

Family Name..... 

Baptismal Name *James Adrian*

Entered as Postulant *- 1966*

Entered the Novitiate

Name in Religion

Date of Departure

Reason for Departure

.....

.....

To be made out by every postulant or candidate in accordance with Canon 648.

Declaration Concerning Remuneration

KNOW ALL MEN BY THESE PRESENTS, that I,

James A. Phillips

otherwise known as

of Villard, in the County of Pozo, and State of Minnesota

IN CONSIDERATION of the law of the Roman Catholic Church concerning the remuneration of candidates, postulants, novices, and members of a religious community acknowledged by said Roman Catholic Church (*Codex Juris Can.* 648), which law I fully know and deliberately acknowledge and to which I voluntarily and fully submit myself, and

FOR AND IN CONSIDERATION of the benefits accruing to me as candidate, postulant, novice, or member of the approved religious community, incorporated as

Order of St. Benedict (St. John's Abbey + University) College, Ill.
existing under and by virtue of the laws of the State of Minnesota

DO SOLEMNLY STATE AND DECLARE, that I shall never claim or demand, directly or indirectly, any wages, compensation, remuneration, or reward, either in specie or by way of annuity or pension, for the time or for the services or work that I devote for or with said

Order of St. Benedict (St. John's Abbey + University) College, Ill.
during the time I may remain there or elsewhere in the name of or upon commission from said Minnesota

Order of St. Benedict (St. John's Abbey + University) College, Ill.
Minnesota

IN WITNESS WHEREOF I have hereunto subscribed my name this fifth day of September, in the year of our Lord, 1968

(Signature) James A. Phillips

This instrument was signed, published, and declared by the above named

James A. Phillips otherwise known as

in the presence of us, who in his

presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses the day and year above written.

(Witnesses)

ST. JOHN'S ABBEY
COLLEGEVILLE, MINNESOTA 56321

APPLICATION TO THE BROTHERHOOD

NAME: family: Phillips first: James middle initial: A
HOME ADDRESS: street: _____ city: Villard
state: Minnesota zip code: 56385 Telephone: 554-3484

Father's first name: _____ Mother's maiden name: _____

Parents' home address, if different from above: _____

Number of brothers in your family: 4 sisters: _____

DATE OF YOUR BIRTH: November 23, 1948 PLACE OF BIRTH: New York

Is your father still living? yes Your mother? no

Father's occupation: Insurance man Mother's: Secretary as Registered Nurse, last 15 years

Have you always been a Catholic? yes in my wife

Name of your present parish: St. Basil's Roman Catholic Parish

Name of your present pastor: Fr. Sylvester K. Kierschnick

What is your present occupation? Student

What type(s) of work have you done? Please explain briefly. I worked in the carpenter at St. Johns. I helped voluntarily on the Lizard Reservation at Cloquet. Fr. Richard

What is the last year of formal education that you completed? _____

List the school or schools you have attended: St. Mary's in St. Cloud
St. Paul's in St. Cloud St. Joseph's at Quate Park
St. Peter's out at Park-Town

Are you interested in further studies? yes In what area of study? Any area that would help me to know and work with people

What are your special interests, hobbies, talents, etc.? My special interests are helping people, any other hobbies, sports any kind, talent working with people.

What activities did you participate in as a student? played football, basketball and football in 11th & 12th grade was student manager in all three sports from 9th grade through senior year. Was captain from 9, 10, 11 grades

Weight: 160 Height: 72" member of F.F.A. member president of class 8, 9 grade

Please list any and all serious illnesses that you have had: pneumonia

WHY DO YOU WISH TO BECOME A BENEDICTINE BROTHER?
I wish to be a Benedictine Brother so that I may serve God and his people in a more perfect way.

DATE December 9, 1968
NAME Phillips JAMES Adrian
(Last) (First) (Middle)

Date of entrance at St. John's (Prep school or college): _____

I am presently enrolled at St. John's as: _____
(Senior) (Junior) (Sophomore) (Freshman)

HOME ADDRESS: _____
(Street) (City) (Zone) (State) (Phone)

Age in Years: 20 Date of birth November 23, 1948 Birthplace New York
(Month) (Day) (Year)

Place of Baptism: UN KNOWN New York New York
(Church) (Town) (State) (Year)

Confirmation St. Bartholomew's WILLARD MINNESOTA 1963
(Church) (Town) (State) (Year)

Parish (Presently enrolled) Fr. Kleinschmidt Pastor: St. Bartholomew's
PASTOR

Catholic Education: _____
(Years in Grade School) (High School) (College)

Public School Education: 2 5
(Years in Grade School) (High School) (College)

When did you decide to study for the Priesthood? 1964 for sure I mean I
would come to St. John's

Plan: Diocesan: _____ Benedictine: _____
(Which Diocese?) (Priesthood) (Brother)

Veteran _____ War Experience: _____
(Branch of Service) (Rank)

General Health: _____ X _____
(Excellent) (Good) (Fair) (Poor)

Under Doctor's Care: _____ Reason: _____

FAMILY INFORMATION:

Father (or Guardian): _____ Religion Catholic
(Last Name) (First) (Middle)

Address: _____ Occupation: INSURANCE
(Street) (City) (State)

Years of Education: 8 _____
(Grades) (High School) (College) (Professional)

Mother: _____ Still living? NO
(last name) (First) (Middle) (Maiden name)

Religion Catholic Education: 8 4 UNKNOWN
(Grades) (High School) (College) (Professional)

Does your mother work outside of the Home? _____ Occupation: _____
she never worked outside of Home when we came

Number of Brothers: UNKNOWN Age of each _____ Number of Sisters _____ age of each _____

SCHOLASTIC INFORMATION

Names of High Schools and Colleges attended:	Kind of School	Course	years	Date of Graduation
HIGHSchool	PUBLIC			May
VILLAR PUBLIC School				1968

What was your approximate average your last year in school? C ^{NO} Favorite subjects: I enjoyed all my classes
 Subjects disliked: I didn't dislike any of them
 In which subjects did you get your highest marks? English Business Education
 Lowest? Bookkeeping Literary or scholastic awards in high school or college:
 Offices held in school or other organizations: Football Baseball Basketball Track Student Manager for 5 yrs. Paper staff 9, 10 + 11 + 12. President youth editor
 FINANCIAL STATUS:
 If wholly or partly dependent upon your own efforts, how much have you saved to pay for your own way through college?
 Did you work during the summer?
 Kind of work: _____ Place: _____
 Hours per week: _____ Are you receiving outside assistance to attend college this year? _____ Amount? _____ From whom? _____
 If the help is from St. John's, what kind of a scholarship are you receiving? _____

OCCUPATIONAL EXPERIENCE:

Kind of work	Length of time	Salary
St. John's Carpenter ship	3 months	\$1.25 per hr \$385 for the summer

Which type of work did you like best? _____
 Apart from the priesthood or religious life, what professions have you considered?
Social worker, missionary, Business

EXTRA-CURRICULAR INTERESTS:

List activities in which you have participated: athletics, dramatics, clubs, debating, music, school paper or year book: Student Manager for 5 yrs. Baseball Football, basketball, track. Letterman Club
School papers - 9, 10, 11, 12 youth editor.

One final question: What major are you pursuing in college at the present time? _____

Questionnaire for Candidates for the Novitiate

- Legal Guardian - since 1959 - at age 11

1. Full Name Phillips James Adrian Date February 18 1969
Middle Name

2. Full Address _____
Postoffice and State

3. Name of Father.. _____ Living or dead? Living

4. Name of Mother.. _____ ...nee Living or dead? Dead Sept-1917

5. Is your father a Catholic? yes Is your mother a Catholic? yes

6. Date of birth Nov 23, 1948 Place of birth New York

7. Where was your father's domicile or quasi-domicile? _____

8. Baptism— a) Time: _____ b) Parish: _____
 c) City: _____ d) State: _____ e) Diocese: _____
(If the place was a mission at the time of your baptism, state from where it was then attended).

9. Confirmation— a) Time: _____ b) Parish: _____
 c) City: _____ d) State: _____ e) Minister: _____

10. Student at St. John's: From _____ to _____

11. Give the name of the colleges and seminaries in which you pursued your studies and the date of your sojourn at each _____

12. Mention the dioceses in which you have spent more than six months (one year) after the completion of your fourteenth year; give for each the name of the city, state, parish, and date of sojourn: _____

Note: If you have been at more places than three, for which space is provided here, please give the information on the back of this.

13. If you have been a postulant, novice, or professed religious elsewhere, state where, in what capacity, and how long: _____

14. Have you the required age for the novitiate (15 years completed)? _____

15. Is this choice of religious state your free and deliberate act? _____

16. Did you ever fall away from the Church and join some sect? _____ If so,
 a) What sect? _____ b) Date of Apostasy _____
 c) Time of membership in sect: _____ d) Date of Conversion _____

17. Were you ever married? _____ Is wife still living? _____

18. Did you ever commit a grievous crime which is or may be laid to your charge? _____

19. Have you a debt which you can not pay? _____

20. Have you any accountability or business entanglements that may cause annoyances? _____

21. Are your parents or grandparents in need of your support? _____

22. Were you ever epileptic? _____ Insane? _____

23. Are any members of your family afflicted with epilepsy or insanity? _____

Questionnaire for Candidates for the Novitiate

Date: February 18, 1969

1. Full Name: [Redacted] [Phillips] James Adrian
Family Name First Name Middle Name

2. Full Address: Villard, Minnesota
Postoffice and State

3. Name of Father: _____ Living or dead? Living

4. Name of Mother: _____ Living or dead? Living

5. Is your father a Catholic? yes Is your mother a Catholic? Convert

6. Date of birth: Nov. 23, 1948 Place of birth: New York

7. Where was your father's domicile or quasi-domicile? New York

8. Baptism— a) Time: _____ b) Parish: _____
 c) City: _____ d) State: _____ e) Diocese: _____
(If the place was a mission at the time of your baptism, state from where it was then attended)

9. Confirmation— a) Time: _____ b) Parish: _____
 c) City: _____ d) State: _____ e) Minister: _____

10. Student at St. John's: From 1964 to 1969

11. Give the name of the colleges and seminaries in which you pursued your studies and the date of your sojourn at each
No College - no Seminary

12. Mention the dioceses in which you have spent more than six months (one year) after the completion of your fourteenth year; give for each the name of the city, state, parish, and date of sojourn:
St. Villard, Minnesota; St. Bartholomew - 1959-1969

Note: If you have been at more places than three, for which space is provided here, please give the information on the back of this.

18. If you have been a postulant, novice, or professed religious elsewhere, state where, in what capacity, and how long: No

14. Have you the required age for the novitiate (15 years completed)? yes

15. Is this choice of religious state your free and deliberate act? yes

16. Did you ever fall away from the Church and join some sect? no If so,
 a) What sect? _____ b) Date of Apostasy: _____
 c) Time of membership in sect: _____ d) Date of Conversion: _____

17. Were you ever married? no Is wife still living? no

18. Did you ever commit a grievous crime which is or may be laid to your charge? no

19. Have you a debt which you can not pay? no

20. Have you any accountability or business entanglements that may cause annoyances? no

21. Are your parents or grandparents in need of your support? no

22. Were you ever epileptic? no Insane? no

23. Are any members of your family afflicted with epilepsy or insanity? no

Church of the Sacred Heart

105 N. Franklin

Glenwood, Minnesota

February 19, 1969

To Whom It May Concern:

James Weber Phillips was confirmed by Bishop Peter W. Bartholome, D.D. of the Diocese of St. Cloud in the Church of St. Bartholomew, Villard, Minnesota, on June 29, 1964.

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Signed *Rev. Dywester Kleinshmidt, pastor*

Certificate of Baptism

ST. ANTHONY'S CHURCH
60 LORIMER ST.
ROCHESTER, N. Y. 14608

James Adrian Fisher

Father _____

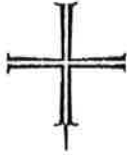
Mother _____

Born 11-23-48

Baptized 12-12-48

3-14-69
Date

Rev. C. A. Bennett
Pastor



SAINT JOHN'S ABBEY

COLLEGEVILLE, MINNESOTA 56321

TO WHOM IT MAY CONCERN:

I, Janner, herewith solemnly swear that, to the best of my knowledge, I have not contracted during the course of my life any impediment that would debar me from admission to the novitiate. So help me God and these His holy Gospels which I touch with my hand.

Signed this 8th day of July, 1969, at St. John's Abbey, Collegeville, Minnesota.

Janner A. Phillips

Aloysius Michels
Witness Delegate of the Abbot

LAST WILL AND TESTAMENT

IN THE NAME OF GOD. AMEN.

I, James Adrian Phillips, OSB
otherwise known as James Adrian Phillips, being of legal age,
of sound mind and memory, do hereby make, publish, and declare this to be my last will and testament.

FIRST: I give, devise, and bequeath to

Order of Saint Benedict L.N.C.
Collegeville, Minnesota, 56321

all property, real, personal, and mixed, which I now possess or which I may hereafter acquire;

SECOND: I hereby nominate and appoint

Abbot John Erdreich, OSB and his successors in the
Office of Abbot of Saint John's Abbey, Collegeville, Minnesota
56321
as the executor of this will, without bond or inventory.

IN WITNESS WHEREOF I have hereunto set my hand this 11th day of July 1973

(Signature) James Adrian Phillips, OSB

Signed, published, and declared by the above named James Adrian Phillips, OSB
otherwise known as James Adrian Phillips, as his
last will and testament, in the presence of us, who in his presence and at his request, and in the
presence of each other, have hereunto subscribed our names as witnesses the day and year above written.

(Witnesses) Richard J. Olive, OSB
Timothy R. Pembroke, OSB

BROTHER JAMES PHILLIPS, O.S.B.

12 August 1976

Dear Brother Jim:

Canon duBois has written asking to borrow twenty-five red chasubles for a Concelebrated Mass at 7:00 a.m. on Tuesday, September 13th, in Minneapolis. I have written him that I am not sure whether we have that many red chasubles left, but that I would write him at the end of next week.

I would appreciate your letting me know whether we could lend twenty-five red chasubles to him for that date.

I will be gone from August 15th to August 19th.

Thank you.

Abbot

JE/ev

Saint John's University

Collegeville, Minnesota 56321



Date: May 9, 1978

To: Br. Jim Phillips, Sacristan

From: [REDACTED]

Re: Commencement

I am sure that you are aware that the University Commencement is on Sunday, May 21st. I am requesting that for this day the two rest rooms be open from 9:00 A.M. to at least 4:00 P.M. If possible, could you have these rooms checked for supplies, i.e. toilet tissue, hand towels, etc., throughout the day.

I would also request that the side chapels, St. Benedict's Chapel and the Assumption Chapel be open and illuminated during this time.

Thank you for your help.

cc: Abbot Eidenschink
Fr. Michael Blecker
Ms. [REDACTED]
Ms. [REDACTED]

Events Coordinator

612 : 363-3391

OSB PHILLIPS_00013

1979

My name: B. James A. Phillips, OSB

ADDRESSES OF MY CLOSEST RELATIVES

Foster Parent

1) Name: [Redacted]

Address: _____

City & State: Villand, Minnesota, Zip

Telephone Number: 612- [Redacted]

*Original Parent
Father*

2) Name: _____

Address: _____

City & State: _____ Zip Code: _____

Telephone Number: _____

*Foster Family
Aunt*

3) Name: _____

Address: _____

City & State: _____ Zip Code: _____

Telephone Number: _____

*Original Parent
Mother*

4) Name: _____

Address: _____

City & State: _____ Zip Code: _____

Telephone Number: _____

*Foster Family
1st Cousin*

5) Name: _____

Address: _____

City & State: _____ Zip Code: _____

Telephone Number: _____

*youngest
of
Original
Siblings*

6) Name: _____

Address: _____

City & State: _____ Zip Code: _____

Telephone Number: _____

*Foster Family
Aunt*

7) Name: 2

Address: _____

City & State: 2, Zip Code: _____

Telephone Number: _____

LENTEN INVENTORY FOR 1979

Please list below the more valuable items which have been committed to you for your use. In addition, those serving in parishes and chaplaincies are asked to mark these items so that they may be clearly distinguished from items that are the property of the parish or the institution.

The list is to be returned to the Abbot at the end of Lent. ON THE REVERSE, please give the names, addresses, and phone numbers of your closest relatives. Thank you.

Those living and working in our mission in Puerto Rico or in Japan should give their Inventory and their list of closest relatives to their respective Priors, though each Prior should send me his own Inventory and list of relatives.

① Lloyd Stereo set } Radio + Eight track tape set.
All in one combination.

I received this as a gift from my family. Permission was given by the Junior Order at the time of my first Vow.
Value of the Stereo was just under \$100.00 in 1970.

ST. JOHN'S ABBEY
COLLEGEVILLE, MINNESOTA 56321

April 11, 1979

Dear Fr. Abbot,

At the close of Lent I would like to very quietly ask you for your continued blessing that I will continue to fast on each Wednesday and Friday of every week until after the election or re-election of the Abbot. In doing so, I have also added special daily prayers at Mass and in my own private prayer life.

My intention is to ask God for His continued blessings on our Community and to grant us the wisdom, knowledge, and fellowship of the Holy Spirit in electing or re-electing the Abbot to Office.

My further hope, also, is to ask God to continue to bless you and keep you in His care in discerning His will.

A Joyous and Happy Easter!
Br. Jim Phillips, OSB

12 April 1979

Dear Brother Jim:

I have your letter of yesterday, and I very gladly give you my blessing on your continuing to fast each Wednesday and Friday until after the election or re-election of the abbot. The only condition I would make is that, if you should become weak, you would let me know and then I would ask you to give up the fasting, but meanwhile I hope that it will bring God's blessing not only on the community but also on you and draw you nearer to Christ.

With every good wish for a blessed and joyous Easter, I am

Devotedly yours,

Abbot

JE/ev

October 9, 1979

Dear Father Abbot,

Here is the list of other suggestions that Community Members gave to me that I did not mention in my Conference.

Periodic painting of the exterior of the "new" monastic wing. This project was begun but it is still incomplete. Couldn't someone, for instance, be in charge of regularly painting the blue door by the subprior's office?

Hobbies/jobs/activities for the semi-retired and retired.

Daily group exercises for those willing and able.

Volunteer table reading.

Volunteer schola help.

Weekly or periodic help with Sunday homilies for those who need or want help.

Arrange in some way to have the Community visit the Health Center.

The question of not knowing Monks are in the hospital until they return should be looked into.

Frs. [REDACTED] could use help with their clothing and baths.

Frs. [REDACTED], need help with Mass.

Someone should be keeping in contact with Fr. [REDACTED]. He still really isn't settled here at the Monastery.

Br. James Phillips OSB

COMMUNITY SUGGESTIONS

Set up some Retreat options. This does not mean to replace the all Community Retreat. Try and have some group or directed retreats. Also set up a program of spiritual conferences all year round. Ask various members of the Community to give and direct them. This member of the Community suggests that the Abbot take care that good spiritual doctrine is propagated; let him select the speakers after due consultation.

Establish a library within the cloister.

Help with the retired people and see to it that they get outdoors and also to town for an enjoyable outing.

Serving at table, breakfast, lunch, and dinner.

Simple repair and maintenance work, this could include cleaning rooms, bathrooms, private rooms. Maintenance around the building and yards.

Making self available for counseling (spiritual and otherwise) for confession also.

Teaching languages, art, etc.

Offer to take the retired Monks for a ride or visit someone they know and would like to see on the outside of the Monastery.

To help with some type of program with those who are to come home and retire or simply to help with those who are asked to retire from active work so that from the time they are asked to retire just doesn't turn out to be a waiting period to die.

Helping serve Mass for those especially who need someone there, so that it doesn't turn out to be a struggle by themselves, and if the occasion rises to even help the Priest-Monk with realizing that he should stop offering Mass.

Help with programs to attract visitors to the Health Center, so that people feel more free about visiting there.

All of us should stand ready to help those already assigned the responsibility of:

1. caring for the guests.
2. Visitors and students who need help.
3. All should help care in some way for our common areas, such as the lunch room.

There are a number of people in the House that could use help in having someone help with errands, such as to the bookstore.

COMMUNITY SERVICES

The first paragraph of Chapter 35 of The Rule of St. Benedict opens with: "Let the brethern serve one another, and let no one be excused from the kitchen service except by reason of sickness or occupation in some important work".

I would like to begin by saying, "Let the brethern serve one another, and let no one be excused from manual labor types of services to the community except by reason of sickness, elderly age, or occupation in some important work". I have added the words manual labor types of services and have given three reasons that you may be excused from carrying out the duties of the particular manual labor service. I personally feel very strongly about other services or to be more exact, personal services that can be done for one another. Or to put it more accurately for our times, there is the lesson and the reality of Christ in some way being made present by the care and compassion and vibrant love of life by each one of us when we meet or work with each other.

Personal services rendered one for another can provide renewed confidence in the meaning and value of life. This confidence can be based on the fact that people do--often, really--reach out to each other in care and for sustenance.

My intention is not to put aside the manual labor types of services that can be done by a monk besides the regular assignment given to him by the Abbot and the Community, but to stress that too often too many of us do not look beyond our assignment given to us by the Abbot and the Community.

And so there is a simple message, a message of touching one another in care and brotherhood and of helping to make life more worthwhile. The task Christ leaves to me and to each of us is to use our talents, our time, and our beings and to multiply goodness and happiness wherever we can.

Reaching out to others is a way of multiplying God's favor among us. It is sometimes, maybe even frequently a question of going out of our way to reach out at times which are not totally convenient to us.

Living in Community means that each one of us has chosen freely to live in a group with whom we share a goal. My point of reference now no longer focuses on myself or even on my individual task that I have been given. My needs, like theirs, are the concern of the total group. Where I work, how I spend my money, where and when I travel, how I dress, what lifestyle I maintain--all of these matters are of concern to those with whom I have freely chosen to share my life. I am still a unique personality, but, I am living in a community, responsible for and to that community, which was my choice.

A problem arises when we try to judge our individual use of time on the tasks that we have been given. I would like to strongly urge that we as a Community set as a goal some type of system whereby the University and Prep School administration, faculty, and staff take care

that monks working there have more of an opportunity to share in Community functions. Once this task is taken care of, then the Abbot and his Staff will have something to base their questioning of the good zeal of the Monk. St. Benedict summarizes it best in his Rule for Monasteries, Chapter 72: "On the Good Zeal which Monks ought to Have," wherein we read:

This zeal the Monks should practice with fervent love no one following what he considers useful for himself, but rather what benefits another; he should tender the love for brotherhood chastely, fear God in love, love his abbot with a sincere and humble charity, and prefer nothing whatever to the love of Christ.

Let us look at the question of using our talents from the point of view of humility even though I know humility is not the most popular virtue. Perhaps that is because we really don't understand it. It does not mean that we cannot recognize or rejoice in our own achievements.

Perhaps we thought it might be because humility has never been too fashionable a virtue and because it can sometimes be presented in a very unattractive and depressive way, as though it meant insincerity, fear, pessimism, weakness, or showing off. Or it could mean that we are just too caught up in our own professionalism. But it is really just the opposite. True humility implies joy, hope, courage, honesty, and strength. These are individual gifts that each one of us has that we can give to the whole Community.

The essential point of humility is that it focuses our attention and our concern wholly upon God and to those whom we come in contact with, and not just upon ourselves. And when our heart and hope rests upon God, and each other we can never finally lose, never finally come to despair. But if our thought and expectation rest only in ourselves, and we never really let go and do the things that we can do, then we are very likely to come to disappointment, discouragement and even failure.

Chapter Seven of St. Benedict's Rule for Monasteries is a description of this virtue of humility. His treatment of humility is not meant to cause us to think very little or very poorly of ourselves, but rather, to think greatly and richly of God and the gifts that he has given us. Humility helps us to the same relationship with God, with ourselves, keeping us fully open to the riches of His giving, and to keep us aware that we too should give within ourselves to one another. Humility helps us to remember that everything is God's gift to us. For we have the words of St. Paul:

"What have you that you did not receive? If then you received it, why do you boast as if it were not a gift?"
(Cor. 4:7)

We must recognize that everything that is a gift of God is a source of joy, peace, and hope. For if humility teaches us that of ourselves we can do nothing, then it is only to help us realize that in God and through each other we can do all things.

In the letter of James 5: 1-6 it talks about the wages withheld from the farmhands and living in wanton luxury on earth, fattening ourselves for the day of slaughter. I would like to translate this into the question of asking ourselves why do we as individual Monks at times hold back on our talents and gifts that we have been given that really should be given back to the Community within itself.

To bear this point out, I think it is made quite clear in the Gospel story of the miracle of the multiplication of loaves and fishes. It begins with very little-- a few loaves and a few fishes-- but it begins with something. It begins with whatever we have-- whether great or little; it begins with our own special spirit. There is nothing we have, or feel we are, which cannot be made greater or more precious, which cannot be multiplied, by its sharing. And because these special gifts are unique to each one of us, each one of us has his own fish story to make, his own special multiplication to contribute to the lives of those around us.

For those of us who need an example or a reminder from time to time, it is good to recall that Abbot Jerome, through his own style of handling the Office of Abbot, he is now literally leaving the door to the Office open. A good reminder that we too should open our doors a little more to one another.

Respectfully submitted,

Brother James Phillips, O.S.B.

Brother James Phillips, O.S.B.

9 October 1979

Christmas 1983

Dear Fr. Albert,

Then and now, the true gifts of Christmas: Peace, Joy, and Love. I wish each of you all the beautiful gifts of Christmas.

The school year, here at St. Augustine's has been keeping us all very busy. It has been a very good first semester. We have 1,000 students, both boys and girls. I am sure that many of you who will receive this letter have heard from me in the past about the administration building burning to the ground on the 14th of February 1983. Sometime later in this month we are very happy to say that we will be ready to move into the new administration building.

My daily tasks have pretty well remained the same since I am here. I am still taking care of much of the tasks that need to be taken care of for the school with the Ministry of Education, Immigration, and with many of the business place here in the city of Nassau.

In October of this year the Bishop of the Catholic Church of the Bahamas called the Church together for a General Assembly. I was most happy to have been the elected representative to the Assembly by our Benedictine Community. There were main speakers at the Assembly and then after each session the elected representatives were given a chance for some input. The main topics were Evangelization in the context of Faith, Financial challenges linked to stewardship, and a panel on Lay Ministry. At the end of the Assembly, which lasted for three days, the Bishop gave his own address as to his perception of what he heard during the Assembly and his own plan of direction that he feels the Catholic Diocese should be heading in. The Assembly gave many people a new hope that things are being planned and that the Church is progressing here in the Bahamas. Vocations were also stressed and plans on both the Diocesan level and also for the Religious Communities, such as ourselves are being planned as to how we can better attract Bahamian vocations.

In early November I had the opportunity to visit Freeport, Grand Bahama and our Benedictine Pastor at Mary Star of the Sea Parish and school. Freeport was much like visiting a city in the U.S. Much of Freeport has been built up in the past 15 years or so. The tourists are attracted to Freeport more than any other Island except here in Nassau. The Catholic school system as well as the public school system is very well run and the facilities are well taken care of. I have always enjoyed visiting the different settlements and schools in each place on the various Islands and then comparing the way of life with that of the way the people live here in Nassau.

Abbot Jerome will come to the Monastery for a visit on the 20th of February. This is the end of the three year commitment that St. John's Abbey made with St. Augustine's. Abbot John, will also accompany Abbot Jerome at this time as President of our American-Cassinese Federation. An important decision must be made as to whether or not the Community of St. John's Abbey continues to support with man power St. Augustine's Monastery. May I at this point ask you for your prayers.

All of us are still very much enjoying the satellite and the various programs that are available. Among some of the important things in life of course, is the Viking football games! We are able to get Minnesota Gopher football and basketball games from time to time as well as the North Stars in Hockey!

The weather here as been beautiful for the past month. The humidity has let up and for the most part a cool breeze has been blowing for the past few weeks. I know that Minnesota has been burried in snow and a lot of it was received over the Thanksgiving holiday. It was 82 above with beautiful sunshine here in Nassau on that day!

May your Advent Season end with coming of the Prince of Peace!

We have finally come to adding a German Shepherd watch dog to St. Augustine's. The dog has only been here a week so we don't know as of yet how the plan will work.

I hope you have been in good health. I am sure you can snow blow, as all of us have heard about all the snow you received!

I am looking forward to your visit in February.
Have a wonderful Christmas celebration.

I wish you the Peace of Christmas! Br. James, OSB



DATE: DECEMBER 31, 1984

350.00

1101241 GIFTS--ABBEY

THIS YR AF: 1

THIS YR CC1:

THIS YR CC2:

PLEDGE INFO

CAP1

ack. 1/4/85

	PREV	1983	1984	1985	
ANNUAL	1255				
CAP 1				50	CAP2
CAP 2					
TOTAL	1255			50	

31 DEC 84 15:14:15



SAINT JOHN'S ABBEY

COLLEGEVILLE, MINNESOTA 56321

July 20, 1988

Abbot Jerome:

The following addresses are changes from those already on file in your office.

Thank you,

Br. James Phillips, OSB

ADDRESSES OF CLOSEST RELATIVES

Name of Monk: James A. P. Phillips, OSB

Date: November 14, 1989

1) * Name: _____
Spouse _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Numbers: Home _____
Work _____

2) * Name: _____
Spouse: _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Numbers: Home _____
Work _____

3) Name: _____
Spouse: _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number: _____

4) Name: _____
Spouse _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number: _____

* To be notified FIRST in case of death or serious illness.

(OVER, PLEASE)

5) Name: _____
Spouse _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number _____

6) Name: _____
Spouse: _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number: _____ / _____

7) Name: _____
Spouse: _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number: _____ / _____

8) Name: _____
Spouse: _____
How Related: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number: _____ / _____

Please list, if you wish, a close friend to be notified

1) Name: _____
Spouse: _____
Address: _____
City and State: _____, Zip Code: _____
Telephone Number _____

INFORMATION FOR THE ARCHIVES OF SAINT JOHN'S ABBEY

NAME: James (Religious) James Adrian (Baptismal) Phillips (Family)

BIRTH: Rochester (City) New York (County) New York (State) November (Month) 23 (Day) 1948 (Year)

YOUR PATRON SAINT: James (Apostle) NAMEDAY: _____

TRIENNIAL VOWS: Alley Church (Place) July 11, 1970 (Date) Abbot Baldwin (Before Whom)

FINAL VOWS/OBLATION: Alley Church (Place) July 11, 1973 (Date) Abbot John (Before Whom)

ORDINATION: _____ (Place) _____ (Date) _____ (Bishop)

FATHER'S FULL NAME: _____

FATHER'S BIRTHPLACE: _____

FATHER'S NATIONAL DESCENT: _____

FATHER'S RELIGION: _____ DATE OF BIRTH: _____

HIGHEST LEVEL OF FATHER'S EDUCATION: _____

FATHER'S OCCUPATION: _____ (When You Entered Monastery) _____ (Now)

MOTHER'S MAIDEN NAME: _____

MOTHER'S BIRTHPLACE: _____

MOTHER'S NATIONAL DESCENT: _____

MOTHER'S RELIGION: _____ DATE OF BIRTH: _____

HIGHEST LEVEL OF MOTHER'S EDUCATION: _____

YOUR CAREER BEFORE ENTERING THE MONASTERY:

EDUCATION	SCHOOL	FROM	TO	MAJOR	DEGREE	DATE
-----------	--------	------	----	-------	--------	------

ELEMENTARY: _____

SECONDARY: Villard High School Graduated May 1968

UNDERGRADUATE: _____

THEOLOGY: _____

GRADUATE: _____

POST-DOCTORAL: _____

OTHER: _____

GIVE YOUR PARENTS' PRESENT ADDRESS, IF LIVING.

LIST YOUR BROTHERS AND SISTERS IN THE ORDER OF THEIR BIRTH. INCLUDE YOURSELF.
For those still living give their present address; for those who have died write "deceased." Put an asterisk
before those whom you want contacted immediately and directly by the Abbey when you die.

IN THE REMAINING SPACE AND ON AN ADDITIONAL SHEET IF NECESSARY PUT DOWN
ANY OTHER ITEMS OF INFORMATION OR ACCOMPLISHMENTS OF YOURS THAT YOU
THINK SHOULD BE PERMANENTLY RECORDED.

Please note:

Natural parents -

Steps parents -

Name change from

Bone and took place in 1964 August.

INFORMATION FOR THE ARCHIVES OF SAINT JOHN'S ABBEY

DATE: April 23, 1990

NAME: James Adrian Phillips
(Baptismal) (Religious Where Different) (Middle) (Last)

BIRTH: Rochester New York 11 23 1948
(City) (County) (State) (Month) (Day) (Year)

YOUR PATRON SAINT: James NAMEDAY: May 3rd

TRIENNIAL VOWS: St. John's Abbey July 11, 1970 Abbot Baldwin
(Place) (Date) (Before Whom)

FINAL VOWS/OBLIGATION: St. John's Abbey July 11, 1973 Abbot John
(Place) (Date) (Before Whom)

ORDINATION: _____
(Place) (Date) (Bishop)

FATHER'S FULL NAME: _____

FATHER'S BIRTHPLACE: _____

FATHER'S NATIONAL DESCENT: _____

FATHER'S RELIGION: _____ DATE OF BIRTH: _____

HIGHEST LEVEL OF FATHER'S EDUCATION: _____

FATHER'S OCCUPATION: _____
(When You Entered Monastery) (Now)

FATHER'S ADDRESS AND TELEPHONE: _____

MOTHER'S MAIDEN NAME: _____

MOTHER'S BIRTHPLACE: _____

MOTHER'S NATIONAL DESCENT: _____

MOTHER'S RELIGION: _____ DATE OF BIRTH: _____

HIGHEST LEVEL OF MOTHER'S EDUCATION: _____

MOTHER'S OCCUPATION: _____
(When You Entered Monastery) (Now)

MOTHER'S ADDRESS AND TELEPHONE: _____

YOUR CAREER BEFORE ENTERING THE MONASTERY: _____

EDUCATION	SCHOOL	FROM	TO	MAJOR	DEGREE	DATE
-----------	--------	------	----	-------	--------	------

ELEMENTARY: _____

SECONDARY: *I graduated from Villard High School May 1968*

UNDERGRADUATE: _____

PRIESTHOOD STUDIES: _____

GRADUATE: _____

POST-DOCTORAL: _____

OTHER: _____

LIST YOUR BROTHERS AND SISTERS IN THE ORDER OF THEIR BIRTH. INCLUDE YOURSELF

IN THE REMAINING SPACE AND ON AN ADDITIONAL SHEET IF NECESSARY PUT DOWN ANY OTHER ITEMS OF INFORMATION OR ACCOMPLISHMENTS OF YOURS THAT YOU THINK SHOULD BE PERMANENTLY RECORDED.

At the age of ten years old my Brother
and I moved to the care of

Minnetonka in deceased since
September 13, 1967.

DATE OF FORM: 1990

OSB PHILLIPS_00034

LIST CHRONOLOGICALLY ALL THE MAJOR ASSIGNMENTS YOU HAVE RECEIVED SINCE PROFESSION AND ORDINATION. Give (a) the *type* or *nature* of the work; e.g., assistant pastor or plumber or math teacher in Prep school, (b) the *location*, (c) the *duration*, (d) any *special achievements* or items of note, e.g., built parish hall in 1978. or Danforth grant in 1980.

Appointed Head Sacristan during my
Noviate Year on March 17, 1968

Sacristan from March 17, 1968 - January 21, 1979

Health Center Work - 1970 - 1981

1981 - August - to June 1, 1984 Bahaman

Prep School - Prefect from 1975 - 1981

June - 1984 - reassigned to the Health Center

June - 1985 - 1989 - reassigned to Sacristan

Sept 1989 - reassigned to the Prep School

Prefect.

ST. JOHN'S ABBEY
COLLEGEVILLE, MINNESOTA 56321

Please note that while both set of Natural parents are still living and the Father of the adopted Family is still living and due to the name change from [REDACTED] and if the occasion should arise that something be written about me I am calling your attention to be careful in handling the writings.

Thank you,
Br. James A. Phillips, OSB

WILL OF

JAMES A. PHILLIPS

I, JAMES A PHILLIPS of
STEARNS County, Minnesota, revoke any prior
wills and codicils, and make this my will.

ARTICLE ONE
PAYMENT OF EXPENSES AND TAXES

1. My personal representative shall pay from the residue of my estate:
 - 1.1 the expenses of my last illness and funeral, valid debts, expenses of administering my estate, including non-probate assets;
 - 1.2 any estate taxes except to the extent paid from other sources, provided that the estate taxes paid by my personal representative shall be apportioned in accordance with the directions set forth in the General Governing Provisions.

ARTICLE TWO
SPECIAL GIFTS

2. I make the following special gifts:
 - 2.1 I give all my tangible personal property to Saint John's Abbey, Collegeville, Minnesota (Order of Saint Benedict).
 - 2.2 I give to Saint John's Abbey, Collegeville, Minnesota, all interests in property used by me for residential purposes and in all real estate contiguous to or used in connection with such property, other than tangible personal property.

ARTICLE THREE
RESIDUE

3. I give the residue of my estate, consisting of all the property I can distribute by will and not effectively distributed by the preceding provisions of this will, except any property over which I then have a testamentary power of appointment, to Saint John's Abbey, Collegeville, Minnesota.

ARTICLE FOUR
FIDUCIARY SELECTION

4. The following provisions shall apply to the selection of fiduciaries:

- 4.1 My personal representative shall be selected as follows:
 - 4.1.1 I nominate the abbot or administrator of Saint John's Abbey as my personal representative.
 - 4.1.2 He shall have the power to nominate an additional or a successor personal representative.

ARTICLE FIVE
FIDUCIARY PROVISIONS

5. The following shall apply to my fiduciaries:
 - 5.1 *Administrative Powers.* My personal representative, in addition to all other powers conferred by law that are not inconsistent with those contained in this will, shall have the power, exercisable without authorization of any court:
 - 5.1.1 To sell at private or public sale, to retain, to lease, and to mortgage or pledge any or all of the real or personal property of my estate;
 - 5.1.2 To make partial distributions from my estate from time to time and to distribute the residue of my estate in cash or in kind or partly in each, and for this purpose to determine the value of property distributed in kind;
 - 5.1.3 To settle, contest, compromise, submit to arbitration or litigate claims in favor of or against my estate;
 - 5.1.4 To make any tax election without reimbursement or adjustment between principal and income or in favor of any beneficiary, even if the election directly affects the value of any beneficiary's share;
 - 5.1.5 To continue in the same form any unincorporated business or venture in which I was engaged at the time of my death, for such period as my personal representative deems advisable, or to incorporate such business and continue its operation in corporate form whether or not any probable distributee of such business objects to such retention, continuation or incorporation in my estate; and
 - 5.2 *Administrative Provisions.*
 - 5.2.1 *Informal Administration.* I request that my estate be administered in as informal a manner as my personal representative deems advisable.
 - 5.2.2 *Waiver of Bonds.* No bond or other indemnity shall be required of any personal representative nominated or appointed by the abbot of Saint John's Abbey or by me.

**ARTICLE SIX
GENERAL GOVERNING PROVISIONS**

6. In applying the provisions of this document, the following shall govern:

6.1 Definitions.

- 6.1.1 The abbot of Saint John's Abbey is the person duly elected by the monk of Saint John's Abbey and duly holding the office of abbot at the time of my death according to the norms of the canon law of the Roman Catholic Church.
- 6.1.2 The administrator of Saint John's Abbey is the person duly appointed if the office of abbot is vacant to govern Saint John's Abbey at the time of my death.
- 6.1.3 "Tangible personal property" means tangible personal property including money having value in excess of the face value but excluding evidences of indebtedness, documents of title, securities and any property used in a trade or business.
- 6.1.4 "Estate taxes" means any estate or other death taxes that become due because of my death, including any interest and penalties but excluding generation-skipping taxes.

6.2 Rules of Construction.

- 6.2.1 *Governing Law.* Except as altered by this will, the law of Minnesota shall govern the meaning and legal effect of this will and the administration of my estate. Except as otherwise provided, all references to applicable law and Minnesota Statutes are to those in force on the date of my death and shall incorporate any amendments and successor provisions. References to the Internal Revenue Code are to the Internal Revenue Code of 1986, as amended. References to a particular section of the Internal Revenue Code shall incorporate any amendments and successor provisions.
- 6.2.2 *Captions.* Captions are for convenience only and are not intended to alter any of the provisions of this instrument.
- 6.2.3 *Gender.* Where appropriate, the masculine includes the feminine, the singular includes the plural, and vice versa.
- 6.2.4 *Writing.* The requirement that a person act in "writing" requires a dated written document signed by such person.

6.3 Intentional Omission. I have intentionally limited gifts to Saint John's Abbey, Collegeville, Minnesota.

6.4 Estate Taxes.

6.4.1 Except as provided below there shall be no apportionment of any estate taxes and I waive on behalf of my estate any right to recover any estate taxes from any recipient, including any recipient of property passing apart from this will.

6.4.2 If my personal representative pays any estate taxes on qualified terminable interest property included in my estate under Section 2044 of the Internal Revenue Code or any comparable state statute, or expenses incurred in determining such taxes, then my personal representative shall seek reimbursement from the owners or recipients of the property.

6.4.3 If my personal representative pays any taxes on excess retirement accumulations, then my personal representative shall seek reimbursement from the recipient of such accumulations.

I have signed this will consisting of four pages, this page included, on 12 June, 1991.

James A. Phillips

We certify that in our presence on the date appearing above in the State of Minnesota JAMES A. PHILLIPS signed the foregoing instrument and acknowledged it to be his will, that at his request and in his presence and in the presence of each other, we have signed our names below as witnesses, and that we believe him to be of sound mind and memory.

_____ residing at Collegeville, Minnesota

Franklin P. Hoeggen residing at Collegeville, Minn.

Self-Proved Affidavit

STATE OF MINNESOTA)
COUNTY OF Stearns ss.

We,

James A. Phillips _____ and

Francis F. Hoefgren, OSB _____, the
testor and the witnesses, respectively, whose names are signed to
the attached or foregoing instrument, being first duly sworn, do
hereby declare to the undersigned authority that the testator
signed and executed the instrument as the testator's last will,
that the testator signed it willingly or directed another to sign
it for the testator, that it was executed as a free and voluntary
act for the purposes therein expressed, and that each of the
witnesses, in the presence and hearing of the testator, signed the
will as witnesses, and that to the best of their knowledge the
testator was at the time 18 or more years of age, of sound mind and
under no constraint or undue influence.

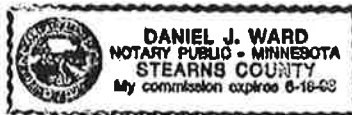
James A. Phillips _____ TESTATOR

Francis F. Hoefgren OSB _____ Witness
_____ Witness

Subscribed, sworn to and acknowledged before me by
James A. Phillips the testator, and subscribed and sworn to
before me by _____ and

Francis F. Hoefgren OSB _____, witnesses, this
12th day of June, 1891.

Daniel J. Ward
Notary Public



•**Brother James Phillips**, who was born in Rochester, N.Y., and grew up in Villard. Brother James professed vows in 1970. He was sacristan in the abbey church for the next nine years, and again from 1985 to 1989. From 1981 to 1984 he assisted in the business office at St. Augustine's Monastery and College in Nassau, Bahamas. During his 25 years of monastic life he has also assisted with care of the elderly in the abbey health center. He is currently a member of the residential staff of St. John's Preparatory School.



8/5/95

Dean Abbot Timothy,

Jubilees are occasions for
celebrating the grace of God ~~at~~
work in our midst.

I am grateful to God that you,
our confessor and our Abbot are
apart of the grace of God at work
in our midst.

Thank you for Tom Smith's order in
Tom Hornby and Tom Wain welcome
of my immediate family and many
other guests. Respectfully, Jim Phillips
630



3300 Oakdale Avenue North
Robbinsdale, MN 55422-2900
(612)520-5200

June 7, 2000

Abbot Timothy Kelly, OSB
St. John's Abby
Collegeville, MN 56321

Dear Abbot Kelly:

Enclosed, for your records, please find a copy of my 2000 Employee Performance Review from North Memorial Health Care.

Sincerely,



Brother Jim Phillips, OSB

/di

enclosure

OSB PHILLIPS_00044

EMPLOYEE PERFORMANCE REVIEW

Name: Jim Phillips Employee #: 04268
 Position: Staff Chaplain Review Date: 5/1/00
 Cost Center: Pastoral Care #2950 Date Due: _____

JOB FUNCTIONS

A. Provides Quality Patient Care on Assigned

Units: TNIC/5N/7N

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips has done an excellent job in providing compassionate and inspired care on his assigned units. Chaplain Phillips often goes beyond the call of duty to serve families and patients.

B. Evening Shift Chaplaincy

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: During this last year, Chaplain Phillips volunteered to fill a permanent evening shift position. He has handled this transition well. This is a very demanding position and Jim has shown initiative as he has managed this shift.

C. On-Call Chaplaincy

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips does not do as much on-call as he used to with his new position. When he does cover on-call, he does so very thoroughly and with attentiveness. His evening work helps other Chaplains' on-call load significantly.

D. Team Meetings

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips is not able to attend as many team meetings as before. He does come in early on Thursdays to attend a 7N team meeting. Chaplain Phillips has worked very hard at establishing and maintaining contact with both day and evening shifts in assigned areas.

E. Resident Chaplain Mentoring.

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips has worked hard at providing a good example for student chaplains. He has helped to coordinate care with several Residents this past year. A growth area for Jim is learning how to mentor Residents without over-supervising them.

F. Complex Patient/Family Dynamics.

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips has the ability to enter into complex and challenging family dynamics and help staff deal with difficult situations. Chaplain Phillips uses a mix of Pastoral Care skills such as patience, insight and good assessment skills. A growth area for him is being careful not to over-manage patients/families.

G. Trauma Study.

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips has helped enroll families in our Trauma Research Project. He has helped to manage this on-going project. Enrollment and follow-up results have been slower than expectations.

CONTINUOUS QUALITY IMPROVEMENT

A. Participation & Support of Practices

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips both participates in and supports our continuous quality improvement practices.

B. Supports Co-Workers/Work Groups

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips is very supportive of his co-workers in our department as well as other departments around the hospital.

C. Participation & Support of Activities

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: See comments under "A" above.

ORGANIZATIONAL COMMUNICATIONS

A. Effective Communications

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips' new evening shift position has demanded extra effort in communicating with other Pastoral Care Department members, members of the Trauma/Neuro/Rehab team. Chaplain Phillips has done a very good job meeting this new challenge.

B. Attention to Others

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Clearly one of Chaplain Phillips' many strengths as a professional Chaplain. He is very attentive to the needs of others.

C. Meeting Information

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips has worked hard at keeping up with all pertinent departmental and medical center information.

D. Confidentiality

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips keeps a strict code of pastoral confidentiality.

OTHER JOB REQUIREMENTS

A. Attendance

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

Comments: Chaplain Phillips is a very conscientious Chaplain.

B. Protocols & Policies

	X	
Needs Improvement	Desired Performance	Exceeds Desired Performance

OVERALL PERFORMANCE REVIEW

This section is a summarization of the employee's overall performance since the last appraisal. Place an "X" on the performance continuum that reflects the level of overall performance based on the standards and the overall comments section.

		X
Needs Improvement	Desired Performance	Exceeds Desired Performance

The overall performance of this employee demonstrates competence in assessment and interpretation of data appropriate to the age of patients served within the assigned service area(s).

Check all that apply:

- Adolescents Children Infants
 Adults Geriatric Neonates

Age-specific criteria not applicable to this position.

TO BE COMPLETED BY THE EMPLOYEE:

You may wish to comment on the performance appraisal you have received. It is your opportunity to provide input as to the effectiveness of the interview and to voice your agreement or disagreement with the evaluation. You may wish to use the space below or submit your comments to your manager and/or the Personnel Department.

I wish to submit my response separately to my manager and/or the Personnel Department. ___ Yes ___ No

Comments:

Appraiser and employee both need to sign and date the performance review form. After completion, please forward this form to the Personnel Department.

Signature of Appraiser

Date

5-25-2000

Signature of Employee

Date

Jim Phillips, OSB

5-25-2000

04/26/01 PHILLIPS, JAMES # RB DOB: 11/23/48

S: The patient is here to establish primary care provider. He has been at Champlin North Memorial Medical Center for the past 3 years. Prior to that since 1968, he has lived in the monastery at St. John's Collegeville. Over the last 3 years, he has adjusted to independent living and has no current problems. He just had an episode of shingles 3 weeks ago on the right abdominal lower chest region for which he was seen at North Memorial and receiving amitriptyline, Vicodin and Guaifed. Symptoms have mostly resolved and he has no significant problems. He notes his past history of having stiffness of the upper back and feet which he attributes to a possible polio in the early 1950s. He has recently started exercising and has noted improvement in symptoms. The patient had previously received care from the medical provider at St. John's Collegeville and wishes copies of these exams to be maintained in a file there.

PMH: In the 1960s in 8th grade he suffered an appendicitis attack with surgery. In 1950s, he was hospitalized for 30 days for questionable polio as mentioned above.

ALLERGIES: None.

MEDS: No prescribed medications. Currently on glucosamine and chondroitin with relief of some of his stiffness. Also, zinc, echinacea, vitamin C, prolesin nibblers and granular lecithin.

HABITS: The patient is a nonsmoker and drinks 4-5 cups of coffee/day and rare alcohol.

FH: The patient's father died in his 80s of old age. He had lung cancer at the time and had been a smoker but not acute cause of death. Mother is alive and well at 74. Maternal grandfather died at 73 of an MI suddenly. Maternal uncle at 63 of an MI suddenly as well. Brother who died at age 47 and an MI 4 years ago.

ROS: Noncontributory particularly cardiovascular, respiratory, GI, GU or neurological.

O: BP 132/86. Weight 194 pounds. Height 71 $\frac{1}{4}$ inches. Temp: Afebrile. General: Slightly cooperative male in no apparent distress. HEENT exam is unremarkable. Neck without masses. Lungs clear. Cardiovascular exam with a regular rate and rhythm without murmurs. Abdomen soft and nontender without masses or hepatosplenomegaly. GU exam reveals no hernias. Testicles without masses. No hernias appreciated. Rectal exam negative with normal soft prostate. Extremities are without edema. Peripheral pulses are present. Urinalysis is negative. The patient does have a resolving shingles area located on the right mid abdominal area around the T9-T10 distribution.

A: 1. Resolving shingles.
2. Health care ongoing.

P: The patient underwent blood tests for cholesterol, diabetes and hemoglobin. The results will be called to the patient's home. The patient wishes to have colonoscopy and this will be scheduled once lab tests are back. Pros and cons of flexible sigmoidoscopy/Hemocoalts versus colonoscopy had been discussed and he would prefer colonoscopy.

Neil P Jeddloh MD AT127 D: 04/26/01 T: 04/27/01 # 54724
cc: St. John's Abbey, Collegeville

*****NO ADDRESS FOR COPY TO BE SENT GIVEN*****

May 1, 2001

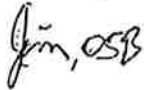
Dear Abbot John,

This letter is to inform you of the potential city wide nurses strike, which includes North Memorial Hospital. The actual strike vote is set for May 17th. If the strike occurs, it would begin on June 1st. I would not be available to attend our Monastic Retreat beginning on the 4th due to responsibilities required of me during this time. Further communication will occur as I receive updated strike information.

An opportunity has been presented to me, from a travel agent, to travel to Jerusalem and Rome as a spiritual presence. The length of this trip would be two weeks. Five hundred dollars was recommended to me to have for costs not covered by the tour. Please note that I have never been to Jerusalem and feel this would enhance me as a monk working as a hospital chaplain. The trip will either be in November 2001 or late February or early March 2002.

Thank you for your consideration of this request.

Fraternally,



Jim Phillips, OSB

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

May 23, 2001

Br. James Phillips, OSB

████████████████████
Brooklyn Center, MN 55429-████████

Dear Brother Jim:

Thank you for your letter explaining the situation with the potential city-wide nurses strike. I hope that you will have some time for a private retreat, since the abbey retreat won't work out for you this year.

You have my permission to travel to Jerusalem and Rome. I hope that you a safe and happy time. Please be sure to get in touch with the Prior on the details.

I hope that you are staying well and that nurses strike doesn't make your life too chaotic.

Peace and blessings,

+ John

Abbot John Klassen, OSB

JK/kr

PHONE 320 363-2544 FAX 320 363-3082

OSB PHILLIPS_00050

Jim Phillips
5-23-02

• You have accepted and reviewed the findings of
the Commission of Concentrated Life

• I cannot return you to ministry, given the
allegations.

• ~~There~~ There needs to be a plan of supervision
put into place.

• How best to proceed - who morally do you wish
to walk with you on this ~~new~~ road?

• ~~There~~ What do you need, within the constraints
What about your health? What about work?

October 2, 2002

Abbot John Klassen, OSB
St. John's Abby
Box 2015
Collegeville, MN 56321-2015



Dear Abbot John:

Brother James Phillips has been "out of town" this past week. As a consequence I could not review the results of my evaluation with him prior to releasing same to you.

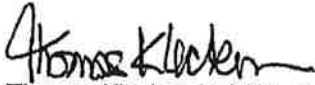
Plans are to meet with Brother James the evening of October 8, 2002 whereby I will share the results of the psychometric testing as also the conclusions I have drawn from the evaluative process. Having concluded such I will forward on to you the psychological evaluation.

From the accounts in the media, you have been busy. God's speed in your efforts.

Since I have the flexibility in schedule and the unique competences in treating and evaluating sexual offenders, I wish to extend to you a willingness to be on the committee, (mental health worker) or in any other capacity you may feel my services could be used.

This is our church; a church that hopefully will be tempered by these experiences in a way so as to better serve the community of Christ.

Sincerely,



Thomas Klecker, M.S.W., M.S.
Licensed Psychologist
Licensed Independent Clinical Social Worker

TEK/bkj

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[320-632-6647]
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[218-631-2462]
[218-894-1002]
[218-547-3240]

An Equal Opportunity Employer

OSB PHILLIPS_00052

October 14, 2002

Abbot John Klassen, OSB
St. John's Abbey
Box 2015
Collegeville, MN 56321-2015



RE: Brother James Adrian Phillips
DOB: 11-23-48 (Psychological Evaluation and Sexual Offender Assessment)

Dear Abbot John:

Enclosed for your consideration is the Psychological Evaluation that was conducted on Brother Phillips. Brother Phillips was initially seen on September 10. At that time he underwent a battery of tests and an interview of approximately 8 hours duration.

Brother Phillips was to be seen a second time on October 1 in order to review the psychometric testing and to provide Brother Phillips an explanation as to the conclusion that I had arrived at. This is an ethical obligation incurred by those providing forensic evaluations. Brother Phillips was not available on that date as originally planned. Therefore, we rescheduled an appointment for the 8th of October. We met for about two hours on that date, in which psychometric testing results and history was shared. Also discussed were the conclusions and the recommendations that would be presented to you in the body of this evaluation. At some point in our conversation, Brother Phillips was essentially offered the opportunity to postpone the release of the evaluation pending a consultation with Father [REDACTED]. It was my understanding that Brother Phillips would be meeting Father [REDACTED] on the weekend of October 12-13 in Madison, Wisconsin. Brother Phillips asked that I postpone the release of the evaluation until he had an opportunity to consult with [REDACTED] saying that he would get back with me on the 14th. The intimation at that time was that he would perhaps have something of importance to share above and beyond that which he disclosed in our two prior meetings.

Brother Phillips was contacted on October 14. He essentially stated that he had nothing further to add or detract from the evaluation.

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OSB PHILLIPS_00053

Page 2

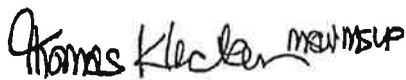
You will note that this particular psychological evaluation essentially consists of six parts:

- Psychosocial History as provided by Brother Phillips and collateral contacts
- Psychometric Testing
- Sexual History and Actuarial Risk Considerations
- Mental Status Exam
- Summary, Conclusion and Diagnostic Profile
- Recommendations and Further Considerations

I apologize for the delay in forwarding on to you this evaluation, but given the seriousness of the matter, I wanted to provide Brother Phillips any and all opportunities in which to ask questions, and for me to provide a rationale as to the conclusions that I formulated, as also to offer Brother Phillips an opportunity to consult with [REDACTED] relative to whatever matter he wished to discuss. Most always Sexual Offender Evaluations of this nature are undertaken when legal charges have been filed, and the subject is afforded due process.

If you have any questions relative to the content of this evaluation, please don't hesitate to call me. I can be reached at home at [REDACTED] Thank you for utilizing Northern Pines Mental Health Center.

Sincerely,

Handwritten signature of Thomas Klecker in black ink. The signature is written in a cursive style and includes the initials 'M.S.W.' and 'M.S.' at the end.

Thomas Klecker, M.S.W., M.S.
Licensed Psychologist
Licensed Independent Clinical Social Worker

TK/koc

October, 2002

Abbot John Klassen, OSB
St. John's Abbey
Box 2015
Collegeville, MN 56321-2015



STATEMENT FOR SERVICES PROVIDED
by Thomas E. Klecker, MSW, MS, LICSW, LP

<u>Name</u>	<u>Initial contact date</u>	<u>hours</u>	<u>Cost</u>
Brother James Adrian Phillips 2 hour clinical interview psychometric testing: Shipley, TONI-3, WRAT-3, Beck Depression Inventory, FIRO-B, MCMI-III, MMPI-II, Sexual Symptomatology Checklist. Dictation and proof-reading	September 10, 2002		

Total Due \$645.00

We declare under the penalties of law that this account, claim or demand is just and correct and that no part of it has been paid.

Northern Pines Mental Health Center

October, 2002


Thomas Klecker

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[218-631-2462]
[218-894-1002]
[218-547-3240]

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OSB PHILLIPS_00055

CONFIDENTIAL PSYCHOLOGICAL EVALUATION AND SEXUAL OFFENDER ASSESSMENT

Name: Brother James Adrian Phillips, OSB Marital Status: Single
DOB: 11-23-48 (age 53) Occupation: Brother, Order of St. Benedict
Sex: Male Date of Initial Contact: 9-10-02
Referral Source: Abbot John Klassen, OSB Dates of Evaluation: 9-10-02, 10-08-02
St. John's Abbey

Source and Reason for Referral:

On September 4, this examiner received a letter from Abbot John Klassen requesting that Brother James Phillips undergo a psychological evaluation and a sexual offender assessment. This request for a psychological evaluation emanated out of allegations having been made by two individuals. They accuse Brother Phillips of sexual misconduct allegedly perpetrated on them several years ago. This letter of request by Abbot Klassen was preceded by approximately two phone calls in which the Abbot had shared his concerns as to his efforts in ascertaining, in a just and equitable way, whether or not Brother Phillips may have, point in fact, acted in a sexually inappropriate manner.

Assessment Instruments and Evaluative Procedures Used:

In addition to the two phone consultations and the referral letter, Abbot John Klassen provided a brief, one-page description of the alleged sexual abuse perpetrated on two individuals who at one time were students at the St. John's Prep School between the years 1979-81. In addition to the information provided by way of those accusations, the content of that confidential information indicates that a witnessed Brother James Phillips engaging in inappropriate sexual behavior with one of the victims. Upon initially interviewing Brother James Phillips, he categorically denied any sexually inappropriate behavior and unequivocally denied the charges. The client (Brother James Phillips) was seen in a face-to-face interview and submitted to psychometric testing spanning approximately 8 to 9 hours on September 10th. A review of substantial psychometric testing was made. Please refer to Part II of the evaluation. In addition, the client was seen an additional two hours (between the hours of 6:00 and 8:00 p.m.) on October 8th. The purpose was to review the results of the psychometric testing and have further discussion. At that time, Brother Phillips did change somewhat his initial account. At that juncture, he requested that he be afforded an opportunity (before the evaluation was forwarded on to Abbot John Klassen) to consult with his friend and possibly his legal counsel, The client also gave permission for collateral contact with his brother and a friend.

Part I - Social Psychological History

Identifying Information:

Brother James Adrian Phillips is a 53-year-old well-nourished, pleasant looking (in a rather distinguishing manner), competent, male who is a religious brother in the community of the Order of St. Benedict. It has been explained to Brother Phillips the limits and conditions unique to privacy and confidentiality as also obligations incurred by this therapist relative to

mandated reporting. The client signed all necessary consent forms giving authority for this therapist to have two collateral contacts, one with a brother and another with a friend. The client understands full well the nature of the evaluation and the rationale for such. It is imperative that this examiner note at the onset of this evaluation that while Brother James Adrian Phillips was generally cooperative in the evaluative process, there is reason to speculate that there was some measure of duplicity centering particularly around matters of sexuality. The client currently is residing at St. John's Abbey in Collegeville, Minnesota, as per the direction of Abbot John Klassen.

Suicide Profile:

The client categorically denies by history or current inclination any suicidal thoughts. There is no past history of suicide attempts. There is no history of para-suicidal gestures or self-injurious behavior. Subjectively, the client places his suicide risk potential on a scale of 0-100 at "zero." Brother Phillips describes himself as a rather cautious type of individual. In the estimation of this examiner, the client is not seen as representing an imminent risk of harm to self or to others.

Education:

The client graduated from Villard High School in 1968. He indicates that he recalls approximately 32 in his rather small graduating class. He indicates that he was the president of his class in high school for three years. He was involved in: football, basketball, baseball. He worked on the school paper. He estimates that his GPA was approximately 2.5. In addition to that educational endeavor, the client much later underwent what he describes as "clinical pastoral education" for which he received certification. He attended this training at North Memorial Hospital between 1996 and 1997. This was explained as preparatory training to be a chaplain.

Military:

N/A

Hobbies and Interests:

The client enjoys viewing sports on television. He has no collections per-se. He subscribes to no magazines. When he was living in the community he subscribed to the National Catholic Reporter and "Catholic" magazine. In the past, the client had been active in the St. Cloud Rotary Club. At one time he functioned in the capacity of vice president. The client also indicates that in the past he was involved in an ad hoc committee at St. Olaf's Catholic Church in Minneapolis; a group that was addressing the needs of the homeless. This reportedly was in 1997.

Childhood:

Brother Phillips was born in Niagara Falls, New York. He lived there for a very short period of time while his dad was stationed there in the army. His mother was from Grand Island, New York and the family relocated there. The client's original name was [REDACTED], his father's

surname. The client moved back and forth between St. Cloud and Grand Island, New York until about the age of 6. As best as he can ascertain from the remarks of others, his mother's pregnancy and his subsequent delivery were normal. However, there is some compelling information to suggest that Brother Phillips' mother consumed a substantial amount of alcohol during her pregnancy. If true, one may hypothetically speculate that the client may very well have experienced the residual effects of that toxic influence on his fetal development. The client's mother was 18 years of age when she married the client's father, who was 28. Apparently the mother had converted to Catholicism. Brother Phillips indicates that during his childhood he saw himself as being raised in a very "ultra conservative Catholic" manner. He indicates that after the age of 6, he and his siblings "moved around a lot." His parents divorced when he was about 6, possibly 7 years of age. Brother Phillips states he "kind of went back and forth between his parents", both of whom he describes as "alcoholic." The client states that he recalls rather vividly both of his parents bringing people home for "one-night stands." This shifting back and forth relative to who he stayed with, mother or dad, lasted until about age eight. When the court intervened and, deciding that neither parent were quite capable of parenting their children, the client and his oldest brother, [REDACTED] subsequently went back to St. Cloud. Some of the siblings went to the St. Cloud Children's Home, others were placed elsewhere. The client indicates that in the 4th grade or thereabouts, age 10, he was placed in the St. Cloud Children's Home for about a year and a half. He then moved to Sauk Centre, Minnesota for 2-½ months and then on to Villard where he stayed with the [REDACTED] family until he was emancipated at age 18, whereupon then he joined the Abbey at St. John's after graduating from high school. The client indicates that the Phillips family did not adopt him but he took their last name in tribute to these people who, he feels, treated him more as their child than his biological parents did. The client has had no contact with either of his biological parents for a number of years. The client is rather emphatic in stating the changing of his name was important for him as one way of acknowledging his sincere appreciation to the Phillips family. The client reportedly contracted a "touch" of polio in 1954. He spent 32 days in the St. Cloud Hospital. The client, in reminiscing about his childhood, particularly his adolescent years, sees himself as essentially the caretaker of his siblings, always having to look after them since the first grade. The client attended St. Anthony parish and school. He states "we never missed church. We were poor but we were very clean." The client reports out that his family was quite "dysfunctional" but he states "we were always neat and clean." The client denies any involvement in any: gang, satanic or occult activity. He does indicate that he reached puberty at around age 12. For his generation, that would be an "early bloomer." Early bloomers, as reflected in psychological literature, have some unique problems relative to commencing early sexual activity, using alcohol or drugs, and engaging in aggressive display more so than late bloomers. The client indicates that another important consideration in his childhood was that all five children: the client and his four siblings essentially lived for awhile in the same room with the mother and father and that he was often aware that his parents engaged in sexual activity at night. He stated that he might "wake up during the night and they would be having sexual intercourse." The client indicates that there "may have been some abusive issues." He states his father was intoxicated often and the client was made to sleep with him. He states his father very

often slept nude. He does not recall any specific sexual abuse. He indicates that there was no physical abuse perpetrated on him by his parents. However, the client does recall that his older brother, described also as an "early bloomer", would be sexually abusive to Jim and his brother. He states would have the client perform fellatio, (Jim Phillips acting in the active role). He states that this took place at around age 7, and that there were no more than 3 episodes. The client indicates that that sexual abuse consisted of: exposure, masturbation whereby would masturbate in front of Jim, and the three acts of fellatio. The client reports out that he was the active partner in those three acts of fellatio, but not a willing participant.

Medical Issues:

The client wears corrective vision lenses and has done such since the 2nd grade. At present, he stands 6'1" and he weighs between 180 and 200 pounds. He denies any past history of: concussions, seizures, or disease to the brain or spinal cord. He does indicate that he has had a problem with a spastic colon most all of his life. He indicates for exercise he enjoys walking a great deal. He reports out that at present he is sleeping very well and eating well. His last physical examination was in 2002. He describes himself as essentially healthy with the exception of his arthritis. The client underwent a colonoscopy in 2000 and reportedly the results were negative. The client reports out that there is "heart disease" on the maternal side of the family. The client reports out also a brother, died five years ago of what is described as "a sudden heart attack syndrome." The client's father died of cancer.

Chemical Use:

The client is a nonsmoker and a non-chewer of tobacco. He takes Glucosamine for his arthritis condition, this is an over-the-counter medication that offers some hint of efficacy. The client is a minimal user of caffeine. Brother Phillips categorically denies by history or current use any illicit recreational street drugs. He minimized the degree to which he uses over-the-counter medicine and he denies the use of inhalants by history. The client states alcohol has never been problematic and that, point in fact, he has never been intoxicated in his entire life.

Family History:

The client's biological father is deceased, having died of "lung cancer" in 1989. The client states his father died when he was in his 70's. The client's father's name was . The client reports out that he believes his father most likely also had cirrhosis of the liver given the perceptions as to chronic alcohol abuse. The client also intimates that his father may have been married on more than one occasion after the divorce between the father and the client's biological mother. He states that it was pure coincidence that he found his father working at St. John's University in 1971. His father apparently was working in the bakery. He states it was "a surprise reunion." When asked to assess his relationship with his father on a scale of 0-100 the client simply stated "It was very poor." The client's biological mother, remarried. She reportedly continues to live in New York state. The client states that neither of his parents, mother or father, took any responsibility for the raising of Brother Jim or his four siblings. He offers some hint to suggest that he wants to have

continued contact with his mother. He visits her from time-to-time, but he also indicates that he holds some resentment, perhaps, because of her willingness to assume the social mothering role for her biological brother's children, but not her own. She reportedly is 76 years of age and, according to the client, is in reasonably good health. The client has a 56-year-old brother by the name of [redacted]. Brother Phillips has no idea where his brother now lives. He has not seen this brother in five years. He is described as "not mentally well." Reportedly this particular brother was hospitalized at the Brainerd State Hospital on more than one occasion. Brother Phillips states "he never trusted me" after (Brother James Phillips) reportedly made efforts to reconcile with his mother. Brother James Phillips states that his brother [redacted] however, always felt the need to get even with his mother for her failure to provide that which he felt he needed but did not receive from her. His brother, [redacted] died at age 47 approximately 5 years ago of a sudden heart attack. Reportedly, he was a [redacted] and [redacted]. Then there is brother [redacted] is 46 years of age and works for [redacted]. He states "I really don't see him all that much anymore." There is brother [redacted] age 43. [redacted] reportedly is an administrator with the [redacted] in St. Cloud. Brother James Phillips has never been married and he has sired no children.

Legal Issues:

The client has never been arrested. He's never filed bankruptcy. There are no legal issues of note reported by the client.

Previous Counseling:

The client indicates that he has never availed himself of any psychological or psychiatric counseling per-se. he does indicate, however, that in the 1960's he and his siblings were assigned to family therapy through Catholic Charities specific to the turbulence in his dysfunctional family of origin.

When asked specifically what might be some current stressors, the client states "Nothing unusual" save but this particular situation which he readily concedes is stressful, but not to the degree one might reasonably expect.

Anger/Violence:

The client intimates that he has been successful in controlling his anger. One gets the distinct impression, by his remarks, that he has a propensity to "stuff it." Brother James Phillips states "I don't let it control me. I've never taken my anger out on someone else. I'm very trusting in the process."

Employment:

Relative to employment, the client reports out since joining the monastic community in 1968 and taking his final vows in '73, he had worked between 1968 and 1981 at St. John's University and Abbey in housekeeping, 1981 to 1984 he was stationed in the Bahamas. From 1984 to 1986 he returned to St. John's. In 1996-97, the client apparently undertook some

training for clinical pastoral education work. In 1998 he returned to St. John's awaiting assignment. In May of 1998 he returned back to North Memorial Hospital where he functioned in the capacity of a staff chaplain. On August 13, 2002, Abbot John Klassen directed him to return back to St. John's Abbey awaiting some dispositional decision relative to the afore noted sexual accusations made. In this interim period, the client works in housekeeping. When the client did work in the staff chaplaincy position at North Memorial, he lived in Golden Valley in an apartment. Prior to that assignment, he lived in another apartment in Brooklyn Center.

Collateral Contacts:

The client, having consented, two individuals were contacted per the request of Brother James Phillips. One was _____ the brother of the client, who resides in Cold Spring, Minnesota. He was contacted on September 23rd. _____ reports out the following: "I don't believe he (Brother James Phillips) would do anything like that." He states "our mother was an alcoholic during pregnancy." _____ has absolutely no recollections relative to his brother James ever being abused. He states "Jim is hard to find out what he's doing, what his job is. He did not brag but he'd always change the subject, when inquiry was made as to what specifically he did." Brother _____ states that he has known his brother Jim quite well for the last twenty years. "He's around my children, I had no suspicions. _____ my oldest brother, he's a Jesus freak. He was committed to St. Cloud Hospital but he disappeared about 3-4 years ago and I just don't know where he's at." when this issue was brought up to Brother Jim, the issue of the collateral contact and that his brother never knew what he did. Brother Jim again reiterated the fact that he was a prefect.

A second collateral report of contact was made to _____ This is long-time friend of Brother James. She was contacted on September 26th. She states "I've known Brother Jim since 1975. He assisted our family when our son _____ was in the prep school. _____ is now a physician at North Memorial Hospital (an emergency room physician). Jim would drive home to Paynesville. At times when there were late games or bad weather he would take the back roads." When this information was shared with Brother Jim Phillips on October 8, 2002, he indicated that he would follow this young man in his car and that, point in fact, he did not drive him home. _____ states "It is impossible for me to believe that Brother Jim would do these things, to be interested even in those things. He's such a meek (passive) person. In those days his vows were #1 to him. He was only interested in being a good monk, a good person, and following his vows. He was very obedient to the Abbot. He always spoke in a third person 'we', (he and the monastery). Brother Jim was good at public relationships where he identified with the monastery." She was not aware of two alleged victims when Brother Jim had contacted her and his brother to notify them that this examiner would be calling. Reportedly, when he did explain to _____ that someone would be calling regarding these accusations, he may very well have left out some of the specific accusations. She does recall Brother Jim stating that the accusations centered around a party or a prom in which Jim essentially forced, "coerced an individual by the name of _____ into leaving the party."

Part II - Psychometric Testing

1. Wide Range Achievement Test 3-Reading Subtest (WRAT-3)

The WRAT-3 Reading Subtest is administered in order to determine if the testing individual has sufficient reading skills that meet or exceed an 8th grade reading level. This test involves word recognition. Most standardized psychological tests have a 6th to 8th grade reading level. If the client does not have sufficient reading skills, an audio tape version of the test is very often provided. The complete WRAT-3 is also helpful in the diagnosis of learning disabilities. Brother James Phillips was administered the WRAT-III on 9-10-02. He was determined to have a high school reading level more than sufficient to complete a battery of psychometric testing.

2. Test of NonVerbal Intelligence-3 (TONI-III) administered on 9-10-02

The TONI-III is a language-free measure of cognitive abilities. It was developed in 1982 in order to assess the aptitude of children and adults whose cognitive, linguistic, or motor skills may adversely affect their performance on traditional testing. The TONI-III is a language-free, abstract, figural content test which results in low culture loading. The test is not timed and requires only about 15 minutes to administer. It is intended to be used with subjects ranging in age from 6 years, 0 months to 89 years, 11 months.

The TONI-III measures a very specific component of intelligent behavior by testing an individual's ability to solve problems without overtly using language. The TONI-III taps a single intelligent behavior; namely, a person's ability to solve novel and abstract problems. Empirical problem solving has been identified as a general component or construct of intelligent behavior rather than as a splinter scale or sub-component. Although problem solving is a discreet skill, it underlies all intelligent behavior and it reflects the level of intellectual functioning of the problem solver. On this particular test, Brother James Phillips came out with an estimated IQ of 77. This is approximately 1-½ standard deviation below the mean average. Brother James offered evidence at the initial onset of the testing of having substantial difficulty, stating point-in-fact, that he was confused. The test was explained to him twice. He states "I've always had trouble with this kind of testing, it's terrible, terrible trouble with tests like this." The client's estimated IQ on this particular instrument, I have (estimated 12 to 77) positions Brother Phillips in a range between 70-79 which is often referred to as the borderline intellectual functioning range. Approximately 6.7% of the population are included in this range. The client took 9 minutes to complete this test, point at which accumulated errors ended the test. He states "This has been very frustrating for me."

Reference: Examiner's Manual, TONI-III, Test of Nonverbal Intelligence, Third Edition, Rita Brown, Rita J. Scherbenow and Susan K. Johnson, 1977.

3. The Shipley Institute of Living Scale administered on 9-10-02.

The Shipley as a means of assessing intellectual functioning is intended as a screening

device for a broad band of near average intelligence and for individuals suffering only mild to moderate cognitive impairment. The client scored in the low average range, providing an estimated IQ on this instrument of an "88." This would place him in the low average range between 80-89. 16% of the population falls within this range. The client offers evidence to suggest that perhaps his verbal skills and vocabulary may very well actually mask a lower IQ when compared to the TONI-III which evaluates abstract problem solving.

There is a significant discrepancy between the vocabulary portion of the test and the abstractional portion of the test. Subsequently, the client's conceptual quotient (CQ) was "very suspicious." The conceptual quotient (CQ) is the ratio of abstraction to vocabulary mental ages. The assumption underlying the development of the CQ is that persons with intact intellectual functioning should have roughly equal abilities in the areas of "vocabulary skills" and "abstract thinking." Individuals who have undergone a significant amount of intellectual impairment, however, will show a discrepancy between vocabulary skills and abstract thinking. This assumption is based on the supposition that impairment has a greater detrimental effect on "mental process such as abstract thinking than on mental content" such as a person's vocabulary. In general, unimpaired persons should have a CQ of approximately 100 or thereabouts. With Brother Phillips, his CQ was 70, offering some "very suspicious" information relative to possible cognitive impairment. There are a number of variables that may account for this discrepancy inclusive of age, education, and environment. However, education and environment should have no appreciable detrimental effect. Actually, one might reasonably expect the opposite given the environment in which the client operates. Age certainly would offer some possible modulating influence as to the discrepancy.

Most intelligence tests generally focus on or measure intelligence in five areas:

- Abstractional thinking
- Learning from experience
- Solving problems by way of insight
- Adjusting to new situations
- Focusing on and sustaining one's ability to achieve a desired goal

A review of most definitions of intelligence reveal that they all imply, include or elaborate on these five areas. Given the significant discrepancy between the estimated IQ of the TONI-III as opposed to the Shipley Institute of Living Scale, it is reasonable to speculate that the client probably has an IQ someplace in the range of 80-89, in the low average range of intellectual functioning.

Reference: Shipley Institute of Living Scale: Revised Manual by Robert A. Zachary, Ph.D., D.P.S. Publishing and Distributors, 1996.

4. The Beck Depression Inventory, administered on 9-10-02

The Beck Depression Inventory is appropriate for persons who are older than 13 years of age and have at least a 6th grade education. It is one of the most widely used instruments, not

only for assessing the intensity of depression in psychiatrically diagnosed patients, but also for detecting patients in normal populations. The Beck Depression Inventory has been validated as a self-administered, as well as an interview-administered instrument. The client responded in a manner as to suggest that he is experiencing minimal or no depression.

Reference: Dictionary of Behavioral Assessment Techniques

5. FIRO-B administered on 9-10-02.

"The FIRO-B" is an abbreviation for "Fundamental Interpersonal Relations, Orientation-Behavior." It is a 54-item questionnaire which attempts to measure three fundamental dimensions of interpersonal relationships: "inclusion", "control", and "affection"

"Inclusion" attempts to assess the degree to which a person associates with others.

"Control" as a variable attempts to measure the extent to which a person: assumes responsibility, makes decisions, dominates others or has a need to be controlled by others.

"Affection" scores reflect the degree to which a person becomes emotionally involved with others. That is to say, their capacity to be affectionate as also their need for affection.

The test assumes that these three areas are fundamental in understanding and predicting interpersonal behavior. Although many other factors will influence a person's actions, if where the person stands on these three dimensions is known, meaningful inferences can be made about the person's behavior. The client scored in the following manner:

Relative to the variable of "inclusion", the client is described in the manual as "now you see him, now you don't." This individual profile often reflects persons who have many acquaintances but very few close personal friends with whom they care to spend a great amount of time. Although these persons may be highly skilled at socializing, they maintain an "exclusive club" and a selective attitude as reflected in the statement "I'll call you, don't call me." The discrepancy between high "expressed" and low "wanted" in inclusion scores does not reflect a conflict; in fact, the person's ability to socialize provides a useful coping mechanism.

Relative to the variable of "control", the client is seen as an "openly dependent male." A male with extremely low expressed control scores and a high wanted control score is dependent. He not only avoids making decisions to take on responsibility, but he may well want others to assume responsibility for him. His concept of himself is one of worthlessness and inadequacy.

Relative to the variable of "affection" the client responded in such a way as to suggest that he is a "warm individual." Persons with moderate affection scores are capable of both giving and receiving affection without going to extremes. They neither make excessive demands on others for affection, nor tend to be overly cautious in expressing affection. They tend to be realistic and practical, both in the amount of affection desired and in the number of individuals

with whom affection is sought. Although they want to be liked and prefer most people to be warm, they do not need or demand affection from everyone. As such, they are better able to tolerate the presence of someone who is unaffectionate or even hostile toward them.

Reference: Clinical Interpretation of the FIRO-B, 1977 Edition by Leo Robert Ryan, Ph.D. Consulting Psychologist Press, Inc.

6. Millon Clinical Multiaxial Inventory III (MCMI-III)

The MCMI-III is an internationally recognized assessment of adult personality. Personality problems are interpreted within the context of a person's underlying personality structure. Results are compared to norms (representative groups) of over 1000 persons who are being evaluated in outpatient, inpatient and other mental health settings. Validity measures are included to assess the attitude of the person taking the inventory toward psychological testing in general. These validity measures help identify individuals who are resistant, defensive or in denial regarding problem areas. The client was administered this particular test on September 9. The client answered in a manner as to suggest that he made a very deliberate effort to present himself as socially acceptable and likely denied admission of any personal shortcomings. An "interpretive profile" if, in fact, the client is a sexual perpetrator, would suggest a "healthy type" sexual offender: {profile is within "normal limits." Base rates are below a 75, the sexual offenses are thought out and not impulsive as planned. There may be a history of sexual deviancy and incest relationships}. This particular profile, with consideration of the client's "religious" affiliation and background, suggests one who is essentially reporting out no problems. On the basis of test data, assuming that the client is not into denial and minimization, it may be reasonable to assume that Brother James Phillips is experiencing no pronounced personality disorders or psychiatric problems, the magnitude of which would necessitate a psychiatric consultation.

Conclusion:

This particular MCMI-III was essentially a normal profile but one reflecting a high need to present himself in a most favorable way. In this particular interpretation, based upon the scales, it is likely to be seen as reasonably valid but may, point in fact, fail to represent certain features of either the client's current disorder or his character. In this MCMI-III profile, the client may suggest by his responses the presence of "a veneer of sociability and self assurance" which hides the fear of genuine autonomy which is cloaked in deep antagonism. No additional hypotheses generated.

Ref: The MCMI-III Manual Second Edition, Theodore Millon, N.C.S. Pearsons, Inc. 1997. The Essentials of Millon Inventories Assessment by Steven Strack, copyright 1999.

6. The MMPI-II, administered on 9-10-02

This clinical profile has marginal validity because the client attempted to place himself in an

overly positive light by minimizing faults and denying psychological problems even while factoring in the client's vocation and the expectedly higher L & K scales.

It should be noted that results of this psychological test should always be regarded with caution. Situational and environmental factors may influence an individual's response, performance and thus produce findings that may more accurately reflect current variables (such as Brother Jim's situation where inquiry is being made as to sexual abuse).

Limitations of scientific and psychological methodology, along with intervening variables and human factors such as adaptability and potential for change, render any absolute prediction of this individual's future behavior, ability or prognosis of his condition as impossible. Because individuals may change over the course of time, the results of this testing should not even be considered valid after one year.

It is important for the reader to understand that since the MMPI's inception in 1942 and its subsequent replacement, the MMPI-II, literally millions of people throughout the world have been tested and subsequently diagnosed and treated for certain conditions or problems. Point in fact, we are not saying that this individual, i.e., James Phillips, has or does not have certain problems, only that he answered in a manner similar to individuals who do.

The following hypotheses are generated in descending order of believed validity:

1. The client answered in a manner as to suggest that he was being deliberately defensive. The client may conceivably project an excessively positive self image, and to be somewhat arrogant and intolerant of others' failings.
2. This is not an individual who, in all likelihood, is going to seek psychological counseling\ treatment or to cooperate fully with treatment if it is to be implemented.
3. The client's profile is within normal range, suggesting that he views his present adjustment as adequate or he is wanting to be seen as having no problems.

No further hypotheses generated.

Ref: Roger L. Green, MMPI and MMPI-II, An Interpretive Manual, 1991. University of Minnesota MMPI Symposia, Lecture, Presentations and Workbooks, 1987, 1991, 1999, 2001.

Part III - Sexual History and Actuarial Risk Considerations

On September 10, James Phillips was administered a form in which he was asked to assess the reasons why people engage in sexual behavior. The client indicates that: 1) would be for education. The client states "It's important to have education about sex." 2) safety, 3) stress reduction. It was necessary to review this form again with the client as he offered some information suggesting that he was confused about the assignment, as to why people would

engage in sexual activity. That having been done, the client still seemed to be somewhat confused about what was being asked of him.

Sexual Symptomatology Checklist, administered on 9-10-02.

This is an inventory listing a substantial number of sexual behaviors, fantasies, aberrant or normal, in which the client is interviewed for the purpose of ascertaining the degree to which sexual activity and thought influences his life. The client denies the following sexual behavior:

The client denies engaging in sexual intercourse (coitus)

Ménage a trios

Transvestic ritual or use of cosmetics

Sadomasochism

Bondage and Discipline

Making 900, or obscene phone calls

Engaging in voyeuristic behavior

The client has never had intercourse with a female

Frotteurism

Exhibitionistic behavior

Child Molestation

Raping a male or a female

Engaging in anal sex

He further denies:

Having contracted a venereal disease

The client denies any involvement in fetishes, bestiality, cunnilingus, digital stimulation of the anus or vagina

Sexually compulsive behaviors

Use of alcohol or drugs to enhance sexual pleasuring

Stalking and cruising

The client reports out no physical disability that adversely impacts on his sexual performance

The client essentially denies any episodes of: lap dancing, utilizing the services of a prostitute, placing things up his rectum, using a vibrator for sexual gratification

The client does acknowledge the following:

The client states that he masturbates perhaps less than one time per month. He states "I generally don't think about that", suggesting that his masturbation is not accompanied by any cognitive or emotional consideration—which seems quite unusual. He essentially denies any accompanying sexual fantasies. When pressed on the issue he states "I don't know if I even have sexual fantasies." This seems highly improbable. The client also acknowledged ten years ago he went to a stag party in which an X-rated movie was viewed. He does deny the use, purchase or possession of pornographic or erotic magazines, movies or other visually stimulating material.

He does acknowledge at one time going into an adult bookstore. He seems to dismiss that as more out of curiosity (in response to a student stating that he had gone there).

Relative to sexual partners, the client intimates that he may have been involved in a mutual masturbation episode while in high school. He also indicates that he engaged in three episodes of fellatio with an older brother in which he performed oral sex on this brother.

When initially interviewed on the 10th of September, Brother Phillips intimated that at some time in 1971 or '72, he was involved in "some kissing, fondling and being held by two monks." He states "they were using drugs at the time and now they're long gone." He indicates there were no more than four episodes of this behavior which took place at St. John's. He denies any "French, open mouth kissing" or fondling of the genitals. He presents himself as essentially a naïve, asexual person in these episodes, at least initially. When asked "What constitutes a turn-on for you" he states "someone who is smartly dressed and groomed." When asked "What would be a turn-off" he states "no piercing, jewelry, tattoos or spiked hair." When asked if he ever entertains feeling of sexual inadequacy he says "I don't even think about that." He also denies any sexual obsession. When asked if he ever entertained any sexual fears, he says "I just don't think about it." He intimates that the fondling and hugging of the afore noted monks was appropriate and not sexually stimulating.

The client describes himself as heterosexual in his orientation.

In discussing the issue of celibacy, the client states he did not study for the priesthood because he could not as his parents divorced. His contention that the primary reason he was denied opportunities to study for the priesthood was because of that rule. He did indicate that in high school he dated a girl by the name of [redacted]. He states "She went to St. Ben's." And that over time, she pined over a relationship with him and decided to marry only after Brother Phillips had taken his final vows in 1973. The client indicates that his dating history was limited to [redacted] and another female by the name of [redacted] both of which were relationships in high school. He describes himself as an extravert. The client states he is not particularly sexually assertive in that he never engages in much conversation about sexuality. He indicates that he is fairly comfortable with his body. He states "I've had gray hair since I was 28 years of age." The client states, relative to matters of intimacy, that "in the last five years he's been better able to share." The client indicates that on one occasion in the 1970's he went to a strip club. He states "My mother took me to it as a shock factor." He states "I've never been to one since 1978." In the 1970's reportedly he went to an adult bookstore in St. Cloud. He states "I didn't buy anything, I just looked around." The client states also he was invited to one episode of urolagnia (golden shower) but he declined. He was essentially asked to urinate on a nude monk. The client denies the ingestion of any aphrodisiacs, body piercings or tattoos by his genitals. The client states that he does not utilize the computer for internet or chat rooms. He denies viewing cable television for the purpose of sexual gratification.

When Brother Phillips was seen again on October 8th and his sexual history was reviewed again, he indicates that on those four occasions in the 1970's he engaged in sexual contact with a Brother who apparently has since left the monastic life. He indicates that the first two times involved "kissing on the shoulder and chest but not on the mouth." He states the first two times the episodes lasted "a minute to a minute and a half at most." The third and the fourth times lasted three to four minutes at most, he says. It was the fourth time that this brother invited Brother James Phillips to participate in "golden shower." The client indicates that the last two episodes with Brother were such that this particular brother came to Brother James Phillips' room in a bathrobe, he let the bathrobe drop, exposing an erect penis. Brother James Phillips states "I liked the closeness of being held. I don't recall touching his penis." He does not offer a plausible explanation as to why there was a pattern of four episodes culminating in Brother dropping his bathrobe, becoming nude and fully erect and then requesting golden shower from Brother Phillips.

From an actuarial (prediction) perspective given the client's history, it is reasonable to speculate that the client has never been involved in a healthy, mature, heterosexual relationship. He does offer evidence by way of childhood and the episodes in the 1970's to suggest that he has been exposed to homosexual and incestuous behaviors. The client attempts to present himself as sexually naïve which to some degree may well be true. It, however, seems highly implausible that Brother James Phillips is as sexually naïve as he would have this examiner believe--particularly when one considers how he changed (revealed more) his account in the second interview.

Part IV - Mental Status Exam

1. Appearance: Brother James Phillips is a pleasant looking, rather handsome, distinguished looking man. He's tall, he has gray hair and nice features. He presents himself as well groomed. Posture was good. Handshake was firm. He was casually attired when interviewed. Eye contact was good. No evidence of tattoos or no body piercing noted. No evidence of dental caries or dental calculus observed by this nondentist.
2. Motor Activity: The client offers no evidence of any abnormal motor activity.
3. Behavior: He answered all questions without any pronounced evidence of being evasive or vague, but it was evident he was well defended. He promptly showed up for the appointment. There was no evidence of: sarcasm, manipulation, histrionics or attention seeking behavior. Throughout the interview process he did not become "unglued and ruffled." His composure seemed somewhat put on.
4. Speech: The client's speech was clear, concise and goal-directed. One got the distinct impression that he spoke in a very slow, deliberate manner. He was rather soft-spoken. There were occasions when he felt the examiner may have arrived at some premature

conclusions, thus necessitating on his part a need to expand excessively. For the most part, he was slow, deliberate in his speech and mannerisms.

5. Mood and Affect: "Mood" is a pervasive and subjectively experienced feeling state. "Affect" refers to instantaneous and observed expressions of emotion. The client, in some way, seemed to feel that he will be exonerated given the steadfast denial relative to the accusations made as to sexual impropriety. He offers no evidence to suggest that he is experiencing any guilt, shame or anxiety relative to the sexual charges. There were occasions when he was observed to smile and laugh. As he spoke about his childhood one got the distinct impression it was very painful, but not a pain that would ever be admitted to.

6. Thought Processes and Contents: The client was alert and vigilant. There was no evidence of poverty of speech or poverty of content. No magical thinking or delusions.

7. Perceptions: The client denies any: hallucinations, illusions or depersonalizations.

8. Attention and Concentration: The client denies any racing thoughts. When asked to interpret proverbs he had some problems. Again, this is an area of abstraction as also reflected in the psychometric testing that has been problematic for Brother James. When asked to subtract from 100 by 7, in an effort by the examiner to ascertain his ability to concentrate, he did very well.

9. Orientation: Brother Phillips was oriented to person, place, time and events, he was familiar with current events.

10. Memory: The Client's short-term memory, as evidenced by recalled three words after five minutes was good. No evidence of problems with regard to long-term memory in that the client allegedly knew several specific dates such as when he graduated from high school as also dates in his history that he seemed to have no problem retrieving.

11. Judgment: The client's understanding of his current situation in some ways seems naïve and unsophisticated. If, in fact, the client has sexually perpetrated, then most certainly the defense mechanisms operating would be denial, minimization and intellectualization. The client presents himself as a moral person. If, in fact, the allegations are correct the client may very well be employing denial because his inappropriate behaviors are so at variance with how he chooses to see himself as a morally good person. Often denial is much more than mere deception of others.

12. Intelligence: The client has a high school reading level. He is estimated to function in the low average range of intelligence based on two psychometric tests and clinical presentation. His social skills likely mask this deficit.

13. Strengths and Resources: The client, given what might be a dependency on the monastic

life, seems to feel secure at the monastery at this time in spite of the fact that accusations have been made.

Part V. Summary

Brother James Adrian Phillips is a 53-year-old brother in St. John's Abbey. He has been returned to his monastic community at St. John's Abbey after allegations have been made by two males, alleging that they were sexually victimized when they attended the prep school in the 70's. The client categorically denies in the first interview that he had acted in a sexually inappropriate way toward those students. He did, however, share that he engaged in an active role of fellatio on more than one occasion with a brother in a situation where he was under duress. He also disclosed that he engaged in "fondling and kissing" of two monks not on one, but on four occasions. This is an individual who is not seen as an imminent risk of harm to self or others. Here is an individual who presents himself in some way as having more responsibility at the monastery than perhaps he really ever did. He seems to inflate somewhat his sense of importance relative to his occupational status and responsibilities.

There are no reported medical problems, the magnitude of which would be of concern for this evaluation. Brother James Phillips does present a childhood that one might reasonably expect would be very traumatic and consequently may have adverse impact on gender identification and overall a sense of identity. The client minimized the degree to which he has ever been angry.

When this examiner and Brother James talked about his particular situation such as involving the evaluation of an individual who categorically denies any sexual impropriety, we're assessing the probability of an occurrence. It certainly is possible that Brother Jim Phillips has been unfairly accused but when one speculates, based upon the research, insofar as truthfulness of reporting, it is reasonable to speculate that the probability is quite significant that Brother James Phillips has engaged in some manner of sexual impropriety in his past, most likely with the two victims. One victim has someone else willing to state that she witnessed one episode of abuse. The client also has acknowledged that there have been four episodes of sexually inappropriate behavior with males. He tends to present those episodes as a "need to be held" which may or may not be the case. This is not a person who is presenting himself as one who has in the past experienced a healthy heterosexual relationship. There seems to be some confusion over sexual orientation.

On the one hand Brother James identifies as being heterosexual and on the other hand, he engages in behaviors that a normally discerning person would see as crossing the line. This examiner is speaking specifically of the sexually inappropriate behavior with Brother . The focus in our second meeting on October 8th was to underscore the fact that if, in fact, there had been some sexual impropriety, it would be important for the healing of the victims, vis a vis a full acknowledgement of the abuse and an admittance of wrong doing. This is important for the healing of the monastic community. When the issue of a polygraph was mentioned to Brother James Phillips, and how his failure to pass such, coupled with his history and the

probability of occurrence being perceived through the evaluative process, mention was made that he no longer would be a part of the healing process to the extent that he could be at this juncture if there was a full admission.

At no time does Brother Phillips display regret, remorse, guilt or shame.

Diagnostic Profile

Axis I 799.9 - Diagnosis deferred
Axis II Rule out 310.6 - Dependent Personality Disorder
Axis III The client reports out by history having problems with a spastic colon
Axis IV Psychosocial Environmental Problems as related to accusations being made by two individuals that Brother James Phillips had sexually perpetrated on them.
Axis V Current GAF = 55; Highest GAF in the last year = 75

Part VI - Recommendations and Further Considerations

Given the 1) history as provided by Brother James, 2) psychometric testing, 3) the two victimized individuals (assumingly reporting their abuse independent of each other), 4) one reported witness, 5) actuarial profile predictors and 6) the low probability of false reporting by two independent victims (psychological research places false reporting of sexual abuse at one to four%)

- It is reasonable to assume the probability is extremely high that Brother James Phillips sexually abused one or both victims. This examiner would place the probability at 90% or better. Brother James Phillips has reason to deny the abuse and "trust in the process." This is not a man who shows intense passion to prove his innocence. His denial, if in fact it is denial, is presented as one who will suffer the indignation of false accusation much like a saint who accepts ever so passively the indictment of guilt. In the second interview, Brother James to some minimal degree intimated he may change his position relative to his initial account after talking to [REDACTED]
- The current technology relating to the polygraph reliability reflects approximately:
98% probability of identifying truth
96% probability in identifying deception

This examiner, in consultation with an attorney, was told that any polygraph administered to Brother James could not be used against him in future legal proceedings. The results of a polygraph administered now could be sequestered if so desired.

There are allegedly two victims but countless casualties in this matter, the least of which are members of the monastic community (inclusive of Brother James).

If, as recommended, a polygraph is administered and Brother James fails such, this matter perhaps should be discussed in a chapter meeting given the opportunity for Brother James Phillips to be an active participant in a healing process. If he fails the polygraph, it is

recommended that he commence sexual offender therapy in St. Cloud with a group of laymen in treatment.

In consideration of the psychological testing and approximately eight hours of interview, it is the determination of this examiner that the client, in all probability, has sexually offended. The client fits a profile that is not unlike many sexual offenders who, after a period of time, have admitted to sexual impropriety. Here is an individual who probably has exhibited inappropriate sexual behaviors that he realizes is dramatically at variance with how he wants to see himself, (ego ideal) as a conscientious monk who is trying to maintain his vows. This examiner recommends at this juncture that the client be offered the opportunity to take a polygraph examination and that it be limited to only two or three questions. Two questions most certainly would be "Did you abuse victim one?, Did you abuse victim two?", and three, "Have you victimized anyone else?" If the client does not pass the polygraph, it is reasonable for Abbot John Klassen to conclude that the client was, in high probability, (despite protest to the contrary), sexually abusive to his charges. In that case, he should be afforded the opportunity once more to avail himself of counseling.

The failure of Brother Phillips to pass a polygraph along with the conclusions noted on this evaluation should be sufficient for the Abbot to conclude in a fair and conciliatory manner this painful matter with the victims as also the monastic community.



Thomas Klecker, M.S.W., M.S.
Licensed Psychologist
Licensed Independent Clinical Social Worker

koc

March 13, 2003

Brother James Phillips, O.S.B.
Saint John's Abbey
Collegeville MN 56321

Dear Jim:

I am replying to your letter of December 16 in which you request that I rectify the imposition of the restrictions that were placed on you. I appreciate your statement that your letter and the exercise of your rights under the law were not personal against me.

The matter with which are dealing is very complicated and sensitive, and I have spent a good deal of time thinking about – indeed agonizing over – my response to you. I trust that you will receive my letter not as directed against you personally, but rather as an attempt to explain the constraints within which I have to act. The actions I took in removing you from your ministry and placing you on restriction were not done in order to find an administratively convenient way to move the Abbey out of the morass it has been in regarding sexual abuse, as you suggest. Rather I judged it necessary to act in harmony with the Church in the United States as it tries to respond to the voice of the faithful and at the same time to show compassion and justice to victims and abusers alike.

After receiving two allegations against you, I had no choice but to remove you from North Memorial Hospital and place you under restriction. Our sexual abuse policy calls for an immediate suspension of duties until a determination can be made as to the truth of the allegations. While the Bishop's documents refer only to clerics, I would never want to use that as an argument to circumvent our commitment to ministerial integrity.

I disagree with your assertion that "Dr. [Thomas] Klecker acted outside of his professional competence and with prejudice." He is a forensic psychologist and his work focuses on precisely the kind of analysis he was asked to do – that is, to determine whether or not the allegations made against you were credible.

I have sought counsel from my staff and I am willing to undertake further investigation of the allegations made against you. If this is the course you would like to take, I believe it would be helpful, indeed advisable, for you and me to meet with either a canon lawyer or with our attorney, Mr. Bob Stich, to determine how best to conduct such an investigation so that we can arrive at an accurate assessment of the allegations that have been made against you, while presuming your innocence and protecting your civil and canonical rights. For example, I have been in communication with Father Kevin McDonough of the Archdiocese of Saint Paul and Minneapolis regarding the investigation process they used to determine the truth of the allegations against Bishop Dudley. As you know, Bishop Dudley was exonerated of all charges against him.

I await your response before proceeding further.

Sincerely,

Abbot John Klassen, O.S.B.

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2
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Update

16 December 2003

Last Name

Phillips

First Name (Religious Name)

James

Date of Birth

23 November 1948

Date of First Profession

11 July 1970

Date of Final Profession

11 July 1973

Date of Ordination**EDUCATION**

CPE 1998 North Memorial Hospital (4 Units of Clinical Pastoral Education)
Robinsdale, Minnesota

ASSIGNMENTS**Head Sacristan**

St. John's Abbey

1968 – 1979

Nurse's Aid

Health Center

St. Raphael's Hall

St. John's Abbey

1970 – 1981

Business Office Worker

St. Augustine's Priory

Nassau, Bahamas

1981 – 1984

Prefect

St. John's Prep School

1975 – 1981

Nurse's Aid

Health Center

St. Raphael Hall

St. John's Abbey

1984 – 1985

Sacristan

St. John's Abbey

1985 – 1989

Prefect

St. John's Prep School

1989 – 1995

Prize - ~~award of~~
lived in Jays dormitory (1981-1982)
moved over to the ~~East~~ dormitory (check with [redacted])

- department chair for Chapman or Dr. Phillips Memorial -

Need to get a cleavage
86-96 -

1974-81

→ 86-96

Perfect in Phonograms 1981-1982
1974-1981

- deceased

More colleges & students than Phonograms -

[redacted] - dean? in early times -

Lived

Perfect

[redacted] off to Phonograms

- Lived in Panama - Dr. Johnson

administrator of Nursing Home
works in University -

1976-1980 at University

only - Jim
Cold Spring
writing what Jim is up against -

Walter
Winniford -

U - no longer there - in the Twin Cities of MN
of the hospitals.
- CPE Director at North Memorial

[redacted] - Mary Magdalene of the Church -
1981-1984 Prior of Saint Agnes's Monastery

1 @ [redacted] [redacted]

Robert in Tacoma, WA

[redacted]

~~at [redacted]~~
Covers

Dec 1982

Message

Page 1 of 1

Sprain, Patricia R.

.om: Abbot John Klassen's private account
Sent: Wednesday, January 07, 2004 8:22 PM
To: Stenbridge, Patricia R.
Subject: Brief Descriptions of people's relationship to Saint John's

9/20/2004

OSB PHILLIPS_00112

June 10, 2004

Abbot John Klassen, OSB
St. John's Abbey
Collegeville, MN 56321

Dear Abbot John:

On or about September 9, 2003, you agreed to appoint an outside person to investigate the accusations of sexual abuse made against me. To this date, I have not received a report of the investigation and your determination in the matter. Therefore, I find it necessary to exercise my canonical rights.

I request that in accord with canon 57 of the Code of Canon Law, you issue a decree regarding my innocence or guilt in the matter of the accusations of sexual abuse made against me. If the decree determines my innocence, I request that the decree include the determination that the accusations were neither credible nor substantiated. This decree should be in proper canonical form in order for me to obtain work with the Church. If the decree determines my guilt then it should be in proper canonical form imposing whatever restrictions you have deemed appropriate.

Along with canon 57, I call your attention to canons 50 and 51 of the Code of Canon Law.

Sincerely,



Brother James Phillips, OSB

cc: Roger J. Nierengarten, Esq.

OSB PHILLIPS_00150

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 - CHAPTER II : SINGULAR DECREES AND PRECEPTS

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CHAPTER II : SINGULAR DECREES AND PRECEPTS

Can. 48 A singular decree is an administrative act issued by a competent executive authority, whereby in accordance with the norms of law a decision is given or a provision made for a particular case; of its nature this decision or provision does not presuppose that a petition has been made by anyone.

Can. 49 A singular precept is a decree by which an obligation is directly and lawfully imposed on a specific person or persons to do or to omit something, especially in order to urge the observance of a law.

Can. 50 Before issuing a singular decree, the person in authority is to seek the necessary information and proof and, as far as possible, is to consult those whose rights could be harmed.

Can. 51 A decree is to be issued in writing. When it is a decision, it should express, at least in summary form, the reasons for the decision.

Can. 52 A singular decree has effect in respect only of those matters it determines and of those persons to whom it was issued; it obliges such persons everywhere, unless it is otherwise clear.

Can. 53 If decrees are contrary one to another, where specific matters are expressed, the specific prevails over the general; if both are equally specific or equally general, the one later in time abrogates the earlier insofar as it is contrary to it.

Can. 54 §1 A singular decree whose application is entrusted to an executor, has effect from the moment of execution; otherwise, from the moment when it is made known to the person on the authority of the one who issued it.

§2 For a singular decree to be enforceable, it must be made known by a lawful document in accordance with the law.

Can. 55 Without prejudice to cann. 37 and 51, whenever a very grave reason prevents the handing over of the written text of a decree, the decree is deemed to have been made known if it is read to the person to whom it is directed, in the presence of a notary or two witnesses - a record of the occasion is to be drawn up and signed by all present.

Can. 56 A decree is deemed to have been made known if the person to whom it is directed has been duly

summoned to receive or to hear the decree, and without a just reason has not appeared or has refused to sign.

Can. 57 §1 Whenever the law orders a decree to be issued, or when a person who is concerned lawfully requests a decree or has recourse to obtain one, the competent authority is to provide for the situation within three months of having received the petition or recourse, unless a different period of time is prescribed by law.

§2 If this period of time has expired and the decree has not yet been given, then as far as proposing a further recourse is concerned, the reply is presumed to be negative.

§3 A presumed negative reply does not relieve the competent authority of the obligation of issuing the decree, and, in accordance with can. 128, of repairing any harm done.

Can. 58 §1 A singular decree ceases to have force when it is lawfully revoked by the competent authority, or when the law ceases for whose execution it was issued.

§2 A singular precept, which was not imposed by a lawful document, ceases on the expiry of the authority of the person who issued it.

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SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

July 8, 2004

Brother James Phillips, OSB
Saint John's Abbey

Dear Jim:

I am writing this letter to you to respond to your letter on June 10, 2004 requesting that I issue a decree regarding either your guilt or your innocence of the allegations made by _____ and _____. I cannot do so right now because the investigation is not yet complete. However, let me update you on the investigation. All of the contacts with students, faculty and others on the list have been made.

Only two remain, those with _____ and _____. The process has been delayed because we need to get contact information from Mr. Jeffrey Anderson and this had to go through Mr. Bob Stich because _____ has potential further litigation against another of our monks. I surely understand your desire for this to be over – it is exactly my desire. I will keep you apprised of developments and push for this to come to completion.

Sincerely,



Abbot John Klassen, OSB

PHONE 320 363-2544 FAX 320 363-3082 E-MAIL abbot@osb.org

OSB PHILLIPS_00156

JEFF ANDERSON & ASSOCIATES, P.A.

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2201 Waukegan Road, Suite E200
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Jeffrey R. Anderson ¹ ^W
Patrick W. Noaker ^M
Kathleen O'Connor-Staffo
Cynthia J. Waldt
Robin R. LeDonne ^C

July 19, 2004

Robert T. Stich
Stich, Angell, Kreidler & Dodge, P.A.
The Crossings, Suite 120
250 Second Avenue South
Minneapolis, MN 55401-2190

Re: St. John's Abbey

Dear Mr. Stich:

This is in response to your letter of July 15, 2004 wherein you requested the addresses for the following:

Very truly yours,



Jeffrey R. Anderson
jeff@andersonadvocates.com

JRA:tat

This is a duplicate

* Certified Civil Trial Specialist by National Board of Trial Advocacy and Minnesota State Bar Association
¹ Also Admitted in Illinois ^W Also Admitted in Wisconsin ^M Also Admitted in Missouri
^C Also Admitted in California

2004-07-20 Addresses

11:43 AM

Bob Stich called in these two addresses:

No Luck with
telephone #

KR

Abbot Timothy Kelly, OSB
President, American Cassinese Congregation
St. John's Abbey
Collegeville, MN 56321
Re: Administrative Recourse

Dear Abbot Timothy:

With this letter I make administrative recourse to the American Cassinese Congregation against Abbot John Klassen, OSB, of St. John's Abbey in accord with canon 1737. The basis of my recourse is the following:

In August, 2002, Abbot John informed me that accusations of alleged sexual abuse of minors had been made against me. He required that I leave my employment and return to the abbey and obey restrictions placed upon me. Later I found out that even before informing me of the accusations, Abbot John paid compensation to the accusers as part of a larger settlement against the abbey and a number of monks. I denied the accusation and continue to deny them. Abbot John did not investigate the accusations but rather since he had made compensation considered them as true. I have been on restriction for two years without admission on my part or proof of the accusation by canonical process.

Finally, in May, 2003, I made administrative recourse to Abbot John according to canon 1734 requesting that he remove the restrictions since no canonical investigation was being taken and no canonical process had proven the accusations. With the assistance of my attorney, Roger Nierengarten, I agreed to withdraw my recourse and Abbot John agreed to appoint a law firm to investigate the accusation. This was done in September, 2003.

My attorney requested on a number of occasions that a conclusion be brought to the investigation since the agreement to investigate was made September, 2003. After receiving no satisfaction that the investigation brought to a conclusion, I again initiated administrative recourse. In accord with canon 57, I requested in writing on June 7, 2004 that Abbot John issue a decree of innocence or guilt in the matter of the accusations of sexual abuse made against me. Abbot John responded in a letter dated July 8, 2004, that he could not do this at this time.


Canon 57 states that Abbot John has three months to issue the decree. If he does not then in accord with canon 1737, I am entitled to make administrative recourse to his hierarchical superior. Three months has passed since I made my request on June 7, 2004.

I seek from the hierarchical superior the following:

1. My good reputation is to be restored by the issuance of a decree stating that the accusations made against me have not been established as credible and substantiated.
2. All restrictions placed upon me as a result of the accusations are to be removed.
3. I am permitted to return to ministerial employment.
4. All records of this case are to be sealed and placed in the secret archives now required by the Apostolic See for such cases.
5. I receive an apology from Abbot John for violation of my good reputation and my canonical rights.

In order to effectively pursue this administrative recourse I request that a decree be issued stating that St. John's Abbey must pay the cost for a canonical advocate of my choosing.

September 8, 2004:


James Phillips, OSB
Cc Abbot John Klassen, OSB

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

September 15, 2004

Brother James Phillips, OSB
Saint John's Abbey

Dear Jim:

I received the copy of your letter of administrative recourse to Abbot Timothy Kelly, OSB, President of the American Cassinese Congregation. As you know the final interview of this investigation will be taking place on September 22, 2004. It has been an intensive investigation because of the difficulty of proving a negative, of proving that something didn't occur. Ms. Patricia Sprain and Mr. Dan Connolly of Faegre and Benson have done a thorough job in a systematic way, interviewing many people who know you well, as well as many students who were present in the residential program during the time of the alleged abuse.

I am hoping to bring this matter to a conclusion in early October, when I return from Rome. At that time a declaration of innocence or guilt will be forthcoming, based on our best efforts to insure that such a conclusion is grounded in the best available evidence.

Sincerely,



Abbot John Klassen, OSB

PHONE 320 363-2544 FAX 320 363-3082

OSB PHILLIPS_00175

Hello Abbot Timothy:

I have diligently pursued the closure of the investigation of the allegations being made against Brother Jim Phillips. The only piece that is missing is the testimony of one of two plaintiffs. [redacted] has been very reluctant to speak with the investigators because his case against Father Dunstan Moore was thrown out by the Stearns County court because of the statute of limitations. The case was appealed to the Minnesota appellate court and this court upheld the previous ruling. The case was then submitted to the Minnesota Supreme Court and they declined to hear the case. Apparently the final loss in this case has made [redacted] angry and disappointed.

We have contacted Mr. Jeffrey Anderson ([redacted] attorney) twice on the matter of speaking to the investigator and requested his assistance in getting [redacted] cooperation. Anderson has assured us that he will help but he has been out of the office much of the past month. At this point I know that we will get information from [redacted] but I can't anticipate the timeframe. I hope this is helpful to you in your decision making. Abbot John

-----Original Message-----

From: Kelly, Timothy
Sent: Monday, October 25, 2004 11:40 AM
To: Abbot John Klassen's private account
Subject: Bro. Jim Phillips
Importance: High

Abbot John, the President's Council will be meeting at St Procopius Abbey November 5-6, 2004. Is there a conclusion to the Brother Jim Phillips saga? We still have the letter appealing to the Congregation and how we deal with it depends on the status of the question by that time. I'll be travelling again tomorrow, Tuesday, to Washington DC and then to Florida and St Leo's. I'll be back here on Nov. 1 and will leave for St Procopius on the 3rd to be with the financial counselors for their meeting.

Timothy Kelly



OFFICE OF THE ARCHABBOT

SAINT VINCENT ARCHABBEY
300 FRASER PURCHASE ROAD
LATROBE, PENNSYLVANIA 15650-2690

November 11, 2004

Rt. Rev. John Klassen, O.S.B.
St. John's Abbey
Collegeville, MN 56321-2015

Dear Abbot John,

Greetings and warmest wishes! This letter is to inform you that Brother James Phillips, O.S.B., a monk of Saint John's Abbey, has made administrative recourse to the Abbot President and Council of the American-Cassinense Congregation. Abbot Timothy Kelly, O.S.B., President of the Congregation, and Father Dan Ward, O.S.B., member of the President's Council, have recused themselves from the recourse process. As First Counselor of the American-Cassinense Congregation, I have been delegated by the Abbot President to serve as the presiding officer for review of Brother James's request.

On Saturday, November 6, 2004, the members of the President's Council reviewed the request and have issued the attached decree.

Please let me know if there is any further information which you need regarding the decree. Know that you and the members of the community at Saint John's Abbey are in my prayers.

With every good wish, I remain

Faithfully in Christ,

+Douglas R. Nowicki, O.S.B.

+Douglas R. Nowicki, O.S.B.
First Counselor, Council of the President

cc: Abbot President Timothy Kelly, O.S.B.
Abbot Claude Peifer, O.S.B.
Abbot Hugh Anderson, O.S.B.
Father Thomas Acklin, O.S.B.
Father Dan Ward, O.S.B.

OSB PHILLIPS_00200



OFFICE OF THE ARCHABBOT

SAINT VINCENT ARCHABBEY
300 FRASER PURCHASE ROAD
LATROBE, PENNSYLVANIA 15650-2690

November 11, 2004

Brother James Phillips, O.S.B.
St. John's Abbey
Collegeville, MN 56321-2015

Dear Brother James,

Greetings and warmest wishes! This letter is to inform you that Abbot Timothy Kelly, President of the American-Cassinense Congregation, has presented your petition for clarification of your status by Abbot John Klassen, O.S.B., in light of allegations against you. Abbot Timothy Kelly, O.S.B., and Father Dan Ward, O.S.B., member of the President's Council, have recused themselves from the recourse process. As First Counselor of the American-Cassinense Congregation, I have been delegated by the Abbot President to serve as the presiding officer for review of your request.

On Saturday, November 6, 2004, the members of the President's Council reviewed the request and have issued the attached decree.

Please let me know if there is any further information which you need regarding the decree.

Faithfully in Christ,

+ Douglas R. Nowicki, O.S.B.

+Douglas R. Nowicki, O.S.B.
First Counselor, Council of the President

cc: Abbot President Timothy Kelly, O.S.B.
Abbot Claude Peifer, O.S.B.
Abbot Hugh Anderson, O.S.B.
Father Thomas Acklin, O.S.B.
Father Dan Ward, O.S.B.

OSB PHILLIPS_00201

Decree

In accordance with the norms established in the Constitutions and Directory of the American-Cassinense Congregation (D130.1.2), Brother James Phillips, O.S.B., a monk of St. John's Abbey, Collegeville, Minnesota, made recourse to the President of the American-Cassinense Congregation, the Right Reverend Timothy Kelly, O.S.B., regarding clarification of his status by the Right Reverend John Klassen, O.S.B., Abbot of St. John's Abbey, Collegeville, Minnesota, in light of allegations made against him concerning sexual abuse of a minor. The President established a collegiate panel consisting of the Right Reverend Douglas R. Nowicki, O.S.B., First Counselor, presiding, the Right Reverend Claude Peifer, O.S.B., Second Counselor, the Right Reverend Hugh Anderson, O.S.B., Third Counselor, and the Reverend Thomas Acklin, O.S.B., Fourth Counselor, in accord with the proper law of the American-Cassinense Congregation.

The President's Council of the American-Cassinense Congregation conducted the hierarchical recourse brought by Brother James Phillips, O.S.B., against the Right Reverend John Klassen, O.S.B. (Canon 1737 and D130.1.2)

After consideration of the matter, the following decision is given.

By December 1, 2004, the Rt. Rev. John Klassen, O.S.B., must issue a decree declaring the innocence or guilt of Brother James Phillips, O.S.B., in the matter of the allegation of sexual abuse made against him. The decree must be issued according to the norms of Canon Law, particularly Canon 51.

If the Right Reverend John Klassen, O.S.B., does not issue the decree by December 1, 2004, Brother James Phillips, O.S.B., has the right to further hierarchical recourse made to the Congregation for Institutes of Consecrated Life. (Canon 1737 and D130.1.2)

Given on sixth day of November 2004 at St. Procopius Abbey, Lisle, Illinois.

+ Douglas R. Nowicki, OSB
Rt. Rev. Douglas R. Nowicki, O.S.B.

Claude J. Peifer, O.S.B.
Rt. Rev. Claude J. Peifer, O.S.B.

Hugh R. Anderson, OSB
Rt. Rev. Hugh R. Anderson, O.S.B.

Thomas Acklin, O.S.B.
Rev. Thomas Acklin, O.S.B.

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

Decree

November 30, 2004

Brother James Phillips, OSB
Saint John's Abbey

Dear Brother Jim:

In response to allegations from two complainants concerning alleged sexual abuse by you, we asked the law firm of Faegre & Benson, LLP, to investigate and report their findings to us. The law firm interviewed the complainants, references and friends of yours, and others in the St. John's community and finally you, with legal counsel present. The investigators also reviewed documents from your files in the Abbey. Based on all this work, the law firm has concluded that the reports of sexual misconduct are credible and likely occurred, and that your denials are not credible.

You took temporary vows at the Abbey in 1970, solemn vows in 1973, and have been a member of the community ever since. The two independent claims of sexual misconduct arose in July-August of 2002, respectively. As soon as the allegations came to light and for the duration of the investigation, I removed you from your ministry position outside of the Abbey. When confronted with these allegations, you strenuously denied the claims and requested that an investigation be performed.

Based on a thorough investigation, Faegre & Benson concluded that it is highly probable that the sexual abuse reported by the two complainants occurred. First, both complainants were very credible during their interviews. Second, it is the investigator's conviction that you have no credible account - and important inconsistencies in your explanation of the abuse incidents. Third, the initial conduct described by both complainants was very similar. Fourth, other than sharing the same attorney, the accounts of both complaints are totally independent of each other.

Based on the evidence available to me and the results of this inquiry, I concur with the results of the investigation, and with this decree I conclude that you should remain removed from a position of ministry.

Sincerely,


Abbot John Klassen, OSB

PHONE 320 363-2544 FAX 320 363-3082 E-MAIL abbot@osb.org

OSB PHILLIPS_00209

Dec. 1, 2004

Memorial Mass of Christian Burial will be at 2:00 p.m. on Tuesday, December 7, 2004 at St. Joseph's Catholic Church, St. Joseph, MN. A gathering of family and friends will be from noon until the time of the service on Tuesday at the church. Private family interment will be at Assumption Cemetery, St. Cloud.

was born in Niagara Falls, NY to

is survived by his children, of Syracuse, NY, of Syracuse, NY, of Buffalo, NY; mother. of Grand Island, NY; brothers, Jim Phillips, OSB of Collegeville, MN, of Paynesville, MN, and of Cold Spring, MN; many nieces and nephews.

is preceded in death by his father, in 1989 and brother, in 1997.

The family would like to express their profound gratitude to the family of Aitkin, MN.

*Brother James Phillips, OSB
Saint John's Abbey
Collegeville, Minnesota 56321*

December 14, 2004

Abbot Timothy Kelly, OSB
American-Cassinense Congregation
Saint John's Abbey
Collegeville, MN 56321

RE: recourse

Dear Abbot Timothy:

From my previous correspondence with you, you know the history of my situation of being accused of sexual abuse of students at our preparatory school and my absolute denial of the charges. You will recall that in my earlier letter to you I made recourse to the American-Cassinense Congregation after having no response to my recourse to Abbot John Klassen pursuant to canon 57 in which I requested that he issue a decree of guilt or innocence on my part. In my recourse to the Congregation I made 5 specific requests as well as a request to require Saint John's Abbey to pay the cost of a canonical advocate of my choosing.

After the meeting of the Council of the Congregation in early November, 2004, I received a letter from Abbot Douglas Nowicki as the First Counselor (since you had recused yourself from the recourse process). Included was a November 6, 2004 decree which required that, by December 1, 2004, Abbot John Klassen issue a decree declaring my innocence or guilt. In response to that decree, Abbot John issued a decree on November 30, 2004 (see copy enclosed), stating that the accusations against me seem probable. The decree never stated that they were proven or substantiated. Because of this finding of probability resulting in a decree of guilt and continuing of restrictions, I am continuing my recourse against the decisions and actions of Abbot John Klassen.

There are several points which I wish to raise in this recourse, including some procedural points which would be relevant whether I am guilty or not. But please be assured that I continue to this day to maintain my innocence.

1. The accusations against me were made known in August, 2002 during the course of settlement negotiations between Attorney Jeffrey Anderson on behalf of several plaintiffs and Abbot John and his advisers. These settlement negotiations concerned re-opening cases that had already been settled and money paid. Accusations against me were not part of the original settlement as I understand it from Abbot John. I was told by Abbot John that in the course of the settlement conferences, Attorney Anderson brought up two accusations against me. Without

consulting me or even advising me of these accusations, and with no investigation whatsoever, Abbot John apparently took these unsubstantiated allegations as true and agreed to pay money damages to the two complainants represented by Attorney Anderson as part of the entire settlement package. However, the accusations were about actions that allegedly occurred over 20 years before that time (1979 to 1981) when the two complainants were students together at our high school at Saint John's. The time for prescription has long since run (canon 1362 provides a five year period for the offense of sexual abuse of minor; the 2001 extension of this prescription period by the Congregation for the Doctrine of the Faith was not retroactive and applied only to clerics). Also, it is not clear that the complainants were actually under the age of 16 (canon 1395.2). Therefore, even if the accusations were true, which I adamantly deny, there can be no penal action against me based on these accusations.

2. I have not been accorded my canonical right of defense. Indeed, it was presumed that I was guilty upon the making of the allegations, even without ever asking me whether the allegations were true or not. Without any investigation of the accusations, I was immediately removed from my ministry as a hospital chaplain and placed on very stringent restrictions akin to "house arrest." Only upon my insisting on a full investigation of the matter by making recourse to you and your council did Abbot John agree to appoint a civil law firm to perform an "independent investigation." However, I was never accorded my canonical rights during that investigation. I did not have the right to defend myself or even to be present at the interviews of the many witnesses that were said to have been interviewed. The investigation dragged on for over one year without cooperation from the accusers. I was only allowed to be present when I myself was interviewed. Only by making recourse to you and your council was Abbot John forced to issue a decree resulting in a finding of probable guilt. In addition, in his decree of November 30, 2004, he stated that, "Based on a thorough investigation, Faegre & Benson [civil law firm hired for the investigation] concluded that it is highly probable that the sexual abuse reported by the two complainants occurred." The Abbot further stated that the accusations seem probable because the two complainants seemed more believable than I am. This is totally a subjective evaluation based upon one meeting with me and not substantiated by any credible evidence. However, I was never given a copy of the report by Faegre & Benson that was apparently provided to Abbot John. Again, I was given no opportunity to defend myself. This is in clear violation of canon law, particularly canon 1720.
3. Also in Abbot John's decree of November 30, 2004, he stated that he concurred with the result of the investigation and concluded that I should remain removed from ministry. However, the result with which he agrees was a mere statement of probability (as noted in the quote in paragraph 2 above). There was no finding of fact after a proper proceeding to determine the facts, no hearing of both sides, and no provision for my right of defense. Abbot John and his investigators seemed to have as their starting point to disprove that the abuse happened, instead of properly determining whether there was sufficient proof that the abuse did

happen. In other words, they shifted the burden of proof from the accuser to the accused. (In a September 15, 2004 letter to me, Abbot John stated that, "It has been an intensive investigation because of the difficulty of proving a negative, of proving that something didn't occur." Copy enclosed) Thus I am guilty until proven innocent which is contrary to the principles of canon law and, in fact, any just legal system.

4. Abbot John's decree and all that came in the two years prior to that (including house arrest) amount to an imposition of a penalty without a trial. Even assuming arguendo that the latest decree is an extrajudicial decree imposing a penalty (which only mentions removal from ministry without also including the house restrictions which continue unabated), it amounts to a perpetual penalty which is not permitted according to canon 1342.2.
5. Abbot John directed that I be evaluated by a Thomas Klecker, M.S.W., M.S. of Northern Pines Mental Health Center in Long Prairie, Minnesota. Mr. Klecker entitled his report "Confidential Psychological Evaluation and Sexual Offender Assessment." It is clear from his report that he has taken the allegations against me as true and presumed my guilt. In his report to Abbot John, Mr. Klecker states, "Most always Sexual Offender Evaluations of this nature are undertaken when legal charges have been filed, and the subject is afforded due process." There has been no due process in my case. Mr. Klecker's area of expertise is to determine what treatment is needed by already convicted or admitted sexual abusers. His evaluation in my case was outside of his expertise since he was supposed to determine the likelihood of whether my psychological makeup is that of a pedophile. I object to the inclusion of his report in the Abbot's decision in my case.
6. The ex post facto investigation is suspect in and of itself because the only two persons who can testify to the abuse (the 2 complainants) would never deny the truth of their allegations since they have been paid money damages based on those allegations prior to any investigation whatsoever. If they did contradict the earlier allegations, this would open them up to charges of criminal fraud under American law. Even their pre-investigation statements are suspect since the accusations were made during a settlement conference to pay money. One of the accusers was already seeking money based upon settled or dismissed accusations against other monks during this conference and the second allegation merely helped support the claims for additional payments because now two persons were making allegations against me and this resulted in new allegations within the settlement conference which posed a threat of more media coverage.
7. The factual issues, which have never been tested, are subject to debate and not at all clear as to conclusions to be drawn. From my point of view, there are two accusers who are friends (having been friends and classmates together at Saint John's) and who both hired the same lawyer to pursue claims against Saint John's Abbey. One of the accusers had, over the course of 10 years previous to the

settlement negotiations in August 2002, made allegations about other monks at Saint John's and yet had never mentioned my name as a perpetrator. It was only when there was money on the table to settle other claims that Attorney Anderson (their lawyer) brought out these theretofore unheard allegations against me. This brought new claims to the table of the settlement conference and fear of additional media coverage. And when the law firm investigated the case, the accusers at first refused to be interviewed and only did so recently. It appears that this happened because Abbot John was required to issue a decree of guilt or innocence by December 1, 2004. Their credibility must be questioned. It is still shocking to me that Abbot John would take their allegations as true and pay them without ever asking me whether it was true or not.

8. My case has been considered by the External Review Board which was established pursuant to the same settlement negotiations in August, 2002. In June, 2003, Abbot John wrote to me about a meeting he had with the External Review Board about my situation and that they made numerous recommendations. And, I fully expect, following the "independent investigation," that my case will again be considered by this Board and that they will impose further requirements and restrictions. The canonical status of this External Review Board is not at all clear. As I said, it was established by an agreement between Abbot John and Attorney Anderson, the accusers' civil lawyer, not by the chapter of Saint John's Abbey. The original members were chosen, pursuant to this agreement, half by Attorney Anderson and the other half by Abbot John. Now the Board is self-perpetuating and chooses its own members. However, there are criteria for membership such as victims and parents of victims. The Abbot has no authority to change the membership, though the members must be accepted by him. (See copy of ByLaws of External Review Board enclosed.) The criteria for membership on the Board does not follow in any way the criteria established by the Congregation for Bishops for diocesan review boards. These criteria were insisted upon by the Congregation for Bishops to insure the reputation and justice of the members of review boards. I have even heard that Attorney Anderson, who is not a member of the Board, has been in attendance for at least some of its meetings. This Board seems to act as an independent body and makes its own rules. For example, one of the members of the Board called for a meeting of the accused monks and informed us that the restrictions on us would continue until such time that we agreed to further psychological evaluation at their direction and discretion, and then they would determine what other restrictions might apply based on that evaluation. Even though the Board's bylaws state that they are advisory to the Abbot, in practice they seem to dictate to the Abbot. And based on the negative press reports against the Abbey and the well publicized terms of the settlement which included the establishment of an external review board, which was described as an independent decision making body, the Abbot would be hard pressed not to follow the directions of the Board without sustaining further negative media reports.

9. My right to a good reputation has been irreparably harmed by Abbot John's actions in my regard in violation of canon 220. This violation has been without legitimate process. Canon 221 gives me the right to vindicate and defend my right to my good reputation. Through this recourse and the preceding events, I seek and have sought to do that.
10. I wish to emphasize that the allegations made against me are allegations of something that supposedly happened over 20 years ago. I worked in our high school for over 15 years, and these are the only two accusations ever made against me. I also worked in our mission priory in The Bahamas and in my ministry as hospital chaplain, both with children, and never were any allegations of sexual abuse made against me.
11. I wish to summarize the above. I deny any sexual abuse. The accusations made against me concern alleged events from 20 years ago. The accusers were friends. The one accuser had made accusations against other monks over ten years, but never mentioned my name. The accusations surfaced during settlement conferences to reopen settled cases. The accusations were assumed to be true and paid without consulting me or investigating the accusations. After much pressure and the assertion of my canonical rights, Abbot John had a law firm investigate the accusations. This investigation took over one year and I was not afforded my canonical rights during the investigation. Abbot John stated that the proof had to establish that the accusations did not happen. I am guilty until proven innocent. The only "proof," which is suspect, is the testimony of the two accusers who had already been paid and to deny the accusations could subject them to prosecution for criminal fraud. Based on this suspect testimony, the investigation only found that the accusations were probable. Neither I nor my legal representatives have been given the report and provided the opportunity of self defense. No canonical process, including the use of canonical assessors, was involved in making the determination as required by canon law. (See canon 1720.) If the decree of Abbot John is allowed to stand I will be subject to the External Review Board which is constituted such that it does not provide objectivity in determining any actions to be taken by Abbot John.

By this recourse, I seek the following:

- a. That Abbot John issue a decree of innocence since, after over a year's investigation the only testimony alluded to is by the accusers and such testimony is suspect. Thus the truth of the accusations has not been proven.
- b. That all restrictions placed upon me as a result of the accusations be removed.
- c. That I be permitted to return to ministerial employment
- d. That all records of this case be sealed and placed in the secret archives now required by the Apostolic See for such cases;
- e. That Abbot John apologize to me for the violation of my good reputation and my other canonical rights.

- f. That if Abbot John attempts to continue his imposition of restrictions, he be required to follow canonical processes including the recognition that the time of prescription has run.

In addition, if it is necessary for me to employ a canonical advocate, I ask that a decree be issued requiring Saint John's Abbey to pay for that expense.

If you determine that you and your council have done what it can under the proper law of the American-Cassinese Congregation or that it would be more efficient to expedite this recourse, I request that you forward this Letter of Recourse and the accompanying documents to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

Abbot Timothy, in advance I thank you for receiving this recourse and look forward to a resolution of this terrible situation in my life. God bless you.

Sincerely,

Brother James Phillips, OSB
Saint John's Abbey
Collegeville, Minnesota

Enclosures:

1. November 30, 2004 decree by Abbot John Klassen
2. September 15, 2003 letter from Abbot John Klassen to me
3. ByLaws of External Review Board adopted May 15, 2004

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

19 January 2005

Brother James Phillips, OSB
Saint John's Abbey

Dear Jim,

This is the final report from the investigation conducted by Faegre and Benson. It is surely a hard report to receive, both for you and for me! I so wanted a different outcome. I would like to meet with you and talk to you about it and your situation.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Phillips", with a small cross symbol to the left of the first letter.

PHONE 320 363-2544 FAX 320 363-3082

OSB PHILLIPS_00231

Jim Phillips -

1-24-05

Jim is acting inside, ~~but~~ ~~not~~ barely contained
anger at this report. He is making wild statements
that both ~~of~~ will go to jail now for
defamation of character. That both of these guys are
liars and that he is innocent. All of a sudden he
is willing to take a polygraph - went down to take
a polygraph as well - FBI - in some other
investigation.

Also believing that it took too long, which it did.
Accused us of paying hush money to
Told me that he will condemn the polygraph &
then I will have more information than I have ever
had, the implication being that I will be in trouble.
I asked Jim what he would do if the polygraphs
went against him. He said that they wouldn't.

Over this guy's anger, I did not see him to
participate in Project Pathfinder's risk assessment.

AMERICAN-CASSINESE CONGREGATION

OF THE ORDER OF SAINT BENEDICT
SAINT JOHN'S ABBEY
BOX 2015
COLLEGEVILLE, MINNESOTA 56321-2015

January 25, 2005

Right Reverend John Klassen, O.S.B.
Saint John's Abbey
Collegeville, Minnesota 56321-2015

Dear Abbot John:

On September 15, 2004, you responded to Brother James Phillips, O.S.B., concerning his administrative recourse to the President of the American-Cassinense Congregation. At the President's Council meeting the following November, Father Daniel Ward and I both recused ourselves from the case, and Archabbot Douglas Nowicki, O.S.B., first councilor, and the remaining councilors gave you notice, by letter dated November 6, 2004, that by December 1, 2004, you were to issue a decree to Brother James concerning his guilt or innocence concerning accusations made against him.

On November 30, 2004, you did issue that decree confirming your conclusion that "it is highly probable that the sexual abuse reported by the two complainants occurred" and that "with this decree I conclude that you should remain removed from a position of ministry."

On December 14, 2004, Brother James wrote to me again requesting that if the American-Cassinense Congregation has done what it can under the proper law of the congregation that we send his appeal to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

My council and I have concluded that the American-Cassinense Congregation cannot at this point do more and I have therefore, with the council's advice, sent Brother James Phillips' petition for recourse on to the proper Congregation in Rome. The purpose of this letter is to inform you of this fact so that if you are contacted by that Congregation in Rome you will have advance notice.

I pray for a peaceful solution to this situation.

Sincerely in Christ,



Abbot Timothy Kelly, O.S.B.
President

*Brother James Phillips, OSB
Saint John's Abbey
Collegeville, Minnesota 56321*

February 2, 2005

Most Reverend Franc Rode
Congregation for Institutes of Consecrated Life and
Societies of Apostolic Life
Piazza Pio XII, 3
00193 Rome Italy

RE: Brother James Phillips, OSB
Saint John's Abbey
Collegeville, Minnesota, USA

Your Excellency:

On December 14, 2004 I sent a letter to Abbot Timothy Kelly, the President of the American-Cassinese Congregation of the Order of Saint Benedict requesting recourse against certain decisions and actions of my abbot, Abbot John Klassen of Saint John's Abbey. As I understand it, that letter has been forwarded to your Congregation for review and action. Please accept this letter as an addendum to my previous letter.

On January 19, 2005 Abbot John Klassen provided me with the final report of investigation of the allegations against me conducted by a law firm which was hired by the abbot. That report was dated November 30, 2004 but it took the abbot almost two months after it was issued to give me the report itself. Nevertheless, on November 30, 2004 he issued a decree finding that the accusations against me seemed probable and thus concluded that I should remain removed from my position of ministry. (It should also be noted that it took the law firm almost two years to investigate the allegations against me before it was finally able to make its report to the abbot. Even though in those two years the firm could find no evidence to corroborate the allegations, it weakly concluded that I must be guilty. It seems that the fact that the Abbey had already paid the complainants based on their allegations weighed heavily in the minds of the investigators as they drew their conclusions and wrote their report.) In my December 14, 2004 letter of recourse I tried to clearly set out my reasons for disagreement with the abbot and show that his actions were unjust, a violation of my rights and the canonical procedures were not followed, in light of the evidence, or rather, the lack of evidence. I must also note that I was only given the summary report; I was not also given the summaries of the interviews as referred to in footnote 1 of the summary report. Since I have finally received the

report of the law firm's investigation into the allegations, I feel it is necessary to point out certain weaknesses in the report.

1. As noted in the report, in the thirty plus years that I have been a member of the Abbey, the only claims of sexual misconduct ever made against me were from the two complainants who came forward with accusations in July 2002 at the time of negotiations to settle other lawsuits against the abbey as a result of allegations of sexual abuse against other monks. These allegations were about alleged actions that were to have occurred 20 years ago. At that time and until the present there has never been a lawsuit filed nor criminal charges made against me for these or any other allegations of sexual misconduct. In my letter of recourse of December 14, 2004, I have already pointed out the fact that the two complainants, _____ are friends of each other and both had the same civil attorney, Jeffrey Anderson. And the accusations were brought up in a legal settlement conference which reopened previously settled cases against other monks for additional monies. It seems the two accusations against me were brought up to force the settlement of previously settled cases so that no more publicity against the Abbey would occur.

2. It is clear that the purpose of the investigation of these two complaints, which investigation I requested, was for the purpose of determining whether the allegations were credible. So, it seems short sighted not to have interviewed the complainants in person. Instead they were interviewed by telephone only after a lengthy delay of more than a year of attempts to get the two to cooperate. Without seeing the complainants' demeanor, expressions, and body language during the questioning, it is impossible to get a clear impression of their credibility.

3. The investigators reported that they talked with several randomly selected students who attended the prep school at the same time as the two complainants, yet no additional incidents of sexual misconduct were reported. In fact, the other witnesses stated that they had no reason to believe the complaints: "Several interviewees stated that Brother Phillips is a 'mother hen' type of person, a 'touchy, feely' and demonstrative individual whose effeminate personality characteristics could be mistaken as suggesting sexual content to interactions that is not in fact there. While his personal style may have subjected him to jokes behind his back, the persons we talked with said they did not have reason to believe the complaints of sexual abuse." This is significant, in addition to the fact that long time teachers at the prep school who were interviewed had no reason to believe that I had engaged in sexual misconduct with any students. If I was truly a sexual molester, in order to fit the profile I would have to have had many other victims. That simply is not true.

4. A very important inconsistency in _____ account is almost overshadowed by the report's one-sided findings. That is on page 3 of the report in the last full paragraph where it is reported that _____ said that a witness, by the name of _____ was to have seen me engage in inappropriate sexual conduct with _____. The report simply continues with this short statement: "When interviewed _____ denied any recollection of this incident." It seems that this interview of _____ should have been

reported in the section of the report entitled "Other Interviewees" on page 8. The "Other Interviewees" section of the report is concluded with the following statement: "It is our opinion that there is no reason to believe [redacted] could possibly have "mistaken" expressive, non-sexual behavior by [me] for the sexual abuse he has reported." Just as certainly the report could have concluded that [redacted] was falsely reporting the incidents because he had a financial stake in getting money from a settlement with the Abbey. At the later time of the investigation, if [redacted] had admitted that his allegations were untrue, he could have been criminally prosecuted for fraud, so he still had an ulterior motive to lie. The fact that [redacted] had no memory of what would have been a shocking sight for her is a good indication that the alleged behavior never happened. It seems that [redacted] gratuitously used [redacted] name, not ever imagining that once the financial settlement was made that anyone would ever look further into the incident and actually ask [redacted] if she could corroborate [redacted] story

5. [redacted] the other complainant, was not new to the business of making allegations of sexual misconduct against monks of the Abbey. Indeed, during the course of time of Saint John's Abbey's two previous abbots' (Jerome Theisen and Timothy Kelly) tenure in office, [redacted] had accused several other monks. But never once during that time did he ever accuse me. It was only when there was additional money at stake during settlement negotiations in 2002 that [redacted] decided to accuse me. It is my understanding that he had previously received some money but had been denied on other claims. Thus, this new accusation, accompanied by his friend's accusation, would bring him additional compensation. And he was rewarded for his false report by way of receiving a further financial settlement from the Abbey. Another factor that makes [redacted] allegation not credible is the fact that he reported that he came to my room to get aspirin when the supposed abuse occurred. But it is a fact that it was school policy at the time that no faculty member or prefect could give out medication even if it was non-prescription, over the counter medicine. So, his stated reason for coming to my room is suspect in itself.

6. In the section of the report regarding the investigator's interview of me, all kinds of general statements are made about inconsistencies in the information I gave. I tried to be as honest as I could be, but it must be remembered that I was trying to recall events and circumstances from more than 20 years before, which events and circumstances had no particular significance for me at the time, but which took on importance only upon the allegations being made against me. Also, the manner in which the questions were asked was intimidating to me and made it difficult for me to maintain my composure. The fact that my estimated IQ is 77, as found by Thomas Klecker in his evaluation of me, which he describes as borderline intellectual functioning range, is very significant in understanding how intimidating the lawyers' questions were to me. (Please see attached letter and affidavit of The Honorable Roger Nierengarten, a civil appellate court judge who was present during the interview.)

7. There does appear to be acknowledgment that the allegations could be untrue in the section of the report entitled "Thomas Klecker Psychological Evaluation" on page 8. The report states that Klecker's conclusion of guilt is diminished by the fact that there was no

independent witness as alleged by [redacted] I believe it is also diminished by the arguments that I already made in my letter of December 14, 2004. As previously noted, the title that Mr. Klecker gave to his report, "Confidential Psychological Evaluation and Sexual Offender Assessment," is a good indication that he presumed me guilty of being a sexual offender. What Klecker is apparently accustomed to in his practice is to evaluate *admitted* sex offenders and then make recommendations for their treatment and placement. He was, therefore, outside his area of expertise in evaluating me, because he had no independent way of learning whether I am a sexual offender or not.

8. The report concludes on page 9 and states, "it is our conclusion that it is *highly probable* that the sexual abuse reported by [redacted] and [redacted] occurred." (my emphasis added) Since there was no opportunity for me to defend myself and to confront my accusers, it is impossible for any one to determine with *moral certainty* that the complained of conduct occurred. Indeed, it is found to be only "highly probable." This probability cannot be enough to keep me from exercising ministry and keeping me under house arrest indefinitely. I also do not understand why the investigators concluded that, "other than sharing the same attorney, the accounts of both complaints are totally independent of each other," when the complainants were apparently classmates and have kept in touch over the years enough to know which attorney to both choose.

9. The report seems to use my "late-disclosed exculpating medical condition" against me to determine the probability of the allegations. However, my medical condition was clearly indicated in the report by Dr. Klecker which the investigators had. This hardly seems fair. This is an obviously embarrassing thing for me to have to reveal and I reluctantly shared it then at the insistence of my attorney who assisted me during the interview. There is no similar conclusion drawn about [redacted] "late disclosed" allegation when he had many other opportunities in the previous years of reporting other allegations of sexual misconduct against some of my confreres.

10. It should be noted that this investigation of my guilt or innocence followed neither a civil law nor a canonical procedure. I was never given any right to confront the accusers, to respond to the accusers or to any other rights given me by canon law. Thus the report in itself cannot be the basis for any canonical action against me.

In my eyes, the law firm's report of the investigation recently given to me only further shows the weakness of the allegations against me. It, too, seems to presume my guilt instead of presuming that I am innocent unless proven otherwise. The report drew conclusions based on testimony of [redacted] who had been making accusations for the previous approximately fifteen years against various monks along with the allegations of his schoolmate and friend against the testimony of me who has never had any allegations against me and who has limited intellect.

Any investigation that takes two years and then cannot find any evidence of sexual abuse except that of the two accusing parties who refused to participate for almost two years is certainly suspect.

In my letter of December 14, 2004, I asked for the following remedies:

- a. That Abbot John issue a decree of innocence since, after over a year's investigation the only testimony alluded to is by the accusers and such testimony is suspect. Thus the truth of the accusations has not been proven.
- b. That all restrictions placed upon me as a result of the accusations be removed.
- c. That I be permitted to return to ministerial employment
- d. That all records of this case be sealed and placed in the secret archives now required by the Apostolic See for such cases;
- e. That Abbot John apologize to me for the violation of my good reputation and my other canonical rights.
- f. That if Abbot John attempts to continue his imposition of restrictions, he be required to follow canonical processes including the recognition that the time of prescription has run.

I now ask that all actions against me be suspended pending the time of consideration of this recourse because Abbot John has not proven the case against me.

I would appreciate your taking into consideration the factors included in this letter along with my letter of December 14, 2004. Thank you for your service to the Church.

Sincerely,

Brother James Phillips, OSB

Enclosure:

1. Letter of Abbot John to me dated January 19, 2005.
2. Faegre & Benson law firm final report of investigated dated November 30, 2004.
3. Letter of Roger Nierengarten, Esquire to Daniel Connolly, Esq. dated January 28, 2005.
4. Affidavit of Roger Nierengarten, Esquire dated January 28, 2005.

February 2, 2005

Brother Jim Phillips, OSB
Saint John's Abbey

Dear Jim:

On January 24, 2005 I met with you to discuss the results of the investigation by Mr. Dan Connolly and Ms. Trish Sprain of the Faegre and Benson law firm. Their conclusion states that it is "highly probable" that you engaged in appropriate sexual behavior with _____ when they were students at the Prep School. You dispute these conclusions and referred to it as "my" investigation. Jim, this investigation was done at your request, according to parameters that you stipulated. An enormous amount of thorough work has gone into it in order to insure fairness.

Based on the outcome of this investigation I am requesting that you participate fully in the risk assessment process that is being conducted by Mr. Steve Sawyer and Ms. Jannine Hebert at Project Pathfinders. The process involves a review of your file, interviews with you and group work with other confreres who are part of the process.

Jim, you are not being singled out for this request for risk assessment and the development of an up-to-date safety plan. On Tuesday, December 21, 2004 the monastic chapter voted overwhelmingly in support of our full participation in the Hope and Healing process developed by Praesidium Religious Services. The Hope and Healing program includes twenty-eight standards that define a commitment to the protection of those to whom we minister. All religious communities in this country are holding themselves to these standards.

Your full participation in the Project Pathfinder process is very important, both in individual interviews and with the full group of confrere participants. This is also an opportunity for you to bring whatever fears you have into the context of the process. With this letter I am officially requesting such full participation under holy obedience. This is not about me. The entire community needs you to participate. Please let me know of your intentions by Monday, February 7, 2005.

Sincerely,

Abbot John Klassen, OSB

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

February 2, 2005

Brother Jim Phillips, OSB
Saint John's Abbey

Dear Jim:


On January 24, 2005 I met with you to discuss the results of the investigation by Mr. Dan Connolly and Ms. Trish Sprain of the Faegre and Benson law firm. Their conclusion states that it is "highly probable" that you engaged in appropriate sexual behavior with _____ and _____ when they were students at the Prep School. You dispute these conclusions and referred to it as "my" investigation. Jim, this investigation was done at your request, according to parameters that you stipulated. An enormous amount of thorough work has gone into it in order to insure fairness. I really wanted to give you this letter in person, have you read it and talk you through it. But we couldn't get a meeting scheduled before I leave for the CMSM national board meeting.

Based on the outcome of this investigation I am requesting that you participate fully in the risk assessment process that is being conducted by Mr. Steve Sawyer and Ms. Jannine Hebert at Project Pathfinders. The process involves a review of your file, interviews with you and group work with other confreres who are part of the process.

Jim, you are not being singled out for this request for risk assessment and the development of an up-to-date safety plan. On Tuesday, December 21, 2004 the monastic chapter voted overwhelmingly in support of our full participation in the Hope and Healing process developed by Praesidium Religious Services. The Hope and Healing program includes twenty-eight standards that define a commitment to the protection of those to whom we minister. All religious communities in this country are holding themselves to these standards.

Your full participation in the Project Pathfinder process is very important, both in individual interviews and with the full group of confrere participants. This is also an opportunity for you to bring whatever fears you have into the context of the process. This is not about me. The entire community needs you to participate. Please let me know of your intentions by Wednesday, February 9, 2005.

Sincerely,



Abbot John Klassen, OSB

PHONE 320 363-2544 FAX 320 363-3082 E-MAIL abbot@osb.org

OSB PHILLIPS_00240



CONGREGATIO
PRO INSTITUTIS VITAE CONSECRATAE
ET SOCIETATIBUS VITAE APOSTOLICAE

Vatican, 7 February 2005

Prot. n. 39009/2005

Dear Abbot Klassen,

A recourse against your decree regarding the accusation of sexual abuse and consequent removal from ministry of Bro. James Philips, OSB has been received in this Congregation for Institutes of Consecrated Life and Societies of Apostolic Life

We ask that you kindly forward to this Dicastery, as soon as possible, any information which you consider necessary for our objective study of the case.

Thank you in advance for your attention in this matter. May the Lord abundantly bless you and all the members of the Abbey during this special Year devoted to the Eucharist

Sincerely in Christ,

Sac. Vincenzo Bertolone S.S.P.
Sac. Vincenzo Bertolone, S.d.P.
Undersecretary

The Most Rev.
Abbot John Klassen, OSB
Saint John's Abbey
Box 2015
Collegville, Minnesota 56321-2015
U.S.A.

15 April 2005

✓ Memo to Jim Phillips

Re Health Care Directive

Jim,

I have taken the liberty to name you as the second agent on my Health Care Directive. As second agent you would act as my agent if the first agent, is unavailable. I hope that you will accept this agency.

Enclosed is a copy of my Health Care Directive for you to keep. has a copy and one is on file in the abbot's office.

Thanks

OSB PHILLIPS_00243

HEALTH CARE DIRECTIVE

I, _____, understand this document allows me to do ONE OR BOTH of the following:

PART I: Name another person (called the health care agent) to make health care decisions for me if I am unable to decide or speak for myself. My health care agent must make health care decisions for me based on the instructions I provide in this document (Part II), if any, the wishes I have made known to him or her, or must act in my best interest if I have not made my health care wishes known.

AND/OR

PART II: Give health care instructions to guide others making health care decisions for me. If I have named a health care agent, these instructions are to be used by the agent. These instructions may also be used by my health care providers, others assisting with my health care and my family, in the event I cannot make decisions for myself.

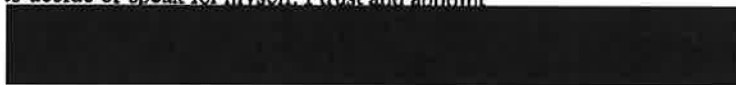
PART I: APPOINTMENT OF HEALTH CARE AGENT

THIS IS WHO I WANT TO MAKE HEALTH CARE DECISIONS FOR ME IF I AM UNABLE TO DECIDE OR SPEAK FOR MYSELF

(I know I can change my agent or alternate agent at any time and I know I do not have to appoint an agent or an alternate agent)

NOTE: If you appoint an agent, you should discuss this health care directive with your agent and give your agent a copy. If you do not wish to appoint an agent, you may leave Part I blank and go to Part II.

When I am unable to decide or speak for myself, I trust and appoint



to make health care decisions for me. This person is called my health care agent.

Relationship of my health care agent to me: FRIEND

Telephone number of my health care agent: _____

Address of my health care agent: ST JOHN'S ABBEY
COLLEGEVILLE, MN 56321

(OPTIONAL) APPOINTMENT OF ALTERNATE HEALTH CARE AGENT: If my health care agent is not reasonably available, I trust and appoint

JAMES PHILLIPS

to be my health care agent instead.

Relationship of my alternate health care agent to me: FRIEND

Telephone number of my alternate health care agent: _____

Address of my alternate health care agent: ST JOHN'S ABBEY
COLLEGEVILLE, MN 56321

THIS IS WHAT I WANT MY HEALTH CARE AGENT TO BE ABLE TO DO IF I AM UNABLE TO DECIDE OR SPEAK FOR MYSELF

(I know I can change these choices)

My health care agent is automatically given the powers listed below in (A) through (D). My health care agent must follow my health care instructions in this document or any other instructions I have given to my agent. If I have not given health care instructions, then my agent must act in my best interest.

Whenever I am unable to decide or speak for myself, my health care agent has the power to:

(A) Make any health care decision for me. This includes the power to give, refuse, or withdraw consent to any care, treatment, service, or procedures. This includes deciding whether to stop or not start health care that is keeping me or might keep me alive, and deciding about intrusive mental health treatment.

(B) Choose my health care providers.

(C) Choose where I live and receive care and support when those choices relate to my health care needs.

(D) Review my medical records and have the same rights that I would have to give my medical records to other people.

If I DO NOT want my health care agent to have a power listed above in (A) through (D) OR if I want to LIMIT any power in (A) through (D), I MUST say that

here:

My health care agent is NOT automatically given the powers listed below in (1) and (2). If I WANT my agent to have any of the powers in (1) and (2), I must INITIAL the line in front of the power; then my agent WILL HAVE that power.

(1) To decide whether to donate any parts of my body, including organs, tissues, and eyes, when I die.

____(2) To decide what will happen with my body when I die (burial, cremation).

If I want to say anything more about my health care agent's powers or limits on the powers, I can say it here:

PART II: HEALTH CARE INSTRUCTIONS

NOTE: Complete this Part II if you wish to give health care instructions. If you appointed an agent in Part I, completing this Part II is optional but would be very helpful to your agent. However, if you chose not to appoint an agent in Part I, you MUST complete some or all of this Part II if you wish to make a valid health care directive.

These are instructions for my health care when I am unable to decide or speak for myself. These instructions must be followed (so long as they address my needs).

THESE ARE MY BELIEFS AND VALUES ABOUT MY HEALTH CARE

(I know I can change these choices or leave any of them blank)

I want you to know these things about me to help you make decisions about my health care:

My goals for my health care: _____

My fears about my health care: _____

My spiritual or religious beliefs and traditions: _____

My beliefs about when life would be no longer worth living: _____

My thoughts about how my medical condition might affect my family: _____

THIS IS WHAT I WANT AND DO NOT WANT FOR MY HEALTH CARE

(I know I can change these choices or leave any of them blank)

Many medical treatments may be used to try to improve my medical condition or to prolong my life. Examples include artificial breathing by a machine connected to a tube in the lungs, artificial feeding or fluids through tubes, attempts to start a stopped heart, surgeries, dialysis, antibiotics, and blood transfusions. Most medical treatments can be tried for a while and then stopped if they do not help.

I have these views about my health care in these situations

(Note: You can discuss general feelings, specific treatments, or leave any of them blank)

If I had a reasonable chance of recovery, and were temporarily unable to decide or speak for myself, I would want: Treatment

If I were dying and unable to decide or speak for myself, I would want: Nothing

That would artificially prolong my life

If I were permanently unconscious and unable to decide or speak for myself, I would want nothing that would prolong my life; no hydration or nutrition

If I were completely dependent on others for my care and unable to decide or speak for myself, I would want _____

In all circumstances, my doctors will try to keep me comfortable and reduce my pain. This is how I feel about pain relief if it would affect my alertness or

if it could shorten my life: _____

There are other things that I want or do not want for my health care, if possible:

Who I would like to be my doctor: _____

Where I would like to live to receive health care: ST. JOHN'S ABBEY

Where I would like to die and other wishes I have about dying: _____

ST John's Abbey.

My wishes about donating parts of my body when I die: If they could
save a help another, my agent may donate
them at his discretion.

My wishes about what happens to my body when I die (cremation, burial): _____

Any other things: _____

PART III: MAKING THE DOCUMENT LEGAL

This document must be signed by me. It also must either be verified by a notary public (Option 1) OR witnessed by two witnesses (Option 2). It must be dated when it is verified or witnessed.

I am thinking clearly, I agree with everything that is written in this document, and I have made this document willingly.

Option 1: Notary Public

In my presence on _____ (date), _____
(name) acknowledged his/her signature on this document or acknowledged that he/she
authorized the person signing this document to sign on his/her behalf. I am not named as
a health care agent or alternate health care agent in this document.

(Signature of Notary)

(Notary Stamp)

Option 2: Two Witnesses

Two witnesses must sign. Only one of the two witnesses can be a health care provider or
an employee of a health care provider giving direct care to me on the day I sign this
document.

Witness One:

(i) In my presence on _____ (date), April 15, 2005
(name) acknowledged his/her signature on this document or acknowledged that he/she
authorized the person signing this document to sign on his/her behalf.

(ii) I am at least 18 years of age.

(iii) I am not named as a health care agent or an alternate health care agent in this
document.

(iv) If I am a health care provider or an employee of a health care provider giving direct
care to the person listed above in (A), I must initial this box: []

I certify that the information in (i) through (iv) is true and correct.

(Signature of Witness One)

Address:

Witness Two:

(i) In my presence on _____ (date), April 15, 2005
(name) acknowledged his/her signature on this document or acknowledged that he/she
authorized the person signing this document to sign on his/her behalf.

(ii) I am at least 18 years of age.

(iii) I am not named as a health care agent or an alternate health care agent in this
document.

(iv) If I am a health care provider or an employee of a health care provider giving direct
care to the person listed above in (A), I must initial this box: []

I certify that the information in (i) through (iv) is true and correct.

REMINDER: Keep this document with your personal papers in a safe place (not in a safe
deposit box). Give signed copies to your doctors, family, close friends, health care agent,
and alternate health care agent. Make sure your doctor is willing to follow your wishes.
This document should be part of your medical record at your physician's office and at the
hospital, home care agency, hospice, or nursing facility where you receive your care.



CONGREGATIO
PRO INSTITUTIS VITAE CONSECRATAE
ET SOCIETATIBUS VITAE APOSTOLICAE

Vatican, 22 August 2005

Prot. n. 39009/2005

Dear Abbot Klassen,

In February this Congregation for Institutes of Consecrated Life and Societies of Apostolic Life wrote to you asking for information regarding Bro. James Phillips, OSB who has presented a recourse against your decree regarding the accusation of sexual abuse and consequent removal from ministry. As of this date, the requested information has not been received.

We ask that you kindly forward to this Dicastery, as soon as possible, any information which you consider necessary for our objective study of the case.

Thank you in advance for your attention in this matter. May the Lord abundantly bless you and all the members of the Abbey during this special Year devoted to the Eucharist

Sincerely in Christ,

Sac. V. Bertolone S. S. P.
Sac. Vincenzo Bertolone, S.d.P.
Undersecretary

The Most Rev.
Abbot John Klassen, OSB
Saint John's Abbey
Box 2015
Collegeville, Minnesota 56321-2015
U.S.A.

OSB PHILLIPS_00253

Abbot John Klassen's private account

From: Naughton, Michael
Sent: Thursday, October 13, 2005 9:31 AM
To: Abbot John Klassen's private account
Subject: RE: Sending documents with protocol number...

Dear John,

Yes, that's essentially what I meant. If a case is in progress then the protocol number is important. If it is simply something you want me to deliver, that I don't have to track, I'm happy to do it -- but let me know.

For me, it is a matter of tracking the comings and goings of documents that have to do with cases. The protocol book is not always necessary, but it helps, for example, to know that we indeed forwarded a document that the Congregation has lost! And this happens.)

Also, I opened the FedEx package because there is a sheet to be filled out for CIVC deliveries.

Yes, I received your good letter, and I thank you for having taken all the time to write it. I started to reply last weekend but the beginning of school and 1000 things got in the way of finishing it. I'll try this weekend. (By the way, spoke at our opening exercises. He does not make one hold one's breath in anticipation of the next sentence. . .)

This stuff that needs sorting out is important for our protection. It needs to be done, though it is indeed a bundle of work, research, organizing, etc. But I see no other way around it, either.

Keep the faith!

All best,

Michael

From: Abbot John Klassen's private account
Sent: Thu 2005-10-13 8:29 AM
To: Naughton, Michael
Subject: Sending documents with protocol number...

Hello Michael

Thanks for your information on this case. Because this is an appeal to the Congregation they have already given it a protocol number, which is on the cover letter which I put in the front of the book.

Now that I read your comment, I understand what it means. You are keeping track of documents by protocol number, if they have one, that are going to the different congregations. If the package is only an envelope, you do not want to be in the position of opening it, so you want the protocol number on the outside so that it can be duly registered in your book. Do I have this right?

Unfortunately, at this point, I am having to send boatloads of information! It is a tricky time for trying to balance the needs of our community with the rights of individuals. We will get through it, with a lot of good will and patience.

I hope you received my e-mail from last Saturday -- I sent it to your office? All the best. John

- do you have an e-mail account for

10/31/2005

From: Naughton, Michael
Sent: Thursday, October 13, 2005 2:34 AM
To: Abbot John Klassen's private account; Ryan, Kelly
Subject: Documents

Dear Abbot John and Br. Kelly,

I received the letter addressed to Archbishop Levada and the package for CIVC.

I knew what was in the **package**, and I opened it, and attached to it the cover document which I use. When a document like this arrives, I also note in the Congregation "Protocol Book" what has been done -- in this case "more information received and delivered to CIVC 13.x.05".

If the **envelope** refers to a pending case, please let me know the prot. no. so that I can simply enter "document delivered to Archb. Levada 13.x.05" in the Protocol Book.

Thanks,

Michael

10/31/2005

OSB PHILLIPS_00255

probably up to two years old.

said, "Well I know his dad's name is he looked him up in Google. There he was, in the Directory, so probably also boy's listing on Google.

' and he is a 'famous' surgeon in San Diego." So Then we realized that the boy was listed as Realizing that, Mike wondered if it may be the

If any of this helps we would love to have him on our mailing list.

Gordon, OSB

From: Abbot John Klassen's private account
Sent: Wednesday, October 19, 2005 9:45 AM
To: Tavis, Gordon
Subject: contact information for

Hello Gordon –

Some months ago I asked for contact information, a former Prep student, ca. 1980. You gave me the address for his mother who lives in Los Angeles, because I believe that is where you send Prep World and she gets it to him.

Or legal counsel Dan Connolly sent a letter, trying to get direct contact info for but received no response at all. But the letter did not come back either.

Does Prep have a telephone number of a social security number (I doubt it!) or an old address? Or other leads we might use to contact Any assistance you can give me in this matter would be much appreciated. John

10/19/2005

OSB PHILLIPS_00257

November 3, 2005

Most Reverend Franc Rodé, C.M.
Prefect
Congregation for Institutes of Consecrated Life and
Societies of Apostolic Life
Piazza Pio XII, 3
00193 Rome, Italy

Your Excellency,

This letter is my response to the appeal that the **Brother James Phillips, O.S.B.** has made to your Congregation (Prot. N. 39009/2005). This letter and its attached documents have been requested by your congregation in a letter to me dated August 22, 2005. Brother James is a monk of Saint John's Abbey in Collegeville, Minnesota U.S.A.

Biographical Information [Tab 4]

Brother James Phillips was born on November 23, 1948. After completing high school in 1966, he came to the abbey and after a time of candidacy, formally entered the novitiate in July of 1969. He made monastic profession on July 11, 1970, took solemn vows on July 11, 1973. From 1968 through 1979 he was sacristan for the abbey church. During this time he also worked part time as a nurse's aid in the abbey health and retirement center, though he never had any formal training in nursing. Brother James also served as a supervisor (we use the term "prefect") at Saint John's Preparatory School from 1975-1981. From 1981 through 1984 Brother James lived and worked in our dependent priory Saint Augustine's Monastery in Nassau, Bahamas.

When he returned to Saint John's Abbey in the summer of 1984 Brother James resumed his work in the health and retirement center and as sacristan. From 1989-1995 Brother James again served as a prefect at the Preparatory School. After a full time job in the Health Center in 1995-1996, Brother James did a year of Clinical Pastoral Education at

North Memorial Hospital in Robinsdale, Minnesota. In 1998 he took a position on the Chaplain staff at North Memorial Hospital, which he held until August 12, 2002, at which time we received a second allegation of sexual abuse. Since that time Brother James has been working with abbey housekeeping.

Allegations of Sexual Misconduct

In July of 2002 the abbey first received an allegation of sexual misconduct against Brother James, brought by [redacted] was a student at Saint John's Preparatory in the late 1970s and early 1980s. It has been determined that [redacted] would have been sixteen years old at the time he alleges abuse by Brother [redacted].

[redacted] was also making allegations against two other monks. Our initial response to the allegations of [redacted] against Brother James was extreme skepticism. However, while I was negotiating a settlement with [redacted] we received a second, independent allegation against Brother James, this one brought by [redacted] alleges that Brother James abused him from late 1979 through the spring semester of 1980. [redacted] would have been seventeen years old. It is not true, as Brother James states in his appeal, that there were no accusations against him until the mediated settlement process.

[redacted] accusation came at least a month earlier. Nor is it true that the mediated settlement was treating "cases that had already be settled and money paid" as Brother claims in his appeal.

When I received the second allegation of sexual abuse against a minor I had no choice but to remove Brother James from ministry as a chaplain at North Memorial Hospital in Robinsdale, Minnesota. Our policy on sexual abuse of a minor by a monk requires this action. [Tab 15] At the time one of the fundamental ways in which we determined if an allegation was true, especially in the face of strong denials, was the presence of two, independent allegations. Contrary to what Brother James contends, [redacted] was interviewed and his allegation was investigated before his claim was settled. Because this fundamental criterion of two independent credible allegations was met, we settled both claims during this mediation session.

Investigation of Allegations

Shortly after the second allegation, I asked Brother James to undergo a psychological evaluation and assessment with Dr. Thomas Klecker, a forensic psychologist who is skilled in his work with sexual offenders and with victims of sexual abuse. Dr. Klecker interviewed and tested Brother James for a full day and, a month later, interviewed him for two hours.

In his final report Dr. Klecker writes that “It is reasonable to assume the probability is extremely high that Brother James Phillips sexually abused one or both victims. This examiner would place the probability at 90% or better.” (Page 17 of confidential report – not attached)

Brother James freely consented to this evaluation and assessment. He signed all the requisite release forms. However, after the final interview with Dr. Klecker and after reading the final report, Brother now claims that Dr. Klecker “was acting outside of his area of expertise.” In fact, this is exactly the main focus of the doctor’s expertise.

In the fall of 2003, at Brother James’ request, I hired Mr. Daniel Connolly from the law firm Faegre and Benson in Minneapolis to do a full-scale investigation. I was hoping that this investigation would show some linkage, and therefore collusion, between _____ and _____. However, after an extensive investigation that involved phone and personal interviews with many people who know Brother James well—including _____—Mr. Dan Connolly came to the conclusion that “it is highly probable” that the sexual abuse reported by _____ occurred. **[Tab 13]** Brother James was interviewed during this investigation and had the benefit of legal counsel during the interview.

Mr. Connolly and his team came to this conclusion for the following reasons.

1. Both complainants were very credible during their interviews, while Brother James was not.
2. The initial conduct described by both complainants was very similar.
3. Other than sharing the same attorney, the accounts of both complaints are totally independent of each other. There was no evidence of collusion.
4. Brother James claims that he barely knew _____ and yet it appears he knew him well enough to oppose his plans to take part in the Preparatory School’s study abroad program at Melk Abbey in Austria during his senior year.
5. Brother James provided no credible explanation for the post-graduation encounter with _____ and his account of that encounter contained many inconsistencies. Even though he claimed he did not know _____ well, when _____ returned to Minnesota in June after being in away for the school year, he called Brother James and came to Saint John’s for a visit. He arrived intoxicated, Brother James arranged for him to stay in a room in one of the college residence halls, and then had breakfast with him the next morning. _____ claims that he was

sexually abused by Brother James in the college residence hall the afternoon or evening of his arrival.

6. Brother James' late-disclosed exculpating medical condition came more than two years after these claims surfaced, and upon further examination with Brother James would not have discredited the account of abuse by either claimant. In fact, as Mr. Connolly notes in his report, this medical condition may explain why Brother James remained clothed during his sexual encounters with

An explanation needs to be given to account for the length of time needed for the investigation. Mr. Dan Connolly and his team conducted interviews with a cross-section of students who lived in the student residence where Brother James served as prefect. This investigation was time consuming because of a genuine effort to conduct it in as confidential manner as possible. Furthermore, it was difficult to locate one of the survivors, and his testimony was essential to the investigation. One of the survivors was interviewed by phone because he lives across the country; the other was interviewed in person. As abbot I pressed the team as hard as I could in order to bring it to a conclusion.

Decree of Judgment

When I received Mr. Connolly's Final Report in late November 2004, I brought it along with the case file to the Review Board. I also reported verbally on the report of Dr. Klecker. Having received the recommendation of the Review Board and after weighing the proofs myself, I issued a decree to Brother James on November 30, 2004, indicating that he should remain removed from a position of ministry. **[Tab 7]** I was confident then and remain confident today that this is the correct decision.

Brother James' Right to Appeal

On January 25, 2005 I received a letter from Abbot Timothy Kelly in which he indicated that Brother James had requested that his appeal be sent to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. **[Tab 8]**

On February 2, 2005 I requested Brother James to participate in the risk assessment and safety plan development with Project Pathfinders in Saint Paul, Minnesota. **[Tab 9]** I asked Brother James to do this because such work is required by the Hope and Healing project **[Tab 16]** for all religious who have sexually offended against a minor.

On February 8, 2005 I received a letter from Brother James' canon lawyer, S. Lynn Marie McKenzie, indicating that she had advised him not to follow this request. **[Tab 10]**

The Gravity of Brother's Sexual Misconduct

The sexual abuse of a minor is always an awful and devastating injury to a human being. To injure a minor through sexual abuse when one is in a position of trust, such as Brother James was in his position of prefect, is even more serious. Even though Brother James is not a cleric, I have compelling reasons to protect the young or any vulnerable person from possible harm.

There was been some discussion about the applicability of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* to Institutes of Consecrated Life and Societies of Apostolic Life. Essential Norm #1 indicates that when these norms are applied to religious priests and deacons, the term "religious ordinary" should be substituted for the term "bishop/eparch." I know that the Conference of Major Superiors of Men decided to embrace the *Essential Norms* while waiting for clarification of this issue and the Conference made this decision public. In the meantime, the Conference adopted the standards of Praesidium Religious Services. Standard 23 states: *A Member who has sexually abused a minor will not be permitted to work in any position which allows access to minors, including any position within a parish or school, nor, in accordance with the Charter for the Protection of Children and Young People, in any ecclesiastical ministry.* Please note that the term Member includes both ordained and non-ordained. I believe it is absolutely necessary for the good of St. John's Abbey and for the Church in the United States that I uphold this standard for non-ordained members of our monastery.

Canonical Reasons for My Decision

As the duly elected abbot of St. John's Abbey, I am Brother James' major superior and Ordinary (CIC canon 620). It is my responsibility "to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart..." (CIC canon 619).

As abbot, I have the authority to initiate an administrative process to impose or declare penalties after I have determined that fraternal correction or rebuke or other means cannot sufficiently repair scandal, restore justice and reform the offender (CIC canon 1341). I am further authorized to impose penal remedies when it is for the good of the

individual or the public good (CIC canon 1348). I can direct the exercise of rights proper to the members of the Church (CIC canon 223, §2). The universal law of the Church also empowers me to give a canonical rebuke (CIC canon 1339, §2), a penance (CIC canon 1340, §1) and to add penances to a canonical rebuke (CIC canon 1340, §3).

Violation of Brother's Canonical Rights and Good Reputation

Brother James claims in his appeal that I have denied him his canonical rights to defense. This is not true. Brother was interviewed on three different occasions. He was given every opportunity to present his side of the story. Unfortunately, his rendition of the events under question did not seem very credible. In canon law there is no right to confront one's accusers, as Brother alleges.

Brother James complains that I have imposed a canonical penalty without the benefit of a canonical process. This is also not true. As I have explained above, I have only imposed those restrictions that I deem necessary for Brother's fraternal correction, for the good of the abbey and for the protection of the people of God. These restrictions are not permanent. I fully intend to review Brother's ministerial status and his safety plan from time to time. If appropriate, I will make adjustments and new determinations.

Brother James also alleges that I have forced him, even under obedience, to submit to psychological testing. This is totally false. I know the Church's teaching and practice prohibiting a superior to oblige a subject to undergo involuntary psychological testing. I also know that I cannot force a manifestation of conscience from one of my monks (CIC canon 630, §5).

I did oblige Brother, under holy obedience, to participate in a risk assessment process with Project Pathfinder. **[Tab 9]** Brother James mistakenly thinks this program requires psychological testing. It does not.

Project Pathfinder is a risk assessment process that results in a recommendation to me about the elements that will be appropriate for the safety plan of a monk who has offended. As part of our participation in the Hope and Healing program developed by Praesidium Religious Services, we have committed ourselves to develop a program of supervision for monks who have sexually offended against minors or vulnerable adults. Standard 22 reads: *The Institute will maintain a written, individualized Safety Plan to guide the supervision of any Member who is known to have sexually abused a minor.* Along with some group

sessions with other monk offenders, this program uses a brief actuarial instrument called Static-99. The scale contains 10 items: prior sexual offenses; prior sentencing dates; any convictions for non-contact sex offenses; current convictions for non-sexual violence; prior convictions for non-sexual violence; unrelated victims; male victims; young; and single. As can be seen, this information is available in the external forum. This instrument is designed to estimate the probability of sexual and violent recidivism among adult males.

We have retained Project Pathfinder to do a risk assessment for each individual monk offender and to develop a specific safety plan that outlines the supervisory care that is necessary for each individual. These steps are our response to the public demand for accountability by religious communities to minimize the possibility of more victims. The work of developing individual safety plans is not my personal agenda but is an essential part of the Hope and Healing process developed by Praesidium Religious Services.

I should add that we judged it necessary to work with an external evaluating group like Project Pathfinders to develop these safety plans for monks of our community who had offended because the public no longer trusted us. Nor did the public trust outstanding treatment facilities such as Saint Luke Institute (Silver Spring, Maryland) and Southdown Institute (Toronto, Canada) because they are perceived as too closely connected to bishops and religious superiors.

Finally, Brother James intimates in his appeal that the External Review Board of the abbey has not be constituted according to canon law. He complains that this Board was established in an agreement between Saint John's Abbey and an attorney who represented the majority of the victims. This is correct. I agreed to the details of the Board's composition. It is my Board, part of my administration, serving me by offering recommendations on cases that I bring to it. The details of the Board's membership in no way violates Brother's rights.

The by-laws of the External Review Board could not be clearer about my authority: "The Abbot charges the Board and vests authority in it to help him..."; "In making his decision, the Abbot takes into consideration the diverse perspectives and points of view..."; and "...the Board does not have authority to replace, supplant or in any way diminish the Abbot's sole authority and responsibility.." [Tab XX]

Brother James states that I am not free to accept or reject the recommendations of the Board. This is not true. I will take the recommendations of the Board very seriously and I would be

irresponsible to summarily disregard their advice. However, I will make the final decisions. While it is true that Mr. Anderson, a civil attorney who represents several victims, was present at one Board meeting for a short period of time, it is not true that the Board has any authority to impose or continue restrictions on monks. This is my responsibility and I will make such decisions.

Provision for Civil and Canonical Representation

I believe that it is my responsibility as abbot to pay the costs of all appropriate civil and canonical legal assistance for Brother James. I believe that the abbey has already paid such bills and will pay future legal bills that are submitted by Brother.

Summary

Last year, I hoped that I could settle this matter within the Benedictine family by doing a careful investigation with the assistance of skilled investigators. Unfortunately Brother James was not satisfied with the outcome of this investigation and called the investigation "my investigation." He did so even though I hired the team from Faegre and Benson at significant expense to respond to his request and equipped him with legal counsel through the whole process. When the results from the investigation ran counter to his claims, Brother James made his appeal to your Congregation.

I have thoroughly examined all the issues that Brother James Phillips presented in his appeal to you. Since I have based my judgment on evidence that has been carefully and thoughtfully gathered and assessed with the help of professional investigators, I do not believe that I have violated his canonical rights or good reputation. According to church law I have both the authority and the responsibility to impose penal remedies (in this case they would take the form of restrictions and a safety plan) because of the grave acts of misconduct that I judge have been perpetrated by Brother James. I came to this decision after hearing the recommendation of the External Review Board and after examining the facts. In my prayerful consideration of the matter, I came to this judgment with moral certainty.

I earnestly hope that Brother James will comply with my request to participate in risk assessment with Project Pathfinder and will accede to the safety plan that I will decide for him. If not, I will have to impose a plan that might be even more restrictive. Of course, I am willing to review any safety plan and restrictions in the future.

*Response – Brother James Phillips, O.S.B.
Prot. N. 390009/2005
Page 9 of 9*

If you need more information or clarification of this matter, please let me know.

Sincerely,

Abbot John Klassen, O.S.B.

Brother James Phillips, OSB
Prot. N. 39009/2005

Tab A Letter of the sac. Vincenzo Bertolone, S.d.P., Undersecretary of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, to Abbot John Klassen, OSB (22 August 2005), requesting information regarding Bro. James Phillips, who had presented recourse against the abbot's decree regarding the accusation of sexual abuse and consequent removal from ministry.

Votum

Tab B Response of Abbot John Klassen, OSB, to the Most Rev. Franc Rode, C.M., Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (20 October 2005).

Curriculum vitae

Tab 4 Work history of Brother Phillips (update 16 December 2003)

Canonical Actions

Tab 5 Letter of Bro. Phillips to Abbot Timothy Kelly, President, American Cassinese Congregation, making administrative recourse against Abbot John Klassen (8 September 2004)

Tab 6 Letter of Archabbot Douglas R. Nowicki, OSB, First Counselor, Council of the President [of the American Cassinese Congregation] to Bro. Phillips with the Decree that Abbot John Klassen must issue a decree declaring the innocence or guilt of Brother James Phillips, OSB, by December 1, 2004 (11 November 2004).

Tab 7 Letter (Decree) of Abbot John Klassen to Bro. Phillips saying that based on the evidence available to him and the results of an inquiry conducted by attorneys of the Faegre & Benson Law Firm, he believed the allegations against Bro. Phillips were credible and that therefore Bro. Phillips should remain removed from a position of ministry (30 November 2004).

Tab 8 Letter from Abbot Timothy Kelly to Abbot John Klassen informing him that Bro. Phillips' petition for recourse had been sent to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (25 January 2005).

- Tab 9 Letter of Abbot John Klassen to Bro. Phillips asking him to participate in the risk assessment process being conducted by Mr. Steve Sawyer and Ms Jannine Hébert at Project Pathfinders (2 February 2005)
- Tab 10 Letter from S. Lynn Marie McKenzie to Abbot John Klassen informing him that she has advised Bro. Phillips that he has a canonical right not to follow the abbot's request and not to take part in the Project Pathfinders process (8 February 2005).

Investigation

- Tab 11 Letter of Jeffrey R. Anderson to Robert T. Stich providing the addresses of , who had brought allegations of sexual abuse against Bro. Phillips (19 July 2004).
- Tab 12 Letter of Patricia R. Sprain, attorney with Faegre & Benson, to Roger J. Nierengarten, Bro. Phillips' attorney, to confirm an interview with Bro. Phillips (8 September 2004).
- Tab 13 Memorandum from Dan Connolly, Eric Jorstad, and Trish Sprain (attorneys with Faegre & Benson) giving the Final Report of their review of the allegations against Bro. Phillips (30 November 2004).
- Tab 14 Letter of Abbot John Klassen to Bro Phillips forwarding to him the final report from the investigation conducted by Faegre & Benson.

Policies and Standards

- Tab 15 [Saint John's] Abbey Policy on Sexual Abuse and Sexual Exploitation
- Tab 16 Instruments of Hope and Healing: Accreditation Standards

Abbey Policy on Sexual Abuse and Sexual Exploitation

The monks of Saint John's Abbey are vowed to a celibate way of life and mutual respect among persons. Saint John's Abbey views sexual abuse or sexual exploitation by its members to be morally reprehensible.

When considering sexual abuse or sexual exploitation by a monk, the Abbey maintains a primary concern for the victim's safety and well-being. Recognizing that the sexual abuse or sexual exploitation has tragic consequences for the victim as well as for the abuser, Saint John's Abbey adopts the following policy:

I. An Allegation

A. The Abbot investigates the allegation. If an allegation is made involving a minor, it is immediately reported to law enforcement officials. In all cases, reports to law enforcement or civil authorities will be made as required by Minnesota state law.

B. The investigation normally will include:

1. an interview with the person making the allegation
2. an interview with the monk
3. an interview with other knowledgeable persons

C. The Abbot seeks appropriate advice.

D. Based upon the investigation, the Abbot takes appropriate action that may include:

1. a pastoral response to the victim
2. an intervention with the monk
3. distribution of a statement about the allegation.

II. Pastoral Response to the Complaint

A. If persons have been sexually abused or exploited by a monk of Saint John's Abbey, they are encouraged to contact either the Abbot or those designated by Saint John's as victim advocates. (See "Contact" section at the end of this statement.)

1. When the Abbot receives an allegation directly from a victim, the Abbot initiates an interview with the victim, not only to listen to the

victim's story, but also to evaluate the needs of the victim. This may not be appropriate in some cases such as with children.

2. When one of the Abbey's advocates receives an allegation from a victim, the advocate immediately communicates the information received to the Abbot.

B. After appropriate consultation, the Abbot normally initiates one or more of the following steps:

1. Recommends that the complainant contact an advocate for victims of sexual abuse and sexual exploitation to assist the victim in evaluating the situation and the necessary needs.
2. Offers the victim financial assistance for counseling. Financial assistance normally is only offered if the complainant is personally interviewed. If financial assistance for counseling is accepted, the victim is asked to sign a statement that states that the financial assistance is not an admission of legal wrongdoing that can be used in subsequent legal action. The Abbot will periodically review with the victim the continuation of financial assistance for counseling.
3. In the case of a legal settlement, the victim is asked to sign a statement that keeps the amount of the settlement secret. A victim is not asked to sign an agreement requiring silence about the fact or nature of the abuse or exploitation that they may have suffered.

C. If the Abbot receives a complaint or accusation against a monk from an attorney representing an alleged victim after financial assistance has been extended, the assistance will be continued unless prohibited by an insurance carrier in accord with II.B.2.

III. Intervention with the Accused Monk

A. The Abbot informs the monk of the allegation, requesting that the monk choose one other person, usually another monk, to be his support person and that he inform the Abbot who this person is.

B. Based upon the investigation, the Abbot decides whether or not to suspend the monk from his present duties.

C. Normally, the Abbot requires the monk to receive psychological evaluation. The Abbot will provide the professional with all relevant information in his possession pertaining to the alleged abuser.

D. If the psychological evaluation recommends professional treatment or other action, the Abbot follows this recommendation unless the circumstances warrant otherwise.

E. If the monk receives professional treatment, the Abbot normally takes the following steps:

1. has the monk live at the monastery,
2. finds appropriate work or vocational retraining and
3. establishes appropriate limitations on involvement with students and employees of Saint John's as well as with visitors to the campus.

F. After treatment, the Abbot and the monk, in consultation with the monk's treatment professional and others, establishes an aftercare program.

G. If the monk completes the recommended treatment and the aftercare program, and receives a positive evaluation, the Abbot, after appropriate consultation, will consider giving the monk a permanent assignment with appropriate safeguards against further possibilities of perpetrating sexual abuse or sexual exploitation. The safeguards for ongoing assignment will be communicated to supervisors and colleagues as part of the work assignment.

H. If at any time the Abbot with appropriate consultation determines that the monk cannot continue in monastic life, the Abbot will seek to have the monk leave the monastery voluntarily. If the monk does not leave voluntarily, the abbot may initiate appropriate canonical actions toward dismissal.

IV. Public Statement

A. In most cases it will be appropriate for the Abbot to write a statement and send it to various constituencies of Saint John's.

B. If allegations against a monk who is or has served in a parish are found to be credible, a prepared statement will be read at all the Sunday masses if approved by the Diocese in which the parish is located.

C. If the allegation involves an incident that took place in a parish, a parish meeting for the parishioners will be held if approved by the Diocese in which the parish is located. The meeting should be limited to parishioners. Along with the pastor who chairs the meeting, the Abbot, a

representative of the diocese, and the sexual abuse victim's advocate should be present.

V. Definitions

A. **Abbot:** the abbot, the chief administrator of Saint John's Abbey or his delegate.

B. **Allegation:** a complaint or accusation made by a victim to the Abbot or a credible report made to the Abbot by another person because the victim is prevented for a serious reason to speak directly with the Abbot.

C. **Sexual Abuse:** under Minnesota law, the subjection of or any attempt to subject a child or vulnerable adult to any sexual act.

D. **Sexual Exploitation:** under Minnesota law, any kind of sexual interaction between a counselor and client is sexual exploitation, whether initiated by either the counselor or the client. Clergy, when providing counseling, are considered counselors.

--Adopted: 7 February 1989;
revised: 19 October 1992; 2 February 1993; 11 June, 2002

Contacts

Abbot

Abbot John Klassen OSB
Saint John's Abbey
Collegeville, MN 56321-2015

Besides the mailing address above, Abbot John is available by

Advocates

Sometimes those who have experienced abuse prefer contacting a person not associated with Saint John's Abbey. There are two lay people in the St. Cloud area who are willing to serve as advocates for anyone needing help because of sexual misconduct on the part of a monk.

The two advocates are:

Ms. Maxine Barnette	Mr. Tom Klecker
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If you have questions about this policy, please contact Fr. Rene McGraw OSB

Instruments of Hope and Healing: Accreditation Standards

Standards for Prevention

Standard 1. The Institute will carefully screen new candidates for membership in the Institute.

Requirements for accreditation:

- Candidates will be specifically screened for a history of abusing or violating the boundaries of minors.
- Each candidate must have the following:
 - ✓ psychological evaluation which includes a psycho-sexual history,
 - ✓ criminal background check,
 - ✓ personal and professional references,
 - ✓ face to face interviews by more than one consultant.
- Vocation directors and formation directors must be qualified, by education, training, or experience, in the identification of candidates who may be at higher risk to sexually abuse a minor.

Clarifications:

- Requirements may be completed at any time prior to the candidate's being presented to the public as a Member of the Institute or prior to the taking of temporary vows, depending on the traditions of the Institute.
- The behavioral interviewing model is a recommended but not required method for conducting at least one of the face to face interviews in the screening process.
- There are no specific requirements for psychological tests or methods for conducting criminal background checks.
- Criminal backgrounds of candidates from countries outside the United States should be conducted to the best ability of the Institute, recognizing that some countries may not record or provide such information to the Institute.
- It is recommended that reference checks include for all candidates include questions regarding the criminal history of the candidate.
- It is recognized that psychological testing for some candidates from outside the United States may not have the same level of validity as the testing for United States candidates, increasing the importance of other components in the screening process.

April 30, 2004

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Instruments of Hope and Healing: Accreditation Standards

Standard 2. At each stage in the formation of new Members, the Institute will assist in their ongoing formation of healthy, celibate sexuality.

Requirements for accreditation:

- Members in formation must be educated about how to develop a mature, integrated celibate sexuality.
- Members in formation must be encouraged to identify and address challenges to maintaining celibacy and healthy intimate relationships.
- A Member in formation who abuses a minor cannot be permitted to continue.
- A Member in formation who is unable to maintain appropriate boundaries with minors, despite clear guidelines and instruction, cannot be permitted to continue.

Clarifications:

- It is recognized that vows and promises of celibacy do not cause any individual to abuse a minor.

Standard 3. The Institute will identify and utilize systems of support and accountability for Members who are in positions of trust with minors.

Requirements for accreditation:

- The Institute must be able to describe the systems of support and accountability for Members who are in positions of trust with minors.
- The Institute must be able to demonstrate on-going adherence to the systems of support and accountability for Members who are in positions of trust with minors.
- The Major Superior or his delegate must meet at least once each year with each Member who is in a position of trust with minors.
- The Major Superior or his delegate must communicate at least once each year with the organizations that employ Members who are in positions of trust with minors.

Clarifications:

- Any position within a parish or school, even if not considered a ministry, is considered a position of trust with minors.
- The communication with organizations that employ Members must confirm who is the Major Superior and how to contact the Major Superior if a problem arises with a Member.
- Communications with organizations that employ Members in positions of trust with minors may occur by letter, telephone, fax or in person.
- Communications with organizations that employ Members in positions of trust with minors must be documented.

Instruments of Hope and Healing: Accreditation Standards

Standard 4. The Institute will establish and publish clear policies for boundaries with minors.

Requirements for accreditation:

- Policies for boundaries with minors must identify those interactions with minors that the Institute prohibits for Members under all circumstances.
- Policies for boundaries with minors must identify positive forms of affection and demonstration of ministerial care for minors that would be appropriate for Members under most circumstances.

Clarifications:

- Policies for boundaries with minors are intended to instruct boundaries in ministry and other relationships in which the Member is primarily acting as a representative of the Institute; not boundaries in familial relationships with minors.

Standard 5. The Institute will educate its Members regarding the prevalence, identification, and prevention of child sexual abuse.

Requirements for accreditation:

- All Members in active ministry, even occasional ministry, must participate in a minimum of three hours of education regarding child sexual abuse.
- The Institute must provide updated information on child sexual abuse at least annually.

Clarifications:

- If the Institute determines them to be adequate, educational programs may be provided by the organizations in which Members are employed, such as a diocese, hospital or school.
- While there is no requirement for the source from which the educational program must originate, each of the training topics must be addressed in the materials.
- Members who do not serve in any form of ministry, due to physical or medical challenges, would not be required to participate in an educational program addressing child sexual abuse.

Instruments of Hope and Healing: Accreditation Standards

Standard 6. The Institute will educate its Members in self-protection from false allegations of sexual abuse.

Requirements for accreditation:

- Members must have a mechanism in place to discuss with leadership any situations in which they are concerned about being falsely accused of sexual abuse.

Clarifications:

- Members who do not serve in any form of ministry, due to physical or medical challenges, would not be required to participate in an educational program addressing false allegations of sexual abuse.

Standard 7. The Institute will educate its Members in the warning signs associated with both preferential and situational sexual abuse of minors.

Requirements for accreditation:

- The Institute must provide all Members with information about both preferential and situational offenders.
- Warning signs of preferential and situational offenders must be clearly stated in educational materials.

Clarifications:

- Educational programs may be provided at the local, province or national level.

Standard 8. The Institute will define the process by which a Member should respond when another Member exhibits warning signs of unhealthy boundaries or relationships with minors.

Requirements for accreditation:

- The process by which a Member should respond when another Member exhibits warning signs must be stated in writing.
- All Members must be provided with the process by which a Member should respond when another Member exhibits warning signs of unhealthy boundaries or relationships with minors.

Instruments of Hope and Healing: Accreditation Standards

Standard 9. The Institute will interrupt and intervene in situations of unhealthy boundaries with minors on the part of its own Members.

Requirements for accreditation:

- The Institute must define in writing who will be responsible for addressing concerns about Members' boundaries or relationships with minors.
- Documentation of interventions in situations of unhealthy boundaries with minors must be maintained in a manner that is useful for future Major Superiors.

Standard 10. The Institute will provide support and assistance to any Member who discloses to leadership concerns about his own attraction to minors or boundaries with minors.

Requirements for accreditation:

- A Member who discloses concerns must be offered responsible assistance by the Institute which includes, but may not be limited to, appropriate evaluation and/or treatment.

Clarifications:

- It is recognized that information revealed during the Sacrament of Reconciliation must be held confidential.
- It is recognized that for Orders that make a Manifestation of Conscience, this information must be held confidential.

April 30, 2004

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Instruments of Hope and Healing: Accreditation Standards

Standards for Responding

Standard 11. Representatives of the Institute will respond pastorally and compassionately to any person who reports sexual abuse by a Member of the Institute or by others who are not Members.

Requirements for accreditation:

- The Institute must identify a representative, qualified by education, training, or experience, to respond to those who report sexual abuse.
- The Institute must document the response to individuals who have reported sexual abuse since June of 2002.
- Documentation of response to individuals who have reported abuse must demonstrate a compassionate and pastoral response to the individual who has reported abuse.

Clarifications:

- Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse may be Members, employees, volunteers, or third party contractors.

Standard 12. Representatives of the Institute who are responsible for assisting individuals who have experienced child sexual abuse will be educated regarding the nature of their role.

Requirements for accreditation:

- Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse, must have education, training and/or experience with the following content areas:
 - ✓ dynamics of abuse,
 - ✓ effects of abuse, and
 - ✓ how to provide comfort to victims,
 - ✓ how to encourage trust in victims, and
 - ✓ how to promote their healing.
- Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse must have written guidelines for fulfilling their role.

Clarification:

- Representatives of the Institute who are responsible for assisting individuals who have experienced abuse may be Members, employees, volunteers, or third party contractors.

Instruments of Hope and Healing: Accreditation Standards

Standard 13. Representatives of the Institute will make a sincere effort to determine the personal needs of a sexually abused or allegedly abused individual and to assist in the healing process.

Requirements for accreditation:

- Representatives of the Institute must offer to meet in person with an individual who reports having been sexually abused by a Member in order to more deeply understand how the sexual abuse has affected the individual.
- Representatives of the Institute must document a genuine attempt to assist in the healing of individuals who have approached the Institute to report sexual abuse by a Member since June of 2002.

Clarifications:

- It is recognized that some individuals who have experienced sexual abuse may first approach the Institute through legal proceedings. While this situation presents difficulties for identifying and responding to the personal needs of the individual, representatives of the Institute must still offer to meet with the individual.
- In situations which involve legal proceedings, representatives of the Institute may choose to extend an offer to meet or to assist with healing through the legal counsel of the abused or allegedly abused individual.

April 30, 2004

Instruments of Hope and Healing: Accreditation Standards

Standard 14. The Institute will adhere to written protocols for responding to allegations of abuse of a minor.

Requirements for accreditation:

- Written protocols must provide guidance for
 - ✓ Responding to individuals who report abuse,
 - ✓ Responding to individuals who may have experienced abuse,
 - ✓ Responding to individuals who have been accused,
 - ✓ Complying with reporting requirements,
 - ✓ Communicating with the accused,
 - ✓ Protecting the rights of all those involved,
 - ✓ Conducting internal investigations,
 - ✓ Working with review boards,
 - ✓ Communicating with the religious community, the faith community, and the public.
 - ✓ Communicating with the diocese and the bishop, where appropriate.

- Written protocols must include who, by role, is responsible for each part of the response to allegations of abuse.

Standard 15. The Institute will require its Members to report known or suspected sexual abuse of minors where the victim is still a minor to civil authorities, regardless of the state's mandatory reporting laws.

Requirements for accreditation:

- Members must report all known or suspected sexual abuse of a current minor, whether alleged to have been perpetrated by a Member or by a non member.

Clarifications:

- It is recognized that information revealed during the Sacrament of Reconciliation must be held confidential.
- It is recognized that for Orders that make a Manifestation of Conscience, this information must be held confidential.

Instruments of Hope and Healing: Accreditation Standards

Standard 16. The Institute will require its Members to report known or suspected abuse of a minor when the victim is no longer a minor in accordance with the civil laws of the state in which the abuse was alleged to have occurred.

Requirements for accreditation:

- All credible allegations since June of 2002 must have been reported to civil authorities in accordance with the state statutes in which the abuse was alleged to have occurred.
- Individuals who have approached the institute since June of 2002 to report sexual abuse must have been advised of their right to report to civil authorities and encouraged to do so.

Clarifications:

- Consideration should be given to the notification of other jurisdictions where other sexual abuse by the Member may have occurred.
- Reporting requirements may extend to non-Members, former Members and deceased members, depending upon the laws of the state in which the abuse allegedly occurred.

Standard 17. The Institute will investigate reports of sexual abuse of minors, including anonymous reports, to the extent feasible based on the information provided.

Requirements for accreditation:

- The Institute must have a procedure in place for investigating reports of sexual abuse by its Members.
- All allegations of sexual abuse reported since June of 2002 must have a) a documented investigation, or b) documentation of the reason(s) an investigation is not possible or is unnecessary.

Clarifications:

- Internal investigations may be carried out by qualified individuals who are Members, volunteers, employees or third party contractors.
- The extent of the investigation should be consistent with the availability of information.

April 30, 2004

Instruments of Hope and Healing: Accreditation Standards

Standard 18. The Institute will cooperate responsibly with civil authorities who are conducting an investigation of an abuse allegation.

Requirements for accreditation:

- The Institute must not obstruct or hamper investigations of its Members by civil authorities.
- The Institute must consult with civil authorities when conducting their own internal investigations, when those investigations may occur concurrently with a criminal investigation.

Clarifications:

- Institutes are expected to respect each Member's rights under civil and canon law.

Standard 19. The Institute will document all allegations of abuse of minors and responses to allegations of abuse of minors.

Requirements for accreditation:

- The Institute must have documentation of any allegations and investigations of abuse which have occurred since June of 2002.
- Documentation of allegations and investigations of abuse must remain accessible to the Office of the Major Superior.

Clarifications:

- Documentation may be created by designated Members or by third party contractors.
- Documentation of allegations and investigations are confidential.
- Access to these materials will be available on a "need to know" or legal basis.

April 30, 2004

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Instruments of Hope and Healing: Accreditation Standards

Standard 20. The Institute will utilize a Review Board for the purpose of providing advice to the Major Superior on the response to incidents and allegations of sexual abuse of minors.

Requirements for accreditation:

- Review Boards must provide recommendations regarding the response to incidents and allegations of abuse which have occurred since June of 2002.
- In cases where alleged sexual abuse of a minor can not be investigated or substantiated, the Review Board will provide consultation regarding the disposition of the case.

Clarification:

- It is recommended but not required that the Review Board provide consultation to the Major Superior regarding the reporting of cases to the authorities when such reporting is not required by law.
- Review Board meetings may be conducted in person or by conference calls.

Standard 21. In cases where an allegation of sexual abuse of a minor committed by a Member has been substantiated, the Institute will inform the leadership of any organization in which the Member has admitted to or is suspected to have sexually abused a minor.

Requirements for accreditation:

- The Institute will inform the leadership of any organization in which the Member has admitted or been found to have abused a minor.
- The Institute will maintain documentation of informing the leadership of the organization.

Clarification:

- Simply being assigned to an organization may not constitute a suspicion that sexual abuse occurred during that assignment.

April 30, 2004

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Instruments of Hope and Healing: Accreditation Standards

Standards for Supervision

Standard 22. The Institute will maintain a written, individualized Safety Plan to guide the supervision of any Member who is known to have sexually abused a minor.

Requirements for accreditation:

- Safety plans must include:
 - ✓ the history and nature of problem behaviors
 - ✓ the risk reduction strategies
 - ✓ who is responsible for the implementation of each risk reduction strategy
 - ✓ the consequences for non-compliance with the Safety Plan.
- Safety plans must be signed by:
 - ✓ the Member,
 - ✓ the Major Superior,
 - ✓ at least one individual who is directly involved in the supervision of the individual,
 - ✓ a representative of the Review Board.

Clarifications:

- It is recommended but not required that a Safety Plan be developed for any Member who has seriously crossed boundaries with minors.
- Due regard must be given to the need for Members who have Safety Plans to authorize the release of any confidential information to the members of the Review Board (See Appendix X: Sample Release Form).

Instruments of Hope and Healing: Accreditation Standards

Standard 23. A Member who has sexually abused a minor will not be permitted to work in any position which allows access to minors, including any position within a parish or school, nor, in accordance with the *Charter for the Protection of Children and Young People*, in any ecclesiastical ministry.

Requirements for accreditation:

- Appropriate work for a Member who has sexually abused a minor must be determined in consultation with the Review Board and, when appropriate, the local bishop.
- Appropriate work, and the specific assignment, for a Member who has sexually abused a minor must be documented in the Safety Plan of the Member.

Clarifications:

- Ecclesiastical ministry will be defined as any ministry under the authority of the diocesan bishop.

Standard 24. The Review Board will review each Safety Plan at least annually and offer recommendations to the Major Superior regarding appropriate adjustments.

Requirements for accreditation:

- Once the Review Board is established, the Review Board must review each new Safety Plan within 60 days of development.
- The Review Board must review each existing Safety Plan at least once per year.

Clarifications:

- Review Board meetings may be conducted in person or by conference calls.

April 30, 2004

Instruments of Hope and Healing: Accreditation Standards

Standard 25. Individuals who supervise Members who have Safety Plans will be physically and emotionally capable and adequately trained to perform the duties involved in supervision.

Requirements for accreditation:

- Individuals who supervise must receive guidelines regarding their role, and procedures for supervision, including how to respond if the supervised Member violates his Safety Plan.
- Individuals who supervise Members who have Safety Plans must be provided with instruction regarding their responsibilities.
- Individuals who supervise Members who have Safety Plans must not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision.
- Other assignments of individuals who supervise Members who have Safety Plans must not interfere with the individual's responsibility to supervise the Members who have Safety Plans.

Clarifications:

- Assistance with supervision of Members who have Safety Plans may be conducted by qualified Members, employees or third party contractors.

Standard 26. Those who supervise Members who have Safety Plans will have access to all pertinent information that is not otherwise privileged about the Member who has a Safety Plan.

Requirements for accreditation:

- Individuals who supervise Members must have adequate information to fulfill their duties to supervise.

Clarifications:

- Pertinent information may include treatment records or summaries, evaluation results, psychological evaluations or personal histories, relevant history of abuse, previous compliance with safety protocols or requests, and information a treatment specialist may provide on an ongoing basis while treating the Member.
- Due regard must be given to the need for Members who have Safety Plans to authorize the release of any confidential information to individuals involved in supervision.
- Due regard must also be given to the Member's civil and canonical rights.

April 30, 2004

Instruments of Hope and Healing: Accreditation Standards

Standard 27. The Major Superior or his delegate will monitor compliance with all Safety Plans annually.

Requirements for accreditation:

- The Major Superior or his delegate must review documentation that substantiates compliance with Safety Plans at least once each year.

Standard 28. Communities that house "high-risk" Members will be visited by outside auditors on an unannounced basis to ensure consistent implementation of safety planning protocols.

Requirements for accreditation:

- Communities that house high-risk Members must be visited by outside auditors on an unannounced basis at least once a year.

Clarifications:

- High-risk Members will be defined as Members who, in the absence of supervision, would be high-risk to sexually abuse a minor. Criteria for identifying these Members includes the following:
 - ✓ Members who have perpetrated abuse within the past five years,
 - ✓ Members who admit they are high-risk,
 - ✓ Members who have abused multiple minors,
 - ✓ Members who violate their Safety Plans, or
 - ✓ Members who have been identified by a treatment provider as high risk to re-offend within the past five years.
- Visits will be documented by auditors.
- Institutes who are found to be out of compliance with the Safety Plan for a high-risk individual must be re-visited within the next 30 days.
- Continued non-compliance with the Safety Plan will result in the loss of Accreditation.

SAINT JOHN'S ABBEY

BOX 2015

COLLEGEVILLE, MINNESOTA 56321-2015

OFFICE OF THE ABBOT

November 7, 2005

Most Reverend Franc Rodé, C.M.
Prefect
Congregation for Institutes of Consecrated Life and
Societies of Apostolic Life
Piazza Pio XII, 3
00193 Rome, Italy

Your Excellency,

This letter is my response to the appeal that the **Brother James Phillips, O.S.B.** has made to your Congregation (Prot. N. 39009/2005). This letter and its attached documents have been requested by your congregation in a letter to me dated August 22, 2005. Brother James is a monk of Saint John's Abbey in Collegeville, Minnesota U.S.A.

Biographical Information [Tab 4]

Brother James Phillips was born on November 23, 1948. After completing high school in 1966, he came to the abbey and after a time of candidacy, formally entered the novitiate in July of 1969. He made monastic profession on July 11, 1970, took solemn vows on July 11, 1973. From 1968 through 1979 he was sacristan for the abbey church. During this time he also worked part time as a nurse's aid in the abbey health and retirement center, though he never had any formal training in nursing. Brother James also served as a supervisor (we use the term "prefect") at Saint John's Preparatory School from 1975-1981. From 1981 through 1984 Brother James lived and worked in our dependent priory Saint Augustine's Monastery in Nassau, Bahamas.

When he returned to Saint John's Abbey in the summer of 1984 Brother James resumed his work in the health and retirement center and as sacristan. From 1989-1995 Brother James again served as a prefect at the Preparatory School. After a full time job in the Health Center in 1995-1996, Brother James did a year of Clinical Pastoral Education at North Memorial Hospital in Robinsdale, Minnesota. In 1998 he took a

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North Memorial Hospital in Robinsdale, Minnesota. In 1998 he took a position on the Chaplain staff at North Memorial Hospital, which he held until August 12, 2002, at which time we received a second allegation of sexual abuse. Since that time Brother James has been working with abbey housekeeping.

Allegations of Sexual Misconduct

In July of 2002 the abbey first received an allegation of sexual misconduct against Brother James, brought by [redacted] was a student at Saint John's Preparatory in the late 1970s and early 1980s. It has been determined that [redacted] would have been sixteen years old at the time he alleges abuse by Brother [redacted]. [redacted] was also making allegations against two other monks. Our initial response to the allegations of [redacted] against Brother James was extreme skepticism. However, while I was negotiating a settlement with [redacted] we received a second, independent allegation against Brother James, this one brought by [redacted]. [redacted] alleges that Brother James abused him from late 1979 through the spring semester of 1980. [redacted] would have been seventeen years old. It is not true, as Brother James states in his appeal, that there were no accusations against him until the mediated settlement process. [redacted] accusation came at least a month earlier. Nor is it true that the mediated settlement was treating "cases that had already be settled and money paid" as Brother claims in his appeal.

When I received the second allegation of sexual abuse against a minor I had no choice but to remove Brother James from ministry as a chaplain at North Memorial Hospital in Robinsdale, Minnesota. Our policy on sexual abuse of a minor by a monk requires this action. [Tab 15] At the time one of the fundamental ways in which we determined if an allegation was true, especially in the face of strong denials, was the presence of two, independent allegations. Contrary to what Brother James contends, [redacted] was interviewed and his allegation was investigated before his claim was settled. Because this fundamental criterion of two independent credible allegations was met, we settled both claims during this mediation session.

Investigation of Allegations

Shortly after the second allegation, I asked Brother James to undergo a psychological evaluation and assessment with Dr. Thomas Klecker, a forensic psychologist who is skilled in his work with sexual offenders and with victims of sexual abuse. Dr. Klecker interviewed and tested Brother James for a full day and, a month later, interviewed him for two hours.

In his final report Dr. Klecker writes that "It is reasonable to assume the probability is extremely high that Brother James Phillips sexually abused one or both victims. This examiner would place the probability at 90% or better." (Page 17 of confidential report - not attached)

Brother James freely consented to this evaluation and assessment. He signed all the requisite release forms. However, after the final interview with Dr. Klecker and after reading the final report, Brother now claims that Dr. Klecker "was acting outside of his area of expertise." In fact, this is exactly the main focus of the doctor's expertise.

In the fall of 2003, at Brother James' request, I hired Mr. Daniel Connolly from the law firm Faegre and Benson in Minneapolis to do a full-scale investigation. I was hoping that this investigation would show some linkage, and therefore collusion, between
However, after an extensive investigation that involved phone and personal interviews with many people who know Brother James well— including _____ -Mr. Dan Connolly came to the conclusion that "it is highly probable" that the sexual abuse reported by _____ occurred. [Tab 13] Brother James was interviewed during this investigation and had the benefit of legal counsel during the interview.

Mr. Connolly and his team came to this conclusion for the following reasons.

1. Both complainants were very credible during their interviews, while Brother James was not.
2. The initial conduct described by both complainants was very similar.
3. Other than sharing the same attorney, the accounts of both complaints are totally independent of each other. There was no evidence of collusion.
4. Brother James claims that he barely knew _____ and yet it appears he knew him well enough to oppose his plans to take part in the Preparatory School's study abroad program at Melk Abbey in Austria during his senior year.
5. Brother James provided no credible explanation for the post-graduation encounter with _____ and his account of that encounter contained many inconsistencies. Even though he claimed he did not know _____ well, when _____ returned to Minnesota in June after being in away for the school year, he called Brother James and came to Saint John's for a visit. He arrived intoxicated, Brother James arranged for him to stay in a room in one of the college residence halls, and then had breakfast with him the next morning. _____ claims that he was

sexually abused by Brother James in the college residence hall the afternoon or evening of his arrival.

6. Brother James' late-disclosed exculpatory medical condition came more than two years after these claims surfaced, and upon further examination with Brother James would not have discredited the account of abuse by either claimant. In fact, as Mr. Connolly notes in his report, this medical condition may explain why Brother James remained clothed during his sexual encounters with

An explanation needs to be given to account for the length of time needed for the investigation. Mr. Dan Connolly and his team conducted interviews with a cross-section of students who lived in the student residence where Brother James served as prefect. This investigation was time consuming because of a genuine effort to conduct it in as confidential manner as possible. Furthermore, it was difficult to locate one of the survivors, and his testimony was essential to the investigation. One of the survivors was interviewed by phone because he lives across the country; the other was interviewed in person. As abbot I pressed the team as hard as I could in order to bring it to a conclusion.

Decree of Judgment

When I received Mr. Connolly's Final Report in late November 2004, I brought it along with the case file to the Review Board. I also reported verbally on the report of Dr. Klecker. Having received the recommendation of the Review Board and after weighing the proofs myself, I issued a decree to Brother James on November 30, 2004, indicating that he should remain removed from a position of ministry. **[Tab 7]** I was confident then and remain confident today that this is the correct decision.

Brother James' Right to Appeal

On January 25, 2005 I received a letter from Abbot Timothy Kelly in which he indicated that Brother James had requested that his appeal be sent to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. **[Tab 8]**

On February 2, 2005 I requested Brother James to participate in the risk assessment and safety plan development with Project Pathfinders in Saint Paul, Minnesota. **[Tab 9]** I asked Brother James to do this because such work is required by the Hope and Healing project **[Tab 16]** for all religious who have sexually offended against a minor.

On February 8, 2005 I received a letter from Brother James' canon lawyer, S. Lynn Marie McKenzie, indicating that she had advised him not to follow this request. [Tab 10]

The Gravity of Brother's Sexual Misconduct

The sexual abuse of a minor is always an awful and devastating injury to a human being. To injure a minor through sexual abuse when one is in a position of trust, such as Brother James was in his position of prefect, is even more serious. Even though Brother James is not a cleric, I have compelling reasons to protect the young or any vulnerable person from possible harm.

There was been some discussion about the applicability of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* to Institutes of Consecrated Life and Societies of Apostolic Life. Essential Norm #1 indicates that when these norms are applied to religious priests and deacons, the term "religious ordinary" should be substituted for the term "bishop/eparch." I know that the Conference of Major Superiors of Men decided to embrace the *Essential Norms* while waiting for clarification of this issue and the Conference made this decision public. In the meantime, the Conference adopted the standards of Praesidium Religious Services. Standard 23 states: *A Member who has sexually abused a minor will not be permitted to work in any position which allows access to minors, including any position within a parish or school, nor, in accordance with the Charter for the Protection of Children and Young People, in any ecclesiastical ministry.* Please note that the term Member includes both ordained and non-ordained. I believe it is absolutely necessary for the good of St. John's Abbey and for the Church in the United States that I uphold this standard for non-ordained members of our monastery.

Canonical Reasons for My Decision

As the duly elected abbot of St. John's Abbey, I am Brother James' major superior and Ordinary (CIC canon 620). It is my responsibility "to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart..." (CIC canon 619).

As abbot, I have the authority to initiate an administrative process to impose or declare penalties after I have determined that fraternal correction or rebuke or other means cannot sufficiently repair scandal, restore justice and reform the offender (CIC canon 1341). I am further authorized to impose penal remedies when it is for the good of the

individual or the public good (CIC canon 1348). I can direct the exercise of rights proper to the members of the Church (CIC canon 223, §2). The universal law of the Church also empowers me to give a canonical rebuke (CIC canon 1339, §2), a penance (CIC canon 1340, §1) and to add penances to a canonical rebuke (CIC canon 1340, §3).

Violation of Brother's Canonical Rights and Good Reputation

Brother James claims in his appeal that I have denied him his canonical rights to defense. This is not true. Brother was interviewed on three different occasions. He was given every opportunity to present his side of the story. Unfortunately, his rendition of the events under question did not seem very credible. In canon law there is no right to confront one's accusers, as Brother alleges.

Brother James complains that I have imposed a canonical penalty without the benefit of a canonical process. This is also not true. As I have explained above, I have only imposed those restrictions that I deem necessary for Brother's fraternal correction, for the good of the abbey and for the protection of the people of God. These restrictions are not permanent. I fully intend to review Brother's ministerial status and his safety plan from time to time. If appropriate, I will make adjustments and new determinations.

Brother James also alleges that I have forced him, even under obedience, to submit to psychological testing. This is totally false. I know the Church's teaching and practice prohibiting a superior to oblige a subject to undergo involuntary psychological testing. I also know that I cannot force a manifestation of conscience from one of my monks (CIC canon 630, §5).

I did oblige Brother, under holy obedience, to participate in a risk assessment process with Project Pathfinder. **[Tab 9]** Brother James mistakenly thinks this program requires psychological testing. It does not.

Project Pathfinder is a risk assessment process that results in a recommendation to me about the elements that will be appropriate for the safety plan of a monk who has offended. As part of our participation in the Hope and Healing program developed by Praesidium Religious Services, we have committed ourselves to develop a program of supervision for monks who have sexually offended against minors or vulnerable adults. Standard 22 reads: *The Institute will maintain a written, individualized Safety Plan to guide the supervision of any Member who is known to have sexually abused a minor.* Along with some group

sessions with other monk offenders, this program uses a brief actuarial instrument called Static-99. The scale contains 10 items: prior sexual offenses; prior sentencing dates; any convictions for non-contact sex offenses; current convictions for non-sexual violence; prior convictions for non-sexual violence; unrelated victims; male victims; young; and single. As can be seen, this information is available in the external forum. This instrument is designed to estimate the probability of sexual and violent recidivism among adult males.

We have retained Project Pathfinder to do a risk assessment for each individual monk offender and to develop a specific safety plan that outlines the supervisory care that is necessary for each individual. These steps are our response to the public demand for accountability by religious communities to minimize the possibility of more victims. The work of developing individual safety plans is not my personal agenda but is an essential part of the Hope and Healing process developed by Praesidium Religious Services.

I should add that we judged it necessary to work with an external evaluating group like Project Pathfinders to develop these safety plans for monks of our community who had offended because the public no longer trusted us. Nor did the public trust outstanding treatment facilities such as Saint Luke Institute (Silver Spring, Maryland) and Southdown Institute (Toronto, Canada) because they are perceived as too closely connected to bishops and religious superiors.

Finally, Brother James intimates in his appeal that the External Review Board of the abbey has not been constituted according to canon law. He complains that this Board was established in an agreement between Saint John's Abbey and an attorney who represented the majority of the victims. This is correct. I agreed to the details of the Board's composition. It is my Board, part of my administration, serving me by offering recommendations on cases that I bring to it. The details of the Board's membership in no way violates Brother's rights.

The by-laws of the External Review Board could not be clearer about my authority: "The Abbot charges the Board and vests authority in it to help him..."; "In making his decision, the Abbot takes into consideration the diverse perspectives and points of view..."; and "...the Board does not have authority to replace, supplant or in any way diminish the Abbot's sole authority and responsibility..." [Tab 17]

Brother James states that I am not free to accept or reject the recommendations of the Board. This is not true. I will take the recommendations of the Board very seriously and I would be

irresponsible to summarily disregard their advice. However, I will make the final decisions. While it is true that Mr. Anderson, a civil attorney who represents several victims, was present at one Board meeting for a short period of time, it is not true that the Board has any authority to impose or continue restrictions on monks. This is my responsibility and I will make such decisions.

Provision for Civil and Canonical Representation

I believe that it is my responsibility as abbot to pay the costs of all appropriate civil and canonical legal assistance for Brother James. I believe that the abbey has already paid such bills and will pay future legal bills that are submitted by Brother.

Summary

Last year, I hoped that I could settle this matter within the Benedictine family by doing a careful investigation with the assistance of skilled investigators. Unfortunately Brother James was not satisfied with the outcome of this investigation and called the investigation "my investigation." He did so even though I hired the team from Faegre and Benson at significant expense to respond to his request and equipped him with legal counsel through the whole process. When the results from the investigation ran counter to his claims, Brother James made his appeal to your Congregation.

I have thoroughly examined all the issues that Brother James Phillips presented in his appeal to you. Since I have based my judgment on evidence that has been carefully and thoughtfully gathered and assessed with the help of professional investigators, I do not believe that I have violated his canonical rights or good reputation. According to church law I have both the authority and the responsibility to impose penal remedies (in this case they would take the form of restrictions and a safety plan) because of the grave acts of misconduct that I judge have been perpetrated by Brother James. I came to this decision after hearing the recommendation of the External Review Board and after examining the facts. In my prayerful consideration of the matter, I came to this judgment with moral certainty.

I earnestly hope that Brother James will comply with my request to participate in risk assessment with Project Pathfinder and will accede to the safety plan that I will decide for him. If not, I will have to impose a plan that might be even more restrictive. Of course, I am willing to review any safety plan and restrictions in the future.

*Response - Brother James Phillips, O.S.B.
Prot. N. 390009/2005
Page 9 of 9*

If you need more information or clarification of this matter, please let me know.

Sincerely,

Abbot John Klassen, O.S.B.

November 17, 2005

Dr. Monica Applewhite
Praesidium
2104 E. Randol Mill Road
Arlington, TX 76011

Dear Monica:

Per our conversation at the workshop in San Antonio I am sending you the investigative report that was done by Dan Connolly and Trish Sprain at the law firm Faegre and Benson in Minneapolis, MN. The monk in question is **Brother James Phillips**.

In July of 2002 the abbey first received an allegation of sexual misconduct against Brother James, brought by [redacted] was a student at Saint John's Preparatory in the late 1970s and early 1980s. It has been determined that [redacted] would have been sixteen years old at the time he alleges abuse by Brother Jim. [redacted] was also making allegations against two other monks at the time.

Our initial response to the allegations of [redacted] against Brother Jim was extreme skepticism. However, while I was negotiating a settlement with [redacted] we received a second, independent allegation against Brother Jim, this one brought by [redacted] alleges that Brother Jim abused him from late 1979 through the spring semester of 1980. [redacted] would have been seventeen years old.

When I received the second allegation of sexual abuse against a minor I had no choice but to remove Brother Jim from ministry as a chaplain at North Memorial Hospital in Robinsdale, Minnesota. Our policy on sexual abuse of a minor by a monk requires this action. At the time one of the fundamental ways in which we determined if an allegation was true, especially in the face of strong denials, was the presence of two, independent allegations. [redacted] was interviewed by two mediators during the time of mediation. Because this fundamental criterion of two independent credible allegations was met, we settled both claims during this mediation session.

Investigation of Allegations

Shortly after the second allegation, I asked Brother Jim to undergo a psychological evaluation and assessment with Dr. Thomas Klecker, a forensic

psychologist who is skilled in his work with sexual offenders and with victims of sexual abuse. Dr. Klecker interviewed and tested Brother Jim for a full day and, a month later, interviewed him for two hours. In his final report Dr. Klecker writes that "It is reasonable to assume the probability is extremely high that Brother James Phillips sexually abused one or both victims. This examiner would place the probability at 90% or better." I do not include the psychological report here because I do not have Brother Jim's permission to share this documentation at this time.

In the fall of 2003, at Brother Jim's request, I hired Mr. Daniel Connolly from the law firm Faegre and Benson in Minneapolis to do a full-scale investigation. I was hoping that this investigation would show some linkage, and therefore collusion, between

However, after an extensive investigation that involved phone and personal interviews with many people who know Brother James well—including Mr. Dan Connolly came to the conclusion that "it is highly probable" that the sexual abuse reported by occurred. Brother Jim was interviewed during this investigation and had the benefit of legal counsel during the interview.

Mr. Connolly and his team came to this conclusion for the following reasons.

1. Both complainants were very credible during their interviews, while Brother Jim was not.
2. The initial conduct described by both complainants was very similar.
3. Other than sharing the same attorney, the accounts of both complaints are totally independent of each other. There was no evidence of collusion.
4. Brother Jim's claims that he barely knew [redacted] and yet it appears he knew him well enough to oppose his plans to take part in the Preparatory School's study abroad program at Melk Abbey in Austria during his senior year.
5. Brother Jim provided no credible explanation for the post-graduation encounter with [redacted] and his account of that encounter contained many inconsistencies. Even though he claimed he did not know [redacted] well, when [redacted] returned to Minnesota in June after being in away for the school year, he called Brother Jim and came to Saint John's for a visit. He arrived intoxicated, Brother Jim arranged for him to stay in a room in one of the college residence halls, and then had breakfast with him the next morning. [redacted] claims that he was sexually abused by Brother Jim in the college residence hall the afternoon or evening of his arrival.
6. Brother Jim's late-disclosed exculpatory medical condition came more than two years after these claims surfaced, and upon further examination with Brother Jim would not have discredited the account of abuse by either claimant. In fact, as Mr. Connolly notes in his report, this medical condition may explain why Brother

Jim remained clothed during his sexual encounters with .

However, as I noted during our conversation, I have never had much confidence in . allegation. Furthermore, during the course of the investigation, said that . a fellow student, saw Brother Jim take him into the woods when he was there for a graduation party. When Trish Sprain called . she claimed she did not remember anything about this event. Furthermore, actually confronted him at Prep and said to him, "I know what is going on between you and Phillips." But when Dan Connolly spoke to . a few weeks ago, after an extended search to find him, . denied anything like this. He remembered vaguely remembered Br. Jim Phillips but said he remembered nothing like described. At this point I am left wondering why . just happened to bring a claim against Brother Jim Phillips as we were in mediation. Perhaps . were in this together from the get-go. And so, as you expressed it so well, I have lost my moral certitude in this situation.

I mentioned to you that Dr. Tom Klecker wanted Brother Jim to take a lie detector test. But Jim's legal counsel said no. But when the report from Dan Connolly and Trish Sprain was shared with Brother Jim, he said to me, "I want to take a lie detector test, but I want . to take it as well."

With this I include the investigation report that Dan Connolly and Trish Sprain wrote. What I am asking for? Counsel as to the best way to proceed. Brother Jim's future is on the line and I want to do right by him. If Jim is innocent I want him back in ministry.

I can assure you that I have learned some huge lessons in this rapidly changing environment. It is hard for me to recall how much pressure we were under in the summer of 2002. Thank you for any insight you can give on this one.

Sincerely,

Abbot John Klassen, OSB

enclosure: SJA/Brother Jim Phillips Review: Final Report

Notes from phone conversation with Monica Applewhite (3-10-2006)

This phone conversation was an arranged call regarding the "loss of moral certitude" that I am having with respect to the investigation and allegations of inappropriate sexual conduct that have been made against Brother James Phillips. I had sent the basic information about the case to Monica earlier and this call was to get her thoughts on the situation. In regard for Jim's privacy I did not send a copy of the forensic testing that was done by Dr. Tom Klecker.

Monica began the conversation by noting that the claim was brought against Jim by clients represented by Mr. Jeff Anderson. She observed that she had begun to notice patterns of behavior in several investigations that she had conducted with clients represented by him. In fact, in one instance he brought an emergency restraining order against her, claiming that she would do irreparable damage to a victim by interviewing him for an account of what happened. It is clear that Anderson's firm has no checks and balances on allegations of inappropriate sexual behavior by priests or religious, that he does not sort through the facts of a case in order to determine the truth of the claim.

Monica next commented on the work of the Faegre and Benson investigative team. Mr. Connolly and his team give six reasons to support their conclusion of Jim's probable inappropriate behavior. Monica says two of them are redundant.

The psychological work done by Dr. Thomas Klecker, no matter how good it is, will not determine what Jim did or did not do, unless he admits what he did. Monica also noted that even though there are two independent victims, the fact that they are represented by Jeff Anderson makes their independence less credible. In order to strengthen his case Anderson regularly tells clients to call people they know who were in a similar situation to ask if they were abused. In this case [redacted] could easily have called [redacted] asked him if he had been abused by Jim Phillips, and told him that he was pursuing a case against Phillips. That would explain why [redacted] case came against Phillips when we were in mediation. At SNAP meetings Jeff Anderson's card is regularly passed out as part of the information session, as part of the instruction: "This is what you need to do to pursue litigation."

The work that Connolly has presented would be much more credible if he had described the comments and description of the people he interviewed who never say anything inappropriate. They have gathered a huge amount of information but none of it shows up in the report. The investigators need to pose the question: is this behavior consistent with the allegations of abuse? For example, one person who was accused brought forth a number of witnesses who were in situations with the individual and the behavior was within boundaries. Nobody who was interviewed, in a rather exhaustive list of witnesses, said that they observed behavior that was consistent with inappropriate sexual behavior with students.

In addition, two students who _____ says were definitely aware of the inappropriate behavior, deny knowing anything about it. Either of these could have nailed the case down but, in fact, they bring evidence the other way.

At this point, Monica asked me if Jim Phillips would undergo a polygraph test. I told her that Klecker really wanted Phillips to take a polygraph in the fall of 2000. But Phillips, with consultation with Stich, refused. When the report from Connolly came in and I shared with Phillips and conversed with him, he was very angry, and insisted that he would take a polygraph test, and that _____ would have to do so as well.

Phillips is the one who is paying the price if these allegations are false. It is in his interest to take a polygraph test and to advance his own case of innocence. If Phillips will only take a polygraph test if _____ are willing, he is putting them in control of his fate. In the past few years, Monica has had two men re-instated in ministry because she proved that the allegations against them were false. Phillips can create evidence on his own behalf by taking and passing a polygraph test.

How does this work? Monica has a first-rate polygraph expert in New York who is extremely good. He could come to the monastery in Minnesota, review the case, and administer the case here. Phillips could be accompanied by his legal counsel here. "Why don't you go and get it done with your attorney? Don't tell anybody that you are doing it."

Monica was also puzzled by Phillip's mentioning his medical condition. She did not understand why he would volunteer such information at that stage of the interviews. I told her about Phillip's low IQ, but that verbally he is quite impressive. You would never know that he has such a low intellectual capacity; that he portrays himself as a person "in the know." He trades on information.

Phillips still might have done something inappropriate with either _____ or _____ Being the kind of person he is, and his own self-projection, he would very reluctant to admit such activity. So he would prefer not to know, not to say what really happened. This is consistent with Klecker's observations. From this vantage point, Phillips is "well-defended.

Action steps:

Ask Dan Connolly and his associates to flesh out the report, reporting the results of the conversations with those interviewed, to get a positive statement of how they see Jim Phillip's behavior.

Meet with Phillips, share my concern that I want to pursue this investigation further, that I am asking him to take a polygraph test.



CONGREGAZIONE
PER GLI ISTITUTI DI VITA CONSACRATA
E LE SOCIETÀ DI VITA APOSTOLICA

Vatican, 7 December 2006

Prot. n. 39009/2005

Dear Abbot Klassen,

Thank you for having forwarded the information regarding the case of Brother James Phillips.

Enclosed you will find the response of this Congregation for Institutes of Consecrated Life and Societies of Apostolic Life to the recourse presented by Brother Phillips in January of 2005.

May the Lord abundantly bless you and all the monks of St. John's Abbey.

Sincerely in Christ,

+ *Gianfranco A. Gardin, ofm conv.*

✠ Gianfranco A. Gardin, O.F.M. Conv.
Archbishop Secretary

Enclosure

Abbot John Klassen, OSB
St. John's Abbey
Box 2015
Collegeville, Minnesota 56321-2015
USA

OSB PHILLIPS 00319



CONGREGAZIONE
PER GLI ISTITUTI DI VITA CONSACRATA
E LE SOCIETÀ DI VITA APOSTOLICA

Prot. n. 39009/2005

**RESPONSE TO RECOURSE PRESENTED BY
BROTHER JAMES PHILLIPS, OSB**

FACTS:

Brother James Phillips, a member of the American Cassinese Congregation of the Order of St Benedict, was born on November 23, 1948 in Rochester, New York. He made his first profession in July of 1970 and his perpetual (solemn) profession in 1973.

In July of 2002, St. John's Abbey in Collegeville, Minnesota received an allegation of sexual misconduct against Brother James Phillips. Following a second allegation of sexual abuse against a minor, received in August of 2002, the Abbot, Fr. John Klassen, O.S.B., in accord with the Abbey's policy on sexual abuse of a minor, removed Brother Phillips from his ministerial position at North Memorial Hospital in Robinsdale, Minnesota. Both claims were settled during mediation.

Subsequent to the allegations, at the request of Abbot Klassen, Brother Phillips freely consented to and underwent a psychological evaluation and assessment by Dr. Thomas Klecker, PhD. Dr Klecker concluded that it was reasonable to assume the probability of abuse.

Brother Phillips then requested that a full scale investigation of the allegations be conducted. This was consented to by Abbot Klassen. The accusers were interviewed by telephone; Bro. Phillips was also interviewed with legal counsel present. The investigators found the testimony of the accusers "credible" and that of Brother Phillips "incredible".

Despite the allegations, the report of Dr. Klecker, and the report of Mr. Daniel Connolly from the law firm Faegre and Benson, Brother Phillips maintains his innocence and seeks recourse to have his good reputation restored and to be returned to active ministry without restrictions.

Following his removal from public ministry, Brother Phillips presented recourse to the Abbot President, Abbot Timothy Kelly, in September of 2004 which resulted in a decree (Nov. 30, 2004) from Abbot Klassen confirming his decision regarding Brother Phillip's ministry. Upon reception of the Decree, another recourse was presented to Abbot Kelly on December 14, 2004. The recourse was forwarded to this Congregation for Institutes of Consecrated Life and Societies of Apostolic Life on January 25, 2005.

THE RECOURSE SEEKS THE FOLLOWING:

1. That Abbot John issue a decree of innocence since, after over a year's investigation the only testimony alluded to is by the accusers and such testimony is suspect.
2. That all restrictions placed upon him as a result of the accusations are to be removed.
3. That he be permitted to return to ministerial employment.
4. That all records of this case be sealed and placed in the secret archives now required by the Apostolic See for such cases.
5. That he receive an apology from Abbot John for violation of his good reputation and his canonical rights.
6. That if Abbot John attempts to continue his imposition of restrictions, he be required to follow canonical processes including the recognition that the time of prescription has run.

THE LAW:

- Can. 1717 §1. *Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.*
- §2. *Care must be taken so that the good name of anyone is not endangered from this investigation.*

In this case the Abbot had received two independent accusations against one of his subjects and therefore it was his obligation to investigate the accusations.

Both a psychological assessment and legal investigation were conducted.

There is no indication that either the psychological evaluation or the investigation sought to harm the good reputation of the subject, rather they were sought to uphold his good name, damaged by the two accusations which were leveled against him.

A superior has the right to decide the assignment of a subject in light of the findings of the investigation.

Can. 601 *The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions.*

The vow of obedience requires conformity to the directives of legitimate superiors.

By virtue of the powers ascribed to him by his office, a superior can give or retract a ministerial assignment, if he deems it necessary to do so. In this case, the superior thought it necessary to take the decisions which he did in his role as superior.

CONCLUSIONS

Following an attentive study of the information submitted, this Congregation for Institutes of Consecrated Life and Societies of Apostolic Life finds that:

1. Brother Phillips was offered opportunity to present his defense to the Abbot, Fr. John Klassen, to the Abbot President, Fr. Timothy Kelly, O.S.B., and to the investigating law firm in the presence of Counsel.
2. Suitability for any ministry for a religious is determined by the Superior of the Institute of which the religious is a member. The superior has the

obligation to determine appropriate assignments for those under his jurisdiction. Therefore, it is within his power to restrict the ministry of his subjects, if he deems fit to do so. There is no need for the Abbot to apologize for doing what he was convinced was the correct thing to do.

3. Brother Phillips cannot be required "under obedience" to attend the Pathfinder's Program. However, in lieu of this program, he must follow the recommendations of the Abbot and his Council which do not require a manifestation of conscience.
4. As in the case of all "confidential" material the documentation regarding this case is to be sealed and placed in the Confidential Archives of the Monastery.

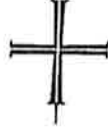
Given at Rome, 7 December 2006.

Franc Card. Rodé

Franc Card. Rodé, C.M.
Prefect

+ *Gianfranco A. Gardin, ofm conv.*

✠ Gianfranco A. Gardin, O.F.M. Conv.
Archbishop Secretary



SAINT JOHN'S ABBEY

Office of the Abbot

January 16, 2007

Brother James Phillips, OSB
Saint John's Abbey

Dear Jim:

Enclosed find the decision on your recourse to the Congregation for Institutes of Consecrated Life and Apostolic Life. The letter is dated December 7, 2006 but I received it in the first week of January.

I would like you to read and study this decision. I then wish to meet with you (late January or early February) and anyone you choose to be with you, to discuss the decision and how to proceed going forward. I realize that the past four and one-half years have been difficult for you. I cannot undo the past. Nor can I restore you to public ministry, given the strength of the two allegations made against you. I can work with you to make your life better in this monastery.

Sincerely,

Abbot John Klassen, OSB

Enclosure: Response to Recourse Presented by Brother James Phillips, OSB

P. O. BOX 2015, COLLEGEVILLE, MINNESOTA 56321-2015
Phone: (320) 363-2546 • Fax: (320) 363-3082 • E-mail: abbot@osb.org • Web: saintjohnsabbey.org

OSB PHILLIPS_00324

May 17, 2007

Brother Jim Phillips, OSB
Saint John's Abbey

Dear Jim:

It is important that we meet some time next week to discuss the decision of the Congregation (from last January) and also to begin forging a safety plan for you.

I understand that you have great trust and confidence in Roger Nierengarten. You are certainly welcome to invite Roger to this meeting if you are comfortable with that.

Brother Kelly will be in touch with you later this week to set up a time for this long-overdue meeting.

Blessings and peace,

Abbot John Klassen, OSB

cc: draft of a Safety Plan

9-5-07

I am writing to formally respond to your request for information about how the abbey has handled Brother Jim's sexual misconduct subsequent to the signing of the settlement agreement.

- 1) Brother Jim was removed from public ministry immediately at the time your allegation came to our attention in August 2002 and has been at the abbey since that time. At no time since has he had access to minors as part of his work.
- 2) Brother Jim denies the allegations that you have made. The abbey hired an external investigator (Dan Connolly from Faegre and Benson) and ultimately this investigation caused me to conclude that your claims were valid. As a result Brother Jim lives under a safety plan here at the abbey and reports regularly to a supervisor. The safety plan specifically puts in place safeguards against further sexual abuse or exploitation. Brother Jim's supervisor has full knowledge of Jim's history. This safety plan is reviewed annually by the Review Board and by outside professionals.
- 3) The abbey has not made a determination that Brother Jim cannot continue in monastic life. He is willing to live under supervision, with a safety plan, because of his vow of religious obedience.
- 4) I cannot require Brother Jim to receive either psychological evaluations or treatment - canon law gives him the right to refuse this and he has done that. We make opportunities for counseling and spiritual direction available and he is free to accept or reject these.
- 5) When Brother Jim served in the Bahamas, he did not work in an environment where he had access to minors. He worked and lived in the monastery. All evidence suggests that he is a situational offender, that is, one who engages in inappropriate sexual behavior in the relationships he forms in the context of ministry. These opportunities were not available to him in the Bahamas. He lived and worked in the community.

Although I would have liked to respond sooner to your message, I first had to resolve canon law issues that affected my ability to communicate with you concerning how the abbey has responded to your allegations against Brother Jim.

I hope that this answers your questions.

Sincerely, +John Klassen, OSB

October 18, 2007

Brother Jim Phillips, OSB
Saint John's Abbey

Dear Brother Jim,

I have received and carefully read your response dated September 30, 2007. I wish I could have written sooner, but the press of business and travel made that impossible.

It will come as no surprise that I disagree with several statements that you have made and object to some judgments that you have expressed. However, this is not the time to defend my actions and decisions.

I have placed you on a Safety Plan and I expect you to be faithful to all its elements. Through Sister Lynn, you have raised objections to my decision saying that I have overreached my authority. After reading your latest response, I find no reasons to change my decision. You have the right to appeal to the American-Cassinese Congregation and/or CICLSAL. If you take this recourse, I will have the opportunity to correct the facts of the case and to explain my actions. We then will let the appropriate authorities review the case. In the meantime, I expect you to follow the safety plan.

Sincerely,

Abbot John Klassen, OSB

Abbot John Klassen's private account

From: Abbot John Klassen's private account
Sent: Wednesday, September 05, 2007 3:37 PM
To:
Subject: response to your inquiry

Dear

I am writing to formally respond to your request for information about how the abbey has handled Brother Jim's sexual misconduct subsequent to the signing of the settlement agreement.

- 1) Brother Jim was removed from public ministry immediately at the time your allegation came to our attention in August 2002 and has been at the abbey since that time. At no time since has he had access to minors as part of his work.
- 2) Brother Jim denies the allegations that you have made. The abbey hired an external investigator (Dan Connolly from Faegre and Benson) and ultimately this investigation caused me to conclude that your claims were valid. As a result Brother Jim lives under a safety plan here at the abbey and reports regularly to a supervisor. The safety plan specifically puts in place safeguards against further sexual abuse or exploitation. Brother Jim's supervisor has full knowledge of Jim's history. This safety plan is reviewed annually by the Review Board and by outside professionals.
- 3) The abbey has not made a determination that Brother Jim cannot continue in monastic life. He is willing to live under supervision, with a safety plan, because of his vow of religious obedience.
- 4) I cannot require Brother Jim to receive either psychological evaluations or treatment – canon law gives him the right to refuse this and he has done that. We make opportunities for counseling and spiritual direction available and he is free to accept or reject these.
- 5) When Brother Jim served in the Bahamas, he did not work in an environment where he had access to minors. He worked and lived in the monastery. All evidence suggests that he is a situational offender, that is, one who engages in inappropriate sexual behavior in the relationships he forms in the context of ministry. These opportunities were not available to him in the Bahamas. He lived and worked in the community.

Although I would have liked to respond sooner to your message, I first had to resolve canon law issues that affected my ability to communicate with you concerning how the abbey has responded to your allegations against Brother Jim.

I hope that this answers your questions.

Sincerely, +John Klassen, OSB

Abbot John Klassen's private account

From: Abbot John Klassen's private account
Sent: Friday, September 21, 2007 3:21 PM
To:
Subject: RE: response to your inquiry

Hello

When I say "in the context of ministry" I mean living and working in a situation such as the Prep School dorm. His whole life is not ministry. As Jim is living in our monastery now, his life and work are in the monastery, not engaged with students in our schools. When he was in the monastery in the Bahamas, he was living and working in the monastery, not engaged with minors on a regular basis. He was not engaged with the larger community -- i.e. the larger society.

I hope that this clarifies my response. +John

-----Original Message-----

From:
Sent: Wednesday, September 05, 2007 8:56 PM
To: Abbot John Klassen's private account
Subject: RE: response to your inquiry

Abbot Klassen,

I appreciate your belated response to my inquiries. Brother Jim has undertaken yet another unfortunate course of action by denying his sexual misconduct while employed at the Prep School, making his spiritual journey even more arduous than it already is. I am of the understanding there are other allegations of sexual misdeeds against him than just my own.

In terms of your response, I am unclear on some of the points you raised.

For example, you write, "All evidence suggests that [Brother Jim] is a situational offender, that is, one who engages in inappropriate sexual behavior in the relationships he forms in the context of ministry." As I understand it, you are saying "only in the context of ministry" does he develop and engage in inappropriate sexual behavior and relationships. Is there an instance when he is not living "in the context of ministry" that he does not form these relationships? That is, isn't Brother Jim's entire waking life devoted to ministry? If this is not the case, then you are saying he has and does develop relationships without a sexual component, with minors or otherwise. I'm not clear what you're saying here. Are you suggesting that Brother Jim can be and work around minors safely, as long as it is not "in the context of ministry"?

Secondly, in the same paragraph, you write, "[w]hen Brother Jim served in the Bahamas, he did not work in an environment where he had access to minors. He worked and lived in the monastery ... [t]hese opportunities were not available to him in the Bahamas. He lived and worked in the community."

I'm not sure what you're saying with "[h]e worked and lived in the monastery," and "[h]e lived and worked in the community." If you could elaborate, please. I am also unclear how you came to the conclusion he had no access to minors during his years in the Bahamas. Was the community polled to determine if any, and how many, allegations exist with regard to his behavior. I surmise not. While I appreciate your reluctance to open yourselves up to even more civil and potential criminal liability, to say nothing about how devastating such a revelation would be to your Bahamian parishioners, you may very well have a moral obligation

to inquire within all of the communities Brother Jim has lived while a member of St. John's monastery and the Benedictine order, within the United States and without. A true and lasting recovery for your community suggests a complete understanding of the magnitude of the sin.

Please, if you could, supplement your responses at your convenience.

Best regards,

-----Original Message-----

From: Abbot John Klassen's private account [mailto:]
Sent: Wednesday, September 05, 2007 1:37 PM
To:
Subject: response to your inquiry

Dear

I am writing to formally respond to your request for information about how the abbey has handled Brother Jim's sexual misconduct subsequent to the signing of the settlement agreement.

1) Brother Jim was removed from public ministry immediately at the time your allegation came to our attention in August 2002 and has been at the abbey since that time. At no time since has he had access to minors as part of his work.

2) Brother Jim denies the allegations that you have made. The abbey hired an external investigator (Dan Connolly from Faegre and Benson) and ultimately this investigation caused me to conclude that your claims were valid. As a result Brother Jim lives under a safety plan here at the abbey and reports regularly to a supervisor. The safety plan specifically puts in place safeguards against further sexual abuse or exploitation. Brother Jim's supervisor has full knowledge of Jim's history. This safety plan is reviewed annually by the Review Board and by outside professionals.

3) The abbey has not made a determination that Brother Jim cannot continue in monastic life. He is willing to live under supervision, with a safety plan, because of his vow of religious obedience.

4) I cannot require Brother Jim to receive either psychological evaluations or treatment - canon law gives him the right to refuse this and he has done that. We make opportunities for counseling and spiritual direction available and he is free to accept or reject these.

5) When Brother Jim served in the Bahamas, he did not work in an environment where he had access to minors. He worked and lived in the monastery. All evidence suggests that he is a situational offender, that is, one who engages in inappropriate sexual behavior in the relationships he forms in the context of ministry. These opportunities were not available to him in the Bahamas. He lived and worked in the community.

Although I would have liked to respond sooner to your message, I first had to resolve canon law issues that affected my ability to communicate with you concerning how the abbey has responded to your allegations against Brother Jim.

I hope that this answers your questions.

Sincerely, +John Klassen, OSB



SAINT JOHN'S ABBEY

Office of the Abbot

January 29, 2008

Brother James Phillips, OSB
Saint John's Abbey

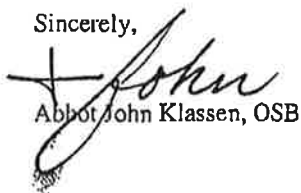
Dear Jim:

Yesterday I received via Brother Kelly Ryan, my secretary, your decision to refuse to meet with the on-site visitators from Praesidium Religious Services. With this letter, I am respectfully asking you to reconsider your decision. I was informed yesterday afternoon by the visitators that your refusal to see them may likely jeopardize our chances for accreditation. This could mean serious consequences for the community in the future because it would say to the outside world, including the diocese, that we don't "pass muster" regarding the National Standards adopted by the Conference of Major Superiors of Men.

The content of the meeting is not about the past – it is about how your life is right now, living with supervision. If you wish, you may plead your case, that you believe that your situation is unfair and undeserved. I ask you again, on behalf of the community and myself, to present yourself this afternoon (January 29th) at 4:00 pm in Saint Benedict's Parlor. If this time slot no longer works for you I will work with Praesidium to re-schedule.

Thank you for your consideration of this request.

Sincerely,



Abbot John Klassen, OSB

Abbot John Klassen's private account

From: Jim Phillips
Sent: Saturday, September 06, 2008 11:20 AM
To: Abbot John Klassen's private account
Subject: Japan!

Dear Abbot John,

Through a Foreign Exchange Student that we took care of in our family home at Villard I have the invitation and ticket to travel to Osaka to their Daughter's Wedding. Our family hosted during my Senior year of high school and his four years at the University of Minnesota. We hosted his son for the four years that he was at SJP and his four years at the University of Minnesota. two daughters were hosted by us while they received their degree in four years from St. Cloud State. The family will host other SJP Graduates from time of being here so I visit them as well. They host them in Tokyo.

At any rate, I would like to go to Holy Trinity Monastery for a week before going to Osaka and then stay with this family for two weeks.

The exact days of the trip if I am allowed to go I will arrange with the Prior. I will await your decision. Thanks! Jim Phillips

Abbot John Klassen's private account

From: Abbot John Klassen's private account
Sent: Monday, September 15, 2008 9:53 AM
To: Phillips, Jim
Cc: Andert, Tom; Paur, Roman
Subject: trip to Japan

Hello Jim –

You have permission to go to the wedding of the daughter of _____ and stay with this family for two weeks. I am sure that this will be a time of renewal and good cheer, as well as seeing some of Japan.

I have spoken with Father Roman about your request to stay at Trinity Benedictine Monastery for a week. For the foreseeable future, they are experiencing a room shortage, with three candidates living there right now, and two potential candidates in the loop. Literally, there is no room at the inn right now. I have no idea what the timeline for your request is, so please share that with Prior Tom asap – also if you have further questions regarding the TBM situation, please see Father Roman.

Peace, +John

Meet with Jim Phillips
10-9-09

(1) Plans, financial, make to see in getting
Richard Hall residence & firm.
Medical appointments -

(2) [redacted] is your boss -
Primary job -
You also have [redacted] an other boss
but need to make sure jobs are covered -

(3) Confidentiality - great case with medical
information

(4) Safety Plan - quarterly reviews
Prior Town

I got clear about few months
seeing Tom Ardelt

I also spoke with him regarding
Confidentiality



SAINT JOHN'S ABBEY

Office of the Abbot

June 8, 2010

Brother Jim Phillips, OSB
Saint John's Abbey

Dear Jim:

I write to you to update you on the status of the allegation made against you by

When we last spoke about this matter on May 21, you were insisting that send a notarized statement to you by June 1, 2010. I checked with our attorney Mike Ford on the advisability of seeking such as document. He advised against it, noting that my proposal of sending an email that contained my draft of notes from the conversation Brother [REDACTED] and I had on May 16, 2010, asking for his approval of the content, was adequate to the task.

I proceeded immediately to send a draft of my written statement to and asked for his written confirmation that the account was accurate. His response was not satisfactory for me – he wrote, "That sounds accurate." Unfortunately, he was responding from Munich, Germany. I have sent him another email, asking for greater precision in his response. At this point I have not heard back from him. I will follow up with another email, asking for greater clarity.

I am sure that this matter weighs on you and I wanted to let you know where it stands at this time.

Sincerely,

Abbot John Klassen, OSB

cc: Brother Paul Richards, OSB

P. O. BOX 2015, COLLEGEVILLE, MINNESOTA 56321-2015
Phone: (320) 363-2546 • Fax: (320) 363-3082 • E-mail: abbot@osb.org • Web: saintjohnsabbey.org

OSB PHILLIPS_00344



SAINT JOHN'S ABBEY

Office of the Abbot

*We, the monks of Saint John's Abbey,
a community of Catholic Benedictine men,
seek God through a common life
of prayer, study, and work
giving witness to Christ and the Gospel,
in service to the church and the world*

August 2010

Dear confrere:

As you are no doubt aware, channel 9 aired a story on July 28th regarding Br. Jim Phillips and his relationship with a woman in Minneapolis. I think it is important for you to have the facts in this situation because the report was inflationary and derogatory. Brother Jim has known the woman in question since 1998, when he worked at North Memorial hospital. They are friends. He has seen her 5-6 times a year, usually over lunch at a Denny's, in the context of bringing one of our monks to medical care in the Twin Cities.

On one occasion, he met this woman at about 5:00 PM at Denny's and she invited him to come to her granddaughter's birthday party at an Old Country Buffet restaurant. There were 5-6 adults present, with three kids. It was an inadvertent situation. This occasion and the relationship to her mom have caused a problem with the woman's daughter, who believes that the relationship is inappropriate.

Direct communication with the daughter and with Jim's friend was difficult. In the construction of this piece, the lead reporter made repeated requests for live interviews but we made the decision not to grant any because of a negative history with the station. They already had the story written and were looking for either new leads or a few five second sound-bites.

We continue to work on this situation and others with our legal advisors and also with our communication team across the campus. I realize that these events are demanding and exhausting for all of us.

Corporate restructuring

The Task Force on Corporate Restructuring has asked for a series of "focus group" meetings to sharpen our learning and discussion of the proposal to create a new university corporation. The two task forces have continued to meet since the spring meeting and are planning to complete all the documents by early October. At this time we are planning the vote for the January workshop. Confreres can participate in more than one focus group if they wish.

For Group 1 -- Senior Council and Staff

For Groups 2 -- (monks who work in the university) and 3 (monks who work in other divisions)

P.O. BOX 2015, COLLEGEVILLE, MINNESOTA 56321-2015
Phone: (320) 363-2546 • Fax: (320) 363-3082 • E-mail: abbot@osb.org • Web: saintjohnsabbey.org

OSB PHILLIPS_00345

For Group 4-- (monks in initial formation and those in solemn profession up to 59 years old and group 5 -- (monks 60 and older).

The Task Force will be getting letters out to you soon for the sake of your planning.

News about [REDACTED]

Latest results of tests show that the radiation treatments in April and May shrunk the tumor in the esophagus, making swallowing and eating easier. The chemo has done little in slowing down the spread in the lymph glands, but nothing has invaded internal organs or bone at this time. [REDACTED] has made the decision to stop the chemotherapy. Please continue to hold him in your thoughts and prayers.

Application for Temporary Vows

On July 13, the monastic chapter approved the applications of Novices [REDACTED] and [REDACTED] for three-year temporary vows. These will be celebrated on the Feast of the Exaltation of the Cross (for schedule see below).

Celebrating with our Crosier brothers

On Monday, June 14, seven confreres (*Fathers* [REDACTED] and [REDACTED]) joined a 20-25 diocesan priests at Onamia for prayer, dinner, and fellowship in celebration of the Crosier's 100 years of presence in Minnesota and 800 years as a religious order.

Bylaws for the Liturgical Press Board of Advisors

Last year Budget Task Force II recommended that the abbey develop a more effective way to provide guidance and oversight for the Liturgical Press. In pursuit of that goal I set up a small Task Force last fall that did the initial background work for creating a more formal Board of Advisors for the Press. Over the past six months, our legal counsel has written a set of bylaws that formalize the operation, structure, and charge for such an advisory board, with clarity that this is not a governance board. The Senior Council approved the bylaws this past week and they will come to chapter in August.

Schedule for Christmas Eve and Christmas Day

Over the past ten years we have noted that an increasing number of monks are absenting themselves from the Christmas Eve liturgy that currently starts at twelve midnight, after a concert that begins at 11:15 PM. We are getting older! In addition, Boys Choir directors have noted that the choir is fundamentally exhausted early in the Eucharist and unable to sing after the Gospel.

To respond to these concerns, the Liturgy Committee proposed a schedule that would put the Christmas Eve concert at 9:30 and the Christmas eve Eucharist at 10:00 PM. When the Senior Council discussed this proposal, council members affirmed the fundamental direction of

Jim Phillips

Jim Phillips 8-18-10
Personal outreach to Jim
- plan & dramatic sequence of
events -

called ~~Ray~~
Jim's check if wanted to know
how you were - talk to
Bro. Stutz before contacting her
in any manner.

• Note - Captured Hall -
we have ~~some~~ asked [redacted] if
[redacted] to do this -

we need to get you to Hollywood
Chaplain - ~~issue 900~~ now 85-87
• Questions about Eagle Scout
story & other photos in Boys -
what were the occasions
when other still shot - at least
2-3 years ago

• No going off campus w/escort
& can't be someone under
supervision. - (Full Ministry I-)
You should assume you will be followed
& on camera -

Abbot John Klassen's private account

From: Licari, Jonathan on behalf of Klassen, John
Sent: Saturday, October 20, 2012 8:52 AM
To: Abbot John Klassen's private account
Subject: FW: FYI Jim Phillips

Jonathan, osb

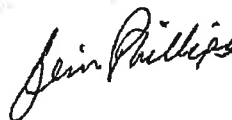
From: [REDACTED]
Sent: Wednesday, October 17, 2012 9:04 PM
To: Klassen, John
Subject: FYI Jim Phillips

Hi Abbot John,

I say Jim Phillips carrying on a conversation with one of the male nurses in the retirement center this evening as I was walking through...questions about his life, his classes, his sports, etc. I doubled back, interrupted the conversation by asking Jim if I could speak to him about something important. We went to the link stairway landing, and I fussed at him for talking to students and said, "Just don't do it! You know I'm right. Don't do it!" He didn't answer, but he walked back into the health center with a dazed look on his face. By that time the young man had moved on.

No need to respond. Only some information in case you need it.

Peace,
[REDACTED]



Rev. [REDACTED] OSB, SSD

Professor of New Testament
Saint John's University
School of Theology*Seminary
The Saint John's Bible

P.O. Box 7288
Collegeville, MN 56321-7288
USA
Tel. [REDACTED]
Fax. [REDACTED]

Jim Phillips
1-14-13

What is the relationship between your
responsibilities & those of Hoover?

Day off?

Sound system?

lights?

flair rotations?

MRE - late August

Outworks - shoulder replacement -
both sides →

immense need so many proofs -
shots - He - reduced pain

Bones on bones

Wait until - 65 → Medicare

Dr. [redacted] - Central Care

inserts in shoes →

Sleep is pretty good thru the night -

Exercise → walking

pulleys - to keep moving

Adams knew exactly - PT

get knots worked out

[redacted] - take care of outside people - weddings

NO complaints - from floor outside

issue of candles - candle-making

Abbot John Klassen's private account

From: Phillips, Jim
Sent: Saturday, March 01, 2014 10:48 AM
To: Abbot John Klassen's private account
Subject: RE: my sympathy for your loss

Thanks! Abbot John. I am grateful for your prayers and support. Jim

From: Abbot John Klassen's private account
Sent: Friday, February 28, 2014 1:51 PM
To: Phillips, Jim
Subject: my sympathy for your loss

Dear Jim,

I write to express my sympathy to you for the loss of your mother. I know that you have gone the extra mile to be reconciled to her over these past years. I would be with you for the funeral but am really under the gun because of the convergence of board meetings, the education session tomorrow, and scheduled meetings this afternoon. Be assured that I will hold your mother's intention in my heart today at Eucharist. Peace to you, may she rest in peace. +John

THE RULE OF ST. BENEDICT

It may seem strange that a rule of life written in the sixth century can be used as a guide for living now. Over the centuries, though, the Rule of St. Benedict has been a flexible guide for "seeking God" in many situations and cultures.

The basic principles of the Rule-- humility, obedience, living in common under an abbot or prior, work, prayer, silence, reading--have been and still are meaningful to the follower of Christ. In fact, they echo the Gospel itself.

The Rule lays down a balanced life, and the monk tries to keep his own life in tune with the Rule and the Gospel.

INTERESTED?

Candidates must be at least 18 years of age and have completed a high school education or its equivalent. When it accepts candidates, the community looks for good physical health, emotional balance, and spiritual desire.

After a six-month candidacy (which begins in January), a man enters a one-year no-novitiate. The novitiate is a time of discernment, education, and testing of his call with the help of the community. During the novitiate, the novice "learns the ropes" of monastic life in the best way--by living it.

Then the novice professes vows or promises. This period of being an "apprentice" monk in the community is a continuation of the growth begun in novitiate. For some, studies for priesthood or other goals are begun at this time. After three years, lifetime vows are professed.

If you are interested in learning more about life at St. Augustine's Monastery, please contact the Vocation Director, St. Augustine's Monastery, Box N-3940, Nassau, Bahamas. Please feel free, also, to come and visit us. Phone 4-511 (2, 3).



ST. AUGUSTINE'S MONASTERY

Nassau, Bahamas

Benedictine monks from Minnesota have worked in the Bahamas since 1891, when Father Chrysostom Schreiner, O.S.B., arrived to take charge of the Roman Catholic Mission. He purchased the present Priory building on the grounds of St. Francis Cathedral, where for many years monks who founded and later served parishes lived in common.

St. Augustine's Monastery was founded in 1946 by Father Frederick Frey, O.S.B., who had begun a school the previous year under the care of the Benedictine monks. Despite many changes (including a merger with the former Xavier College), St. Augustine's College is still sponsored by the Benedictine monks.

(Full details may be found in the book, *Upon These Rocks, A History of the Catholic Church in the Bahamas*, by Rev. Colman Barry, O.S.B.)



The following paragraphs are a sketch of life at St. Augustine's Monastery as it is lived today.

PRAYER

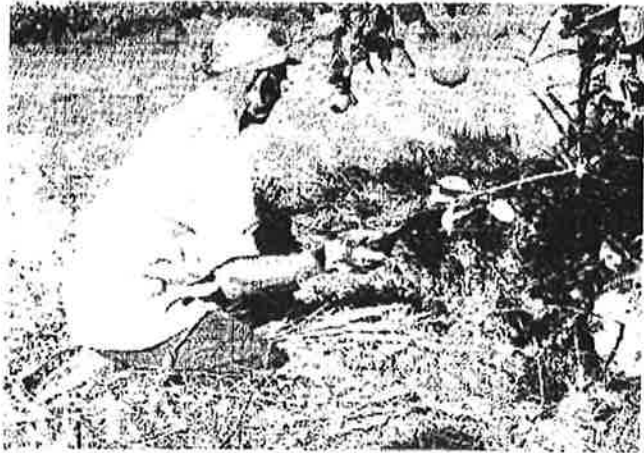
"Pray without ceasing," says the Scripture. In Benedictine monasteries the world over, monks are helped to fulfill this urging by certain periods of prayer throughout the day. In the morning, at midday, in the evening, the community comes together and prays with each other as a family.

The monks do not pray only for their own needs during this "family prayer," but join their prayer to the Church on every continent in what is called the "Liturgy of the Hours." This prayer is comprised almost entirely of psalms and readings from the Bible.

The times of prayer are the points of the day around which the life of the monk revolves. The prayer done in common, besides being valuable in itself, helps the monk fulfill the injunction of continuous prayer through day and night.

Each day, too, the community gathers to celebrate the Eucharist, and gives praise to the Father by partaking of the "Bread of Life and the Cup of Salvation." The Eucharist sacramentally brings daily contact with the Lord Jesus after whom the monk wishes to pattern his own life.





WORK

Benedictine monks do many kinds of work. They assist the local church, promote sound religious, cultural and educational values, and support and maintain the community itself. Presently, monks at St. Augustine's are engaged in teaching, administration, parish work, baking, retreat work and receiving guests who wish to come for times of quiet and reflection.

In assigning work (especially long-lasting kinds of work), the community tries to fit the interest and personality of the individual monk.

Work is an important part of Benedictine life, because Benedictines believe they should be self-supporting. The monk tries to come close to God in his work by being dedicated to it and by caring about the quality of the work he does.



HOLY READING

Some time each day set aside for reading in a place of quiet. Reading of the Bible or spiritual books helps the monk deepen his relationship with God. During this time, he tries to think about the meaning of the words he reads so that they become a part of him.

This important time alone in meditative prayer also helps the monk keep a good relation to the pressures and problems of the day.

COMMUNITY

Benedictine monks are not hermits. Their interest in each other and their promise to remain a faithful part of a particular community are also ways that they can grow closer to God.

Though monks may often work alone at their tasks, they are brought together each day at times of common prayer, meals, and recreation.

Indeed, it is the genius of St. Benedict that he wrote a rule for the ordinary struggling person and not for the saint. He sees the "support of many brothers" to be an important part of the monk's spiritual growth.



9-4-06

Dear Jim -

At the COMSAD meeting
in Burlington, VT on
10/11/05 from EICL SAC
asked me to let you know
what they are wanting
diligently to respond to
your request

Peace, & John

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Dates of Abuse: 1979-81

Perpetrator: Brother Jim Phillips

Description of Abuse:

Abuse by Brother Jim Phillips

began attending St. John's in the fall of 1979. Shortly after arriving at St. John's, met and came to know Brother Jim. believes Brother Jim was a prefect. Brother Jim invited to his bedroom to talk. During these "meetings," Brother Jim would have undress, usually down to his underwear, and fondle Brother Jim until climax. Brother Jim would also have sit on his lap. This happened several times (maybe one time a week) throughout his junior year.

In approximately the spring of 1980, Brother Jim and were driving in a car together. During this ride, Brother Jim asked to put his head in his lap.

During the 1980/81 school year, senior year, participated in the exchange program and attended school in Austria.

graduated from St. John's Prep in 1981. During the summer of 1981, he attended a graduation party. At some point during that party, was led away by Brother Jim. does not recall what happened, but states that a witness saw Brother Jim engage in inappropriate conduct with

Later that summer, Brother Jim asked to visit him at St. John's. During this visit, believes he stayed at St. Mary's Hall. On one occasion while visiting with Brother Jim, Brother Jim sodomized with his thumb.

Incident with Father Tarlton:

In the fall of 1979, tried out for the school play. Fr. Tarlton was involved in assisting with or putting on the school play. One evening Tarlton stopped by room and made an overture to that he could get the lead in the play if he did a favor for Tarlton. states that while making this statement, Tarlton was sitting in his roommate's chair in a very suggestive manner.

had not disclosed this abuse to anyone until last week.

CREDIT FOR SETTLEMENT AND PAYMENT AGREEMENT

It is hereby stipulated and agreed by and between _____ and the Order of St. Benedict, Inc. as follows:

1. _____ (“claimant”) has alleged damages as a result of the conduct of the Order of St. Benedict, Inc. and members of St. John’s Abbey (“the settling parties”);

2. The settling parties have denied liability.

3. The Order of St. Benedict, Inc. has agreed to make a payment on behalf of the settling parties to the claimant in the amount of _____ said payment to be made within 15 days of the execution of this Agreement.

4. The claimant and the settling parties agree that this payment shall:

- a. be made pursuant to Minn. Stat. § 604.01;
- b. be inadmissible in evidence in the trial of any legal action by the claimant and the settling parties or any other member of Order;
- c. be credited against any final settlement or judgment in such an action;
- d. provided however that in the event that judgment is entered in favor of the settling parties, or if judgment is entered against the settling parties for an amount less than _____ the claimant shall not be required to refund any portion of the _____ paid to the claimant.

5. The claimant specifically reserves any and all claims which he may have against the settling parties up to the limits of any insurance coverage determined to apply on behalf of the settling parties and specifically agrees that he will satisfy any judgment which he may recover against the settling parties in excess of _____ only out of the proceeds of any insurance coverage determined to apply on behalf of the settling parties.

6. The Order of St. Benedict, Inc will implement the “Saint John’s Abbey Response to Allegations of Sexual Misconduct” attached hereto.

7. It is further understood and agreed that the amount, but not the fact, of settlement is to be confidential.

Dated: 9/16/02

Order of St. Benedict, Inc.

Dated: 9-22-02

By: *[Signature]*

Saint John's Abbey Response to Allegations of Sexual Misconduct

Creation of Review Board

Saint John's Abbey is committed to the creation, by June 2003, either alone or in conjunction with the Diocese of St. Cloud a review board of the following composition:

- at least two clergy abuse survivors
- two current or former law enforcement officials
- one current or former judicial official
- one parent of a clergy abuse survivor
- one mental health professional

The board should be ecumenical in character.

Some of the members of this review board may serve as an investigative subcommittee charged with the responsibility for the initiation and supervision of allegations of sexual misconduct. The investigative subcommittee should include a mental health professional, an active or retired law enforcement official and a clergy abuse survivor.

Investigation

When an allegation of sexual misconduct is made against a member of the community, staff or volunteer, there will be a prompt, thorough investigation made by a three-person body with appropriate expertise. If the accuser is a minor, vulnerable adult or receiving pastoral or other counseling, the accusation will be turned over immediately to law enforcement authorities.

Full Accounting

Upon any report for sexual misconduct by a member of the community, staff or volunteer the Abbey will place the accused on administrative leave without prejudice for five working days so that the information can be transmitted to the review board for processing.

After an investigation has determined that abuse has occurred, the person's identity will be turned over to bishops, church leaders and law enforcement officials where they have served. Where appropriate, relevant personnel records will be turned over to law enforcement officials as requested.

When the investigating committee has substantiated the allegation against a member of the community, staff or volunteer, notice will be sent to the relevant communities (i.e. parishioners, students, and alumni) urging additional victims to come forward to SNAP, law enforcement, or the review board.

Pastoral Care and Healing

The abbey will finance an off-site retreat at the Holiday Inn in the City of St. Cloud to determine the need for and to plan and develop future retreats with survivor chosen facilitators. The Abbey will provide reasonable travel expense reimbursement and overnight accommodations for attendance at the first retreat.

Therapy

We will continue to provide funding for prompt, on-going group and individual therapy for all the survivors and their families except as otherwise agreed.

This can include outpatient approaches and non-traditional approaches such as massage.

The review board will evaluate the outcomes and progress of this therapy periodically without intruding in to the therapy other than through the provision of a report outlining the need for and course of therapy.

The Abbey will not specify the therapist.

Therapy will continue to be funded by having bills sent directly to the Abbey.

We will offer funding for spiritual direction for survivors.

Prevention

We will continue to bring in a professional social service or other professionals to provide "safe-touch" education to all of our students on an annual basis. This education will be documented and approved by the review board.

We will continue to bring in a professional social service or other professionals to provide abuse education and "boundary" training to all staff, faculty and volunteers on an annual basis. This education will be documented and approved by the review board.

The review board will review the Abbey's existing sexual abuse policy and its implementation and will make recommendations at least annually. The policy and non-monastic contacts (SNAP, sheriff's department, independent advocates) will be posted on the Abbey's website.

Each member of the community, staff or volunteer's program of rehabilitation will continue to be reviewed annually by the review board. No accused member of the community, staff or volunteer can be placed without the approval of the review board.

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Dated: _____

Order of St. Benedict, Inc.

Dated: _____ **By:** _____

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Family
Parents

Brother

Sisters

states that he is very distant with his parents and siblings. He talks to his mother about once every week or two weeks. He never talks to his brother and rarely speaks with his sisters.

Significant Others:

was married to her from 1988-1999, although they were separated since 1996, and had three children together

is currently engaged to

high school girlfriend and mother of his first child,

Children:

grew up with her mother

had her when he was 18.

has custody of her and she lives with

now.

has custody of her and she lives with

now.

has custody of him and he lives with

now.

Brief Sexual History (not including abuse)

first had sexual intercourse when he was 16 with his girlfriend

Perpetrators

Father Dunstan Moorse

Father Allan Tarlton

Brother Jim

Description of Abuse:

was abused by Fr. Dunstan Moorse, Fr. Allan Tarlton, and Brother Jim (nurse).
Moorse went to Moorse's office for extra help on schoolwork. Moorse gave alcohol.
Moorse first attempted to sodomize Moorse then made allow Moorse to masturbate and
perform oral sex on is 15-16 years old at the time (1980).

Tarlton- Tarlton was the first St. John's person to abuse . Tarlton would have and another
student come into his office and then Tarlton would make the boys masturbate, while Tarlton would
masturbate.

Br. Jim- Under the guise of treatment Br. Jim, a nurse, would fondle genitals. This occurred
six times.

After the abuse was forced to leave school under the guise of stolen wine from God's House
where Moorse was in charge.

Effects of the Abuse (include, but are not limited to, the following):

has had trouble having any relationship since the abuse never graduated from high school
(he later obtained his GED) feels like the abuse led to his concocted expulsion from St. John's.
never felt like he fit in after the abuse. has had a lack of respect for his body since the
abuse. He feels like he is always a victim and always lets people walk all over him. is very
depressed. He has attempted suicide multiple times. has abused both alcohol and drugs.

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Dated: 9/17/02

Order of St. Benedict, Inc.

Dated: 9-25-02 By: *[Signature]*

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