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Editor's note: *This version adds new comments Jerome Wesevich, a lawyer for Texas RioGrande Legal Aid, which represents Annunciation House.*

A state judge July 2 denied Texas Attorney General Ken Paxton's effort to shut down Annunciation House in El Paso, Texas, a Catholic nonprofit serving migrants.

The ruling by Judge Francisco X. Dominguez of the District Court of El Paso County found that Paxton's office "failed to establish probable grounds for the proceedings" and that the effort violated the Texas Religious Freedom Restoration Act.

"The record before this Court makes clear that the Texas Attorney General's use of the request to examine documents from Annunciation House was a pretext to justify its harassment of Annunciation House employees and the persons seeking refuge," Dominguez ruled in granting Annunciation House's application for relief.

"This Court previously expressed its concern that the Attorney General did not identify what laws he believed were being violated from the outset," the ruling said.

"There is no legal basis for closing a nonprofit that provides social services to refugees, period," said Jerome Wesevich, a lawyer for Texas RioGrande Legal Aid, which represents Annunciation House, during a post-ruling press conference July 2. He said the ministry "has always believed that the attorney general's harassment of Annunciation House is morally and legally improper."

"It's not surprising that the court agreed with us on all of the grounds," Wesevich said.

"This is a day of gratitude for El Paso, the work of Annunciation House and the resilience of our community’s hospitality workers," Bishop Mark Seitz of the Diocese of El Paso said in a statement provided to OSV News.

"This is also an important moment for religious freedom and a recognition of the important role that faith communities play in helping our nation lead with compassion and humanity in meeting the challenges of migration at the border," the bishop said. "We look forward to continuing to work with our federal and state partners in identifying solutions to our broken system of immigration, working for reform and addressing the growing humanitarian crisis of deaths at the border."

With respect to the Texas Religious Freedom Restoration Act, Wesevich stressed there were "many independent reasons for the court rejecting what the attorney general wanted to do." But he said that particular law requires Texas to use the "least restrictive means" when it comes to any state action impacting an organization's religious mission.

Annunciation Houses and its volunteers have demonstrated "from the outset" that they are "an organization that practices the Catholic faith and its teaching to love one another, including strangers; no exception for refugees," Wesevich said. "That is what Annunciation House does."

"The Attorney General is not allowed to just walk in say, 'Oh, I have some unfounded allegations, and I'm going to use my unfounded allegations ... to take the most extreme step of closing Annunciation House," he said. "That directly contravenes what the Texas Legislature has commanded to be a limit to the attorney general's power."

Paxton's office did not immediately respond to OSV News' request for comment.

In court filings and press statements, his office alleged Annunciation House runs "stash houses," facilitates illegal border crossings, conceals "illegally present aliens from law enforcement" and did not turn over documents in its investigation.

Annunciation House attorneys denied wrongdoing or illegal conduct and said Paxton's office did not adhere to appropriate legal processes for requesting documents from them.

Paxton's effort to shut down Annunciation House comes as some Republican lawmakers have grown increasingly hostile toward nongovernmental organizations, including Catholic ones, that provide resources such as food and shelter to migrants at the U.S.-Mexico border.

A February suit filed by Paxton previously sought to shut down Annunciation House, accusing it of "human smuggling," in a move that was denounced by local elected officials and Catholic immigration advocates, including El Paso Bishop Mark J. Seitz. In March, Dominguez issued an order blocking Paxton's subpoena of Annunciation House, finding both that Paxton's effort seemed politically motivated and that it must go through appropriate due process in the state court system.

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However, those quotes come from a witness who appeared to be referring to what the Catholic Church calls the "seven corporal works of mercy," according to a review of the document by OSV News.

The case even caught the attention of Pope Francis, who criticized Paxton's attempt to shut down Annunciation House, calling it "madness" during a recent interview with CBS News.

In the pontiff's first one-on-one interview with a U.S. broadcaster, CBS journalist and interviewer Norah O'Donnell asked, "The State of Texas is attempting to shut down a Catholic charity on the border with Mexico that offers undocumented migrants humanitarian assistance. What do you think of that?"

"That is madness. Sheer madness," Pope Francis replied.

Annunciation House operates several shelters in the El Paso area, helping migrants and refugees with food, housing and other assistance, as well as providing information about how to fill out the required legal documents to seek asylum in the U.S.

Asked about the ruling's impact on Annunciation House, Wesevich said, "The volunteers of Annunciation House have a lot of work to do and they just continue to do it. They can just do it with more peace than they had yesterday."

Paxton is expected to appeal the ruling.

A version of this story appeared in the **July 19-August 1, 2024** print issue under the headline: Judge says effort to shut down Catholic migrant ministry violates Texas' religious freedom act.