certain members through the Certification process. I have repeatedly described, based on my own extensive research, how bureaucratically stuck is The American, and how it has consistently been driven by an exclusionary ideology. I have received mostly positive responses from members, but interest is lagging, which

surprises and saddens me. One national colleague emailed me last week and suggested that I consider prayer. I fear I've given up on even that.

Just yesterday, Warren Procci, former American president, wrote about the progress of the newest Certification-reform effort, the PPP proposal. He concluded his letter by noting "that it is NOW APsaA policy, as a result of this vote by our Board of Directors, that TA appointments are to be based only on objective criteria." He added that, at the January American meeting, "BOPS will be asked to give a report concerning their progress in implementing this policy." Sound familiar? A "report" will be offered then, but how long until objective criteria are in fact developed, how long until Certification will be externalized, and how long until individual Institutes are fully empowered to appoint their own TAs?

This debate has continued for nearly half a century, and I have personally watched it now for some 20 years. I shall wait no longer. I simply do not understand why so many of you continue to belong to a national psychoanalytic organization that has so clearly lost its way, and that, worse still, is having a harmful impact on psychoanalysis as it continues to evolve in this country.

I now reiterate my plea to Bob Pyles and my dear NCP Officers:

PLEASE CUT ME LOOSE FROM THE AMERICAN MEMBERSHIP, and allow me to continue to function as a TA without remaining an American member.

I look forward to devoting my considerable energies to instituting positive changes at our local level, changes that I hope will reinvigorate NCP by attracting younger, more vibrant members and clinical associates who can seek analysis, supervision, and teaching from many brilliant and caring psychoanalysts currently working at NCP and also at other non-American-affiliated institutes in the Los Angeles area.

To gain access to my nine prior posts, please go to alankarbelnig.com, click on Alan Karbelnig blog, and then click on The American Civil Disobedience.

With the kindest regards,

Alan

10] Civil Disobedience Update Number Nine

Friends and Colleagues,

I offer these two additional thoughts:

1. The American lies trapped in its own internal governance knot. Even our leaders do not seem to know what is going on. The organization seems to have elements of a secret club to it. This happens all the time, i.e. middle eastern governments before the Arab Spring, the Soviet Union (which, ironically, operated under the same organizational system for fewer years than has The American) before the wall came down, etc . I therefore propose that The American dissolve its non-profit corporation before the end of 2012, and immediately form a new one. In terms of legal cost, this is cheap: Even an excellent attorney could do both of these jobs for less than \$2,000. The New American (catchy name, huh?) could

then write bylaws that comport with legal guidelines for “membership organizations.” It could then work on externalizing Certification and develop standards for accrediting psychoanalytic institutes. In short, it could act as it should.

2. May God Bless the New Center's (NCP) 48 members who are over 85 years old. We NCP members honor them for teaching us, analyzing us, supervising us, and leading us. As I'm sure all of you older members would agree, the times they are a' changin'. The 124 dues-paying members of NCP must move forward. I am hoping, praying, and pleading that all of you younger folks,* both members and clinical associates, will support the proposal I presented to our Board yesterday. Let's not passively wait for reform; let's make reform happen.

Talk soon, Alan

*How did I get to be 56 already?

9] Civil Disobedience Update Number Eight – ADDENDUM

Sunday, November 25, 2012

Friends,

In the interest of order and clarity, my last posting should have been Civil Disobedience number 8. Here is a brief addendum:

1. A colleague of mine at the New Center (NCP) suggests that I have not been hearing him in his support for the “Expedited Pathway” which allows TAs to be appointed through a different system at NCP. This Pathway arose out of a recent American site visit in which the evaluators (oh how ironically) expressed concern that the average age of a TA at NCP, 74, was too old. This Pathway is akin to the American Medical Association (AMA) discovering that a Residency program in Ophthalmology has too many old faculty members, and to solve this problem it allows that one program to follow a different procedure in certifying the competency of its graduates. This is absurd. It completely fails to address the underlying problem.

2. That same colleague reports that NCP now has FOUR individuals at NCP in the Expedited Pathway process. I believe that number would be much higher if the Pathway, however expedited it may be, was not so arduous and not tied to a membership organization, The American, with which it should NOT be tied.

3. Legally, and again, The American is a “nonprofit membership organization.” Like the AMA or the APA, it should set standards for training and accrediting national psychoanalytic institutes. It should have NOTHING to do with certifying psychoanalytic competence. The Expedited Pathway which, I believe, only applies to NCP, only supports my prior points. The American needs to drop Certification immediately, externalize it, stop wasting our dues on decades of internal political conflicts, and start behaving like the AMA or the APA. That way, other institutes here in Los Angeles could also be accredited by The American and may want to merge with an NCP freed of an oversight system that is bureaucratic, perverse, and driven by an exclusionary ideology. We would then be teaching more than 20 percent of the

psychoanalysts-in-training in Los Angeles; we would then be liberated to expand into a larger, more vibrant psychoanalytic center of learning, scholarship, and community service.

4. Finally, please remember that although I am opinionated, and and on a campaign to achieve change, I am a sensitive person. Yesterday a national colleague posted this: "Have you been following this guy's posts? Do they come from an inpatient or day care unit?" Ouch! Please let's at least have respect for one another.

5. I have yet to hear from NCP or The American as to whether I will be allowed to continue to serve as a TA even though I am placing my dues to The American in an escrow account, and that will likely lead The American to expel me at some point during 2013. My research thus far has failed to uncover any written rule, bylaw or regulation that requires me to remain a member of our sadly-impaired national organization.

Hope you have a lovely Sunday,

Alan

8] Civil Disobedience Update Number Eight

TO: Officers and Members of NCP

DT: November 24, 2012

FR: Alan Karbelnig

RE: Formal Proposal to be considered by The NCP Board of Directors

It has been some years since I served as an Officer at NCP, but I believe that any member of our organization can make a formal proposal, and here is mine:

"The New Center shall immediately activate the Training Analyst Committee and solicit applications from NCP members interested in service as Training and Supervising Analysts (TAs). That Committee shall then screen these applicants, using procedures already in place (except the Certification requirement), and appoint all those qualified to be TAs. This action results from NCPs concern that The American's Certification process — an antiquated and unscientific screening process that historically has been driven by an exclusionary ideology — has not been sufficiently reformed. If and when The American demonstrates that it has developed a proper 'assessment of psychoanalytic competency' process, then NCP will consider incorporating Certification by The American as a component of its own selection of TAs."

I would appreciate it if this proposal immediately begin to navigate its way through the NCP governance process. If I cannot make such a proposal, then I am hoping that one of my friends on the Board will submit it for me.

Please note that this is not an Oedipal enactment or a revolution. The American is, legally, a nonprofit MEMBERSHIP organization. Like often happens with organizations, it has lost its way. It shows no sign of reform — despite the pending elections, the PPP proposal, and the like. Some risk exists that NCP could

be “decertified” for taking such independent action, but we shouldn’t we advocate for what is just anyway? How can we live with ourselves while acting in a self-destructive fashion? In any event, The American would require a 2/3 vote of its entire membership, not just voting members, to decertify NCP. Such a vote has NEVER happened in the entire history of The American.

Further, please note that currently 58 persons are in psychoanalytic training programs in the Los Angeles area. ONLY THIRTEEN of those are at NCP. Many younger, vibrant colleagues are seeking training at psychoanalytic institutes that are free from such bureaucratic constraints. By appointing a fresh new group of TAs, any number of younger potential clinical associates will be attracted to NCP. I can also see us inviting another institute, such as PCC, to merge with us.

I find it painfully disheartening to see that our NCP — with its many talented members, its wonderful administrative staff, its long history, its extensive library, its enlightening educational programs, and its sleek building — trains only 20 percent of those seeking psychoanalytic training in the Los Angeles area. What a shame. Let’s move forward and create the large center of psychoanalytic learning and scholarship that NCP should be.

I have just recently exchanged voice mails with our treasurer, Ken House. He expressed concern that I may have earlier misled you regarding the financial soundness of NCP. We have a good amount of money and property. HOWEVER, Ken provided me with these current facts:

NCP currently has 124 dues paying members. Their average age is 67. We have 48 members who are over the age of 85 and therefore do not pay dues. When they are included, the average age of an NCP member is 76. Just before the merger, SCPI ALONE had 120 dues-paying members. Since its inception, NCP has had an average first year class of 3.5 clinical associates. At this rate, we shall have approximately 60 dues-paying members in ten years.

In the final analysis, I ask you to consider only one word: COURAGE.

It is my impression that most of us do not believe in the validity of the Certification process as it currently exists. One of the great psychoanalytic scholars of our time, Peter Fonagy, failed Certification. Many of us do not even belong to The American. We are good at discussing, but now we must act.

Please let us take a stand TOGETHER.

Let’s pass this proposal.

For a review of all that I’ve posted in this regard in the past two months, please go to alankarbelnig.com, click on “Alan Karbelnig Blog,” and then click on “The American Civil Disobedience.”

Submitted with the kindest regards for all,

Alan

7] Civil Disobedience Update Number Seven

Saturday, November 17, 2012

My Dear Colleagues and Friends,

This being my seventh communication, I shall be as brief as possible in this update:

1. For my sake, and for the benefit of my training analysands and supervisees, I still await word from The American and The New Center (NCP) acknowledging that my status as a Supervising and Training Analyst (TA) can be maintained without my needing to remain a member of The American. I have sent both bodies formal letters requesting that they advise me, in writing, that I am able to maintain my TA status without membership in The American.

2. Having now reviewed The American's Bylaws in detail, which notes amendments "through April 16, 2011," I can find nothing in them, or in the Articles of Incorporation (previously reviewed), which required a TA to maintain membership in The American:

a. Section 4 of the By-Laws, which concerns the Board of Professional Standards (BOPS), subsection D.6., reads that BOPS shall "issue a Certification in Psychoanalysis to individuals who are determined, after examination and evaluation by BOPS, to meet established standards." Subsection E.2. provides further description of the Certification Committee, specifically indicating that BOPS "establish a Certification Committee to perform the duties in subsection D.6 above [just described]." I successfully achieved Certification in June 2008, and was later appointed a TA by NCP later that same year.

b. My careful review of the 23 page By-Laws document fails to indicate any requirement that a person who has achieved Certification, such as myself, and subsequently become appointed as a Training Analyst by an affiliate institute, such as NCP, must continue to belong to The American.

c. Some weeks ago, Judy Schachter wrote me this: "I was present at Executive Committee meetings and it was definitely decided that dues had to be paid continually while a TA." I have not been able to find this documented anywhere, and please bring this to my attention if you know where this is written.

d. I therefore expect, and am now waiting to receive, acknowledgment, in writing, that I can maintain my TA status even if I no longer belong to The American.

3. I remain steadfast in my belief that The American, as a

non-profit "membership organization" incorporated under the laws of the state of New York, has abjectly failed in its mission. Its history includes an exclusionary ethic. It has for years continued a Certification examining process that fails to meet any established standards — well researched and discussed in social science literature — for the scientific assessment of competency. As such, Certification has been, and continues to be, an unfair, biased, unethical, and possibly illegal screening or, more accurately, hazing process. Certification must be abolished immediately. I have read of, and appreciate, current efforts to, relegate Certification to an external and separately incorporated entity. I can only hope that these efforts are ultimately successful.

4. Given that we are now in the 21st century, a period in which tolerance and inclusivity need to be privileged over exclusivity and elitism, I can only hope that a national association for psychoanalysis will ultimately emerge which will feature an inclusive ideology. I look forward to joining in a national

membership organization that would welcome all persons interested in psychoanalysis, from the uneducated, to the educated mental health professionals, to those formally trained by psychoanalytic institutes, all of who wish to become "members" (albeit with different membership designations) of an organization dedicated, as indicated in Article II of The Bylaws, to "study and advance psychoanalysis [and to] advocate and maintain standards for the training of psychoanalysts and for the practice of psychoanalysis..." As it is currently constituted, The American actually inhibits the free "study and advance" of psychoanalysis. We need a national organization that welcomes all, from Bionians to Jungians to Inter-subjectivists to anyone who is interested in the "study and advance" of psychoanalysis.

5. In the meantime, I refuse to be part of our national organization which has not only lost its way to "mission creep," but continues to institute a Certification process that, as already noted, is discriminatory, unscientific, and harmful.

6. Many persons have asked that I form a "group" or a "movement" to force change in The American. This has already been tried and has failed. I view my civil disobedience as an individual mandate. I am hoping that members of The American metaphorically look themselves in the mirror, and choose to either not pay dues or to place their dues into an escrow account. The best way to achieve change is to cut the funding, turn out the lights, eliminate the staffing, stop publication of newsletters, etc, until reform is achieved.

Continuing to pay dues is like providing wine for the alcoholic. I think we all should stop enabling the decades-long dysfunction of this organization. While it is in the process of reformation, so-called "affiliate institutes" should operate independently, and their members (since only individuals can join The American) can later re-join the organization once it initiates operation as proper "membership organization."7. Psychoanalysis evolved out of the "modern" period decades ago, The American lags far behind, and most psychoanalysis in the United States is already studied and practiced by persons who do NOT belong to The American. The organization, with approximately 3000 current members, is losing members at the rate of around 100 per year.

8. I have published some of the negative comments I have received, so here now is a positive one that came in just this morning: "I consider myself an analyst, psychiatrist, and physician. I remain committed to these roles. I've known you for many years and there is no finer example of what a practicing psychoanalyst is than you. I will follow your lead on this. I hope others do the same.

In closing now, please join me in placing your dues into an escrow account. I must follow my conscience and avoid enabling a dysfunctional organization until reform has actually occurred. Only then will I consider re-joining The American, and only when it demonstrates that it functions in a fashion consonant with its mission.

With kind regards, and great appreciation for the support I have already received,

Alan

6] Civil Disobedience Update Number Six

Saturday, November 10, 2012

My Dear Friends and Colleagues,

Based on my review of the legal articles of incorporation of The American, I am slightly altering the goals of my civil disobedience as follows:

1. I NOW BELIEVE THAT THE AMERICAN MUST BE DISMANTLED. Either The American's bylaws need to be completely re-written, or an entirely new national organization must be created that has an inclusionary ethic. I URGE you to join me in taking the decisive action of placing your dues into an escrow account. The American's ideology — consciously or unconsciously — has been exclusionary. We live in a time when tolerance and inclusivity are needed, not discrimination and elitism. I have personally watched internal debating and paralysis for 20 years; this contentiousness in fact has been going on since The American was incorporated. I will NOT wait for The American to reform itself. I do not believe it can.
2. In support of a new, inclusionary ideology, please recall I recently obtained the number of clinical associates currently in training at the five psychoanalytic institutes now operating in the Los Angeles area. The New Center (NCP), the only American-affiliated institute in the Los Angeles area, has 13 clinical associates. The other four institutes — and this does not include two Jungian institutes in LA — have a combined total of 58 clinical associates. A national, membership organization being true to its mission MUST work to include these other psychoanalysts-in-training. I would argue that even the Jungians (God forbid) should be invited to join in any national psychoanalytic membership organization.
3. The Certification process must end immediately, and be deferred to an external body. It is definitely unfair and unethical, and quite possibly illegal, for a membership organization to "raise the status of" its own members. The Certification process, whichever corporation ultimately develops it, must meet contemporary, scientific standards for the "assessment of competency." In the meantime, individual institutes should be allowed to follow their own procedures in designating who receives Training Analyst status.
4. Finally, for my own personal reasons (because all ethical systems must begin with self-care), I am asking to be "liberated" from the requirement that my TA status be tied to my membership in The American. I lack the time, interest or money for legal action. I also do not want to contribute further to what has already been years of useless conflict. I have already respectfully asked that The American, and my local institution, The New Center, officially advise me that I can continue to function as a TA, with its associated rights and status, without belonging to The American. I have written formal requests in this regard to The American and to NCP. I await their written reply. I worked extremely arduously to be Certified and to be appointed a TA; I do not believe that professional title of mine can or should be tied to my membership in The American.
5. Through my words and my actions over many years now, I have proven my dedication to NCP. I find it to be a wonderful, open, inclusionary institution. I look forward to further contributing to the evolution and growth of that local organization.

IN CLOSING NOW PLEASE NOTE RECENTLY-ACQUIRED KNOWLEDGE THAT SUPPORTS THE GOALS I JUST OUTLINED:

- a. On March 15, 1951, The American was legally created in the state of New York as a "membership corporation." That legal document specifically prohibits The American from behaving as a "school" of any fashion under Section 5002 of the Education Law.
- b. On November 28, 1951, a "second filing" was registered with New York state. The American as a corporation was formed under "membership law" as a Section 102(a)(5) Not-for-Profit Corporation. The purpose of the corporation was defined, in part, as follows: "The purpose of The American... [is] to study and advance psychoanalysis [and] to advocate and maintain standards for the training of psychoanalysts..." I am assuming that the Certification process emerged out of this mandate to "maintain standards." As I have repeatedly written, the Certification process is biased, unscientific, and exclusionary. Further, it has caused extreme harm to the evolution of psychoanalysis in this country.
- c. In an email to me on November 5, 2012, a friend of mine involved in anti-trust law advised me that "limiting entry is anticompetitive and illegal if the entity engaging in this exclusionary behavior has 'market power.' Therefore, if the TA designation prevents entry into the 'relevant antitrust market,' which this surely [does because it requires] candidates seeking analysis [to do so only] from designated TAs, then the members of The American ... are violating the anti-trust law..." This information reassures me that, if I am not freed from my TA-ship being tied to The American, I will have a legitimate cause for legal action under anti-trust and restraint-of-trade statutes. PLEASE NOTE THAT I DO NOT WANT TO TAKE ANY LEGAL ACTION UNLESS I MUST.

Thank you so much for taking the time to read this.

I now await some additional information before I post again. The administrators of The American have promised me membership rates over the past ten to 15 years; I'm quite sure The American is losing members, many of them to death, more quickly than it is gaining new ones. I also now have a copy of the bylaws of The American and I will read them in the next week or two.

I thank all of you who have supported me so far.

PLEASE REMEMBER THAT I am URGING you to join me in placing your dues in escrow.

With the kindest regards to you, many of who are now friends as well as colleagues,

Alan

5] Civil Disobedience Update Number Five

Sunday, November 4, 2012

Dear Sir/Madam,

In case there is a formal complaint form that I have not been able to find yet, I wanted to write to you briefly to describe what I believe to be unfair, unethical, and quite possibly illegal activities on the part of

the APsaA, or The American, as the American Psychoanalytic Association is known. I shall now cite the specific areas in which I have concern.

Please advise me as to whatever procedures I would need to take to bring the actions of this organization to the attention of the Attorney General's office of State of New York. Here are my complaints:

1. The organization has long been involved in a dispute between the "Executive Council" and the "Board of Professional Standards." My understanding of non-profit governance, having opened a non-profit here in California myself, is that the lines of internal governance must be clear and must be followed. The "Executive Council" is the ruling body of the organization, but it has quite literally been co-opted by this other committee, resulting in a situation which has basically paralyzed the functioning of the organization. To use a more commonsensical analogy, the Senate and the House of the US Government are directly telling the President what to do. No separation of powers exists. Perhaps most egregiously, the members of what I believe is a membership organization have not been able to stop this from occurring. Therefore, many individuals like me, who pay annual dues to this non-profit organization, feel that their dues are being mis-spent, mis-used, and also wasted on endless meetings (which cost money) to resolve a seemingly un-resolvable internal dispute. Could this mis-use of dues to a non-profit organization be a legal violation?

2. I understand that The American is a professional membership organization, and that all members are equal parts of this organization. Yet that same organization operates an exclusionary, non-scientifically based "screening" process that results in what is known as Certification. In order to become a Training Analyst (sort of like a priest in a religious order), an American member must first be Certified. Is it legal for a membership organization, focused on professional support for members and excellence of psychoanalytic education, to legally also "examine" its own members? This seems like an inherent conflict of interest to me and many of my colleagues in the organization.

3. Finally, I have earned Training Analyst (TA) status by passing the Certification exam. (Once you are Certified by The American, you then go through a screening process at your local institute, in my case The New Center for Psychoanalysis [NCP].) I now offer services in that regard at NCP. It is my understanding that I MUST maintain my membership in The American in order to continue to operate as a TA here in Southern California. I'm now unhappy with The American, and would like to resign from it as soon as I can. And yet I am a kind of an "indentured servant," for lack of a better phrase, in that my revenue-generating, status-enhancing TA Status is tied to my American membership. Doesn't this constitute a form of restraint of trade?

If you require additional information, please see four other letters that I have produced related to my concerns. You can view them on my website at alankarbelnig.com.

Thank you so much for taking the time to carefully consider this. Much of my work in forensic psychology is in the area of administrative law, and so I am frequently in contact with Deputy Attorney Generals (DAGs) in the Los Angeles area. I have some feel for how the complaint process works here, but I await your guidance as to how to proceed if my complaint is with a non-profit organization. With kind regards,

Alan

4] Civil Disobedience Update Number Four

November 3, 2012

Dear Friends and Colleagues,

I've now had another week to review various local and national commentary about my posts, Certification, and The American.

Please note that my personal goals are essentially unchanged. I seek:

a. Immediate cessation of the Certification process; b. immediate de-linkage between TA status and membership in The American, and; c. comprehensive reform of The American.

I remain puzzled and disturbed by the failure of more American members to join me in placing dues into an escrow account. Since literally decades of reform have utterly failed, the only way to effect change is action. Depriving The American of its main source of revenue will force it to change, and quickly. As I will soon describe, I am also initiating contact with the Attorney General's Office of the State of New York which I hope and trust will result in a formal investigation of The American since it is clear that it is not functioning properly as a non-profit organization.

Because I've received many requests for information regarding my journey, I have now added a separate section to the blog on my website that contains my postings, letters, and other documents related to my civil disobedience. Please see alankarbelnig.com for that information.

Here now is an update on the status of my civil disobedience process:

1. The central ideology of the Certification process is one of exclusion, and here are some facts to back that up:

a. In their 2005 article which appeared in the *Psychoanalytic Review* (December, 92[6]), Mosher and Arnolds trace the entire history of Certification and The American. They note how the "first American psychoanalyst," AA Brill, worked arduously to keep membership in The American restricted to MDs. The organization went through a variety of changes. What we know of today as The American was formed in 1932, and re-organized again in 1946. Even at that time, members of a variety of institutions were excluded because they strayed too far from the organizing theme of The American. During 1951-2, The American was incorporated under the New York membership corporation law, and therefore was legally required to have its operations overseen by a Board of Directors, in our case "The APsaA Executive Council." Referring to the Board of Professional Standards (BOPS), the authors write that "the result of the Board's [BOPs] actions has been to keep people out" (p. 882). Mosher and Arnolds trace the history all the way to 2005, acknowledging that only a lawsuit filed by APA against APsaA during the late 1980s led to The American allowing psychologists into its organization.

b. In their final paragraph, these authors write: "Over the years, the changing ways in which Certification in the APsaA have been employed, or rationalized, seem to indicate that Certification in psychoanalysis,

aside from what intrinsic value it may have in principle, has mostly served a changing set of discriminatory and exclusionary goals.”

c. I recently learned that Peter Fonagy, arguably one of the most important psychoanalytic scholars of our generation, failed the Certification exam.

d. Just yesterday, 11/3/12, Harvey Schwartz, one of our members, describes the importance of the establishment of “core competencies.” I agree. But, as I have said repeatedly, such procedures indeed exist, and have emerged out of social science research, for the assessment of competencies in virtually any area of expertise. The American has failed to establish such a research-based, competency assessment process. The Certification process must immediately cease until such a scientific, competency-establishing process is developed. Until that time, the appointment of TAs should be deferred to American-affiliated institutes.

e. In a letter written just in the LAST WEEK, Mark Smaller, President-elect, and Bob Pyles, President described yet another deadlock involving the Executive Council and BOPS. That letter includes these paragraphs:

i. After a long, difficult but very respectful discussion, with deeply held positions expressed by the participants, an agreement was reached, which in our opinion, actually favored the BOPS position. A BOPS committee would be created by the BOPS leadership and the President and President-elect to address the Council proposal for “objective and verifiable criteria” for TA appointment.

ii. Even with the feeling that the agreement was tilted toward BOPS and their understandable concerns, we agreed in an effort to move things forward on behalf of all members. We agreed that a letter stating this would be created by Dean Stein and that all the Executive Committee would sign off on this letter to move things forward. At the end of the meeting, all agreed it had been very productive.

iii. Two days after the meeting, Dean Stein impressively produced a letter for all on the Executive Committee to sign which faithfully represented the content, spirit and letter of the agreement. This letter was to be sent to the Council and membership. All were committed to signing the letter, except for the BOPS officers, who wanted further concessions. Reluctantly, we went along with it, and Dean produced yet another letter, which included further concessions.

iv. Again this letter was rejected by the BOPS officers, who asked for more concessions. We decided that such concessions would have basically ratified the current status quo. As your President and President-elect, that is not acceptable to us, nor do we believe it is in the best interests of APsaA, its members, and the future of psychoanalysis.

2. Since the APsaA does not appear, in any fashion, to be governed by the Executive Council, and since I believe it is not properly functioning as a non-profit organization, I have already begun the process of contacting the Attorney General's Office of the State of New York. I shall inquire as to whether I can lodge a formal complaint and/or whether that governmental organization could instead just initiate an investigation of The American. I will describe myself just as I am, a member of a national membership

organization who has come to believe that that very organization appears to be in violation of New York state law.

3. Towards that end, I requested that Brian Canty provide me with the most-recent version of The American's bylaws and also the Articles of Incorporation with the State of New York. I will carefully review these documents, which I expect to receive this week, and use them when I contact the New York Attorney General's Office.

3. I just got updated information on the status of individuals in training at the other four, non-American affiliated institutes in Los Angeles, as of Sept 2012, and here is what I learned:

a. Institute for Contemporary Psychoanalysis (ICP): 10 First years; 10 Second years; 4 Third years, and; 12 Fourth years.

b. Psychoanalytic Center of California (PCC): 6 First years; 0 Second years; 3 Third years, and; 0 Fourth years.

c. Newport Psychoanalytic Institute (NPI): 0 First years; 4 Second years; 0 Third years and; 0 Fourth years.

d. Los Angeles Institute and Society for Psychoanalytic Studies (LAISPS): 0 First years; 0 Second years; 5 Third years, and; 4 Fourth years.

4. In response to my recent postings, the Dean of the New Center (NCP), Richard Tuch, wrote an Open Letter to all NCP members on Monday, Oct 29th. He described the APsaA as our "parent body" which, as far as I can tell, is patently untrue. We are all members of the same association, The American, and that institution accredits certain institutes, such as NCP. Institutes do NOT belong to The American, only individuals do. (Ironically, and too bad for my civil disobedience efforts, many members of NCP are NOT members of The American). Richard then touts our success, noting that at NCP, and using the same style as I did above, we have: 5 First years; 5 Second years; 0 Third years, and; 3 Fourth years.

a. If I am doing the math right, NCP, the only American-affiliated Institute in Los Angeles, has 13 Clinical Associates. ICP has 36, PCC has 9, NPI has 4, and LAISPS has 9. So we here at NCP are second to ICP, but PCC is close behind us and LAISPS is in "third place."

b. Wouldn't it be wonderful if, instead of having an exclusionary ideology, The American welcomed our other Los Angeles colleagues? Wouldn't this lead to, perhaps, several of those other institutes joining NCP (which has more money and a gorgeous building), and thereby building a center for psychoanalytic training and scholarship that is strong rather than waning? When Richard correctly pointed out to me that we have plenty of money now, I replied to him that, while that is all well and good, who will be running an Institute which has only 13 students in training now? Perhaps in ten years we will have a gold-laden ship, but will there be enough interested persons to navigate it?

5. Finally, I have been contacted by many individuals, locally and nationally, asking me to join in their various groups. These groups — no disrespect intended — have failed. The time has come for individual action. Each of you reading this, right now, needs to look in the mirror and decide, should I support an exclusionary organization that even as of this last week is failing in its primary mission?

C'mon friends and colleagues! What is the problem here? I don't want to hurt anyone. Many of you are my personal friends, and the rest of you are cherished colleagues. I have watched endless debate since 1992, and according to my research the debate goes back at least until 1946. Really?

I just received my American dues statement and so will be opening an escrow account soon, and providing documentation of same to Bob Pyles and The American. Were it not for my concern regarding my TA status, I probably would have resigned from The American years ago. So many others have done exactly that. But then I'd be running away from the serious damage that The American is doing to psychoanalysis in our country, and in my local community.

I urge you, nationally and locally, to stop the endless discussing and debating, and take action, starting with placing your dues into an escrow account. Meanwhile, I will continue in my quest for justice here, including involving the AG's office in New York, and will keep you posted in the next few weeks.

With many kind regards as always,

Alan Karbelnig, PhD, ABPP

3] Civil Disobedience Update Number Three

Dear Friends and Colleagues,

I will be sending this letter to the Board of Directors of the New Center tomorrow morning, and wanted all New Center members to know of this. Should you have any opinions or reactions, please respond to me only by email. Thanks, Alan PS: Here is the letter:

October 29, 2012

Re: Request by NCP member Alan Karbelnig, PhD, ABPP to provide TA services at NCP after Jan 1, 2013 regardless of his membership status with The American

Dear Bob, Beverly, Carol, Gittelle, Ken, Richard, Pauline, Lisa, Mary, Mike, Anne, Jimmy, Elena, Dahlia and Glenn,

I am so sorry to be addressing this letter in such a formal way, particularly given that with the possible exception of you, Richard, I consider each and every one of you personal friends of mine. However, for legal reasons, I must write this letter in an official fashion.

As you probably know by know, I am in the process of conducting an act of civil disobedience against The American. I am insisting that the organization immediately stop the Certification process until they can develop a screening process that meets scientific standards, already established in the social sciences, for the assessment of psychoanalytic competency. I also demand that the organization immediately dissolve the requirement that TAs remain members of The American.

I will not belabor these points. For more detailed information, please refer to documents I have attached that consist of my letter to the president of The American, dated October 22, 2012, and also notes that I

have publicly posted on the MEM, OPLN, and NCP listservs entitled *Civil Disobedience Update Number One* and ** Number Two.*

I am writing to formally request that you authorize my continued status as a Training and Supervising Analyst, qualified to provide training analyses and supervision, for NCP Clinical Associates, after January 1, 2013. I fully understand that this action would require you to stand in opposition to our national professional organization, The American. I hope, particularly since you are all familiar with my work as a psychoanalyst, supervisor, and teacher, that you will grant me your authorization.

What an education this recent civil disobedience has been! For example, a recent post by Jonathan House offered up much helpful information regarding the governance of The American. He notes, in his elections@apsa.org post dated October 25, 2012, that only individuals are members of APsaA. He indicates that The American is a *membership association incorporated in New York State and as such is subject to certain state and federal laws.* He notes that an organization of its size must allow its members to delegate its responsibilities, in this case to the Board of Directors of the APsaA (BOD). Perhaps most significantly, he adds that, *It is within the authority of the BOD to take action and/or to modify any action previously taken by APsaA or any of its component parts.* He then clarifies that *while policies related to Certification are * and legally must remain * within the authority of the BOD, decisions as to individuals may, as a matter of policy, be irrevocably delegated to a committee.*

It is now 20 years since I started training at The New Center, and I have watched, with increasing sadness and anger, how the other four non-American institutes in the Los Angeles area thrive while we wither. Some years ago, when I was on the New Center Board of Directors myself, Ken told me that we would disappear as an organization in 10 to 15 years due to deaths of our mostly-older population of members. Further, I have close friends who have attended these other institutes, namely ICP, LAISPS, PCC, and NPI.

With all due respect to them, I view our training program as the best.

My experiences at NCP, as clinical associate, psychoanalyst, teacher, committee member, and now training analyst, have been nothing less than, well, wonderful.

We are being strangled by a well-meaning national organization, The American, which has sadly lost its way. I care deeply about the future of NCP. I can no longer tolerate watching these non-American affiliated institutes thrive while we struggle. A number of individuals immediately come to mind * Jeff Seitelman, Sharon Zalusky, Sherri Siassi, Josh Pretsky, Jimmy Fisher, Dahlia Russ and Gitelle Sones * who already have just as much experience as me, if not more, and would be excellent training analysts. They should be allowed to pass through our own internal TA selection process now. We have had years of discussion; now the time has come for action.

As for me personally, I now face a potential loss of income and status once I place my dues in escrow, as I plan to in a few months, and The American likely initiates the due process required to expel me, causing me to lose my hard-earned TA status.

Again, I apologize for any stress or inconvenience that my actions place upon you, but I must nonetheless ask, and in this formal fashion, that you grant me, as an organization, status as a Training and Supervising Analyst whether or not I continue to belong to The American.

I eagerly await your reply, and please do so in writing.

With many kind regards,

Alan Karbelnig, PhD, ABPP

2] Civil Disobedience Update Number Two

Dear Friends and colleagues,

Bolstered by Jonathan House's informative email sent out to the elections listserv earlier today, I now plan on this next action:

I shall be writing to the Board of Directors of the New Center for Psychoanalysis (NCP), asking them to grant me ongoing TA status at that organization after January 1, 2013. Since my dues will be in escrow by that point, the leaders at NCP will face a difficult dilemma. They can either reject my TA status or they can confront The American by endorsing my TA status and thereby failing to comply with The American's procedures.

Among the highlights of Jonathan's letter were the following: "only individuals are members of APsaA." Further, he writes "approved institutes are not part of APsaP and the notion of seeking to control the actions of local institutes seems foolish on its face... APsaA has no practical way to revoke 'approved' status as under our bylaws that requires a majority of all APsaA members (i.e. not a majority of those voting); and APsaP has never had a vote in which a majority of members cast ballots."

PLEASE note that last piece of information: The American has NEVER had a vote in which a majority of its members cast ballots!

I plan to attach Jonathan's post as well as my Oct 22 letter to Bob Pyles to my letter to the leaders of NCP.

I shall keep you all posted as to my progress.

I am still hoping that many of you will join me in placing their American dues in an escrow account.

With kind regards,

Alan

1] Civil Disobedience Update Number One

Wednesday, October 24, 2012

SENT VIA MEM, OPLN, and NCP Listservs

Dear Friends and Colleagues,

On Monday of this week, I sent Bob Pyles a four page letter, via Registered Mail, urging him to immediately take action on two fronts:

1. Suspend the Certification process until a scientific, social-sciences-based "assessment of competency" system is developed, and
2. De-link TA status from membership in The American.

In my letter, I quoted from his recent article in The American Psychoanalyst in which he writes:

While it is true that certification has undergone a considerable number of humanizing changes, nonetheless it remains an internal examination by the same body that is doing the educating, a clear conflict of interest. (p. 3)

Here our own president acknowledges the unfair, unethical, and potentially even illegal nature of the Certification process as it exists now.

By taking this action, I am now placing myself, as well as those I analyze and supervise, at risk. If and when The American expels me from its membership, I shall lose the TA status that I worked so hard to earn.

Ironically, I have received at least 50 emails supportive of my stance, but most were from Emeritus Members — individuals who do not pay dues anyway. Therefore, they lack the ability to place financial pressure on our organization. One colleague suggested that I collect the names of those individuals, Emeritus or not, who support my planned action. Another indicated, with pain, that others have tried stances such as mine and have just ended up quitting The American.

That may ultimately end up being my fate, but I do plan on pursuing this action to wherever it may end. I won't re-iterate all the points in my letter, but suffice to say that the 20 years of debating these issues has gone exactly nowhere. Meanwhile I am seeing my own institute, NCP, suffer while also watching so many of my colleagues in the southern California area flock to the four other non-American affiliated institutes. Their first year classes are robust; ours dwindle year after year.

As I noted before, I will not resign from The American but I also will no longer pay dues. I will instead place those dues in an escrow account as of January 1, 2013.

PLEASE stop discussing and join me! By stopping the flow of revenue to our organization, we will ultimately have the power to make change happen. The time for discussion, review, reference committees, ballots, platforms and the like has now passed; we need immediate action. Without it, we will watch The American, and its affiliate institutes, fall into oblivion.

I do not want to form yet another "committee" or "alliance," but I will collect the names of Emeritus members who support me, and also the names of others who will be taking similar "civil disobedience" action.

For legal reasons, please provide me with an email giving me permission to use your name. I will then indicate your support, either in the Emeritus fashion or in the escrow fashion, in future updates.

Thank you for taking the time to read this, and I will be in touch again shortly.

Alan