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Keeping An Eye On Williamson County, Texas

08.15.08

[Court Of Appeals Holding Up Constables Case](#)

Posted in [Constables](#), [County Attorney](#), [Williamson County](#) at 2:47 pm by wcnews

It appears the Third Court of Appeals is keeping Constable Griffin's case from proceeding to the Texas Supreme Court. As reported in the AusChron, [Constable Wants Day in Supreme Court](#):

Williamson Co. Constable Gary Griffin, who sued the WilCo Commissioners Court in 2005 for unconstitutionally slashing his budget midyear and giving the money to handle mental-health calls to the sheriff's office, is seeking a hearing before the Texas Supreme Court " but Austin's 3rd Court of Appeals is standing in his way, according to an Aug. 7 motion filed by attorney Bill Aleshire. On Nov. 28, 2007, the 3rd Court, with Justice Kenneth Law presiding, denied Griffin's appeal of a 2006 ruling for summary judgment. On Dec. 11, 2007, Griffin filed a motion for rehearing, but the 3rd Court has yet to request a response, "suggesting the motion was not well-received" and precluding a final step in the appeals process, as the

current motion asserts. Both courts erred by “not applying the proper standard ... for a summary judgment case,” the motion argues. Griffin and others have questioned a possible conflict of interest in the case because 3rd Court of Appeals Justice David Puryear’s son worked for County Attorney Jana Duty. Additionally, Duty helped plan a fundraiser for Law, which occurred before the release of the 3rd Court’s opinion. For more, see “[Appeals Court Rules Against WilCo Constable](#),” Dec. 21, 2007. – *Patricia J. Ruland*

EOW’s prior reporting on this can be found here, [Constable Griffin Will Continue Fight Against The County](#).

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02.28.08

[AusChron On Precinct 1 Constable Race](#)

Posted in [2008 Primary](#), [Constables](#), [Precinct 1](#), [Williamson County](#) at 1:30 pm by wcnews

Today the AusChron has a piece up on the latest happenings in the WCGOP race for Constable in Precinct 1, [WilCo Officials Close Ranks in Constable Race](#). As usually happens when elected officials involve themselves in a primary against an incumbent, it’s getting dicey.

The article reiterates the fact that many elected officials have come out in support of incumbent Gary Griffin’s opponent, because Griffin has stood up to them on several occasions. Nothing wrong with that. It also goes through the history of the county and their issues with Griffin, (see more here from [EOW](#)),

and that the resentment of Griffin all goes back to his involvement in the investigation of former Sheriff John Maspero.

As for Griffin, his own trouble with law enforcement started when he began documenting evidence that would support the removal of former Sheriff John Maspero for public drunkenness and misconduct. Griffin says Maspero, who resigned in 2003, had warned him at the time, “If you slap a king, you better kill him.” Bradley was reportedly strongly opposed to the investigation of Maspero. “My Achilles heel is that I strive to hold others to the same standard I hold myself,” Griffin said at a recent campaign debate. “I’m a peace officer. I put my hand on a Bible to uphold the Texas and U.S. constitutions. We are all mandated ... to follow the rules.”

Broadly speaking, Griffin believes his independent streak is what most irks WilCo officials. “I never go along just to get along,” he says. In that spirit, dozens of survivors of the 1997 tornado in Jarrell credit Griffin for ignoring a law-enforcement communiquÃ© to stay away from the area. He and other constables at the time were subsequently recognized by the governor’s office for their heroic efforts before and after the tornado struck. Griffin was the first to arrive, which allowed him to lead some residents to safety.

The article also had this little nugget, an oh so rare felony reduction in Williamson County, for opponent Robert Chody’s mother:

Meanwhile, Chody may have received another assist from elected law-enforcement officials in a criminal

case involving his mother, Marisia Chody, who in May 2006 was charged with passing a fake prescription for a controlled substance. She ultimately entered into a felony plea agreement. Months later, as Chody's campaign was revving up, defense attorney Marc Ranc requested sentencing continuances so he could consult with an immigration attorney regarding an "immigration issue," according to records. Next, the D.A.'s office, which ordinarily prides itself as being a "zero-tolerance" crime-fighting operation, initiated a "felony reduction" on Marisia Chody's behalf, which allowed her to re-enter a plea to a misdemeanor on Oct. 1. In a voice mail, Assistant D.A. Jana McCown offered this explanation of the do-over: "Initially, that defendant pled guilty to the offense in the felony [case]. ... Then, at some point after that, when she came back to be sentenced, the defense attorney had come up with some issue regarding immigration, and the judge allowed her to withdraw her plea. ... It was subsequently renegotiated and sent to the county attorney's office to be prosecuted as a misdemeanor."

By most accounts, such plea deals involving immigrants are very rare. Asked what the immigration issue concerned, defense lawyer Ranc responded loudly, "It's none of your business!" Indeed, Pat Reilly, of the U.S. Department of Homeland Security Office of Public Affairs, confirmed that U.S. immigration agencies must keep such records confidential. "But it does sound like she had a lot at stake," Reilly offered. What little information the Chronicle could glean on this front is that in 1956, Mrs. Chody entered the U.S. as a tourist named Marisia Stepien, arriving here from Paris.

The result of this race will give some an interesting insight into the current state of the GOP voter in Precinct 1 and how willing they are to follow the county leadership's advice.

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02.21.08

[Rumblings From The Williamson County GOP Primary Fights](#)

Posted in [2008 Primary](#), [Commissioners Court](#), [Constables](#), [HD-52](#), [Precinct 1](#), [Williamson County](#) at 2:53 pm by wcnews

The GOP primary races in Williamson County are heating up, from what EOW's hearing. Of course the two Precinct 1 races (County Commissioner and Constable) and the HD-52 race is where the action is.

In the commissioner's race it's really getting hot in the race to see who will face Mike Grimes in the fall. Apparently it [got testy](#) between Commissioner Lisa Birkman and her primary opponent Steve Laukhuf at a recent candidate forum. Cracks may be showing for Birkman since her husband felt the need to write an endorsement/attack letter, (read it below the fold), to the Williamson County Sun. And for whatever reason they printed it. Shouldn't it just be assumed that a candidate's spouse would support their run for office? Maybe not with the WCGOP. Seems it would only be news worthy if they didn't.

In the Constable's race we hear Robert Chody is promising to expand the reach of this office, get all up in your business, if elected. Just what we've come to expect from a WCGOP machine-backed candidate. Also, from what we hear, he doesn't

like being asked about his [APD past](#). Constable Gary Griffin on the other hand will keep the office's reach the same as it is now.

While much nicer, at least so far, is the GOP contest in HD-52. To see who will have to pay for Krusee's disastrous tenure, and face [Diana Maldonado](#) in November. At this point it appears to be a race between local favorite Dee Hobbs and the [well-funded PAC/statewide/Gattis family candidate](#) Bryan Daniel. No matter who the eventual winner is, all will probably vote for whoever they're told to vote for when it comes to the Speaker's race next year. All are very similar and would be more of the same, "tin eared", representation HD-52 has had since 1993. They're all "no-tax", aka pro-toll road, Republicans, which means instead of us paying pennies per mile (raising the gas tax), they want us to pay dollars per mile (with corporate toll roads).

These races could have some odd results for the GOP, with more moderates and Independents than usual voting in the Democratic Primary this year. As the machine tries to cling to their hold on power this will probably get nastier before March 4th. And in HD-52 there's a good chance for a run-off.

[Read the rest of this entry](#) □

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02.11.08

[The Silly Season Is Upon Us – The WCGOP Machine Makes It's Choice](#)

Posted in [2008 Primary](#), [Commentary](#), [Constables](#), [Precinct 1, Williamson County](#) at 1:57 pm by wcnews

Last week the [WCGOP machine](#) made it's endorsement in the Precinct 1 Constable's race. Making what the [RRL called an "unusual" move](#), several GOP elected officials came out in favor of incumbent Gray Griffin's challenger. Griffin essentially sealed this fate back in 2005 when he resisted attempts by DA John Bradley and Precinct 1 Commissioner Lisa Birkman working in cahoots, to wrest control of the Williamson County's mental health duties from his control and give it over to the Williamson County Sheriff's Office. (See EOW's reporting on this issue [here](#), [here](#), and [here](#)). Not obeying the machine has it's consequences.

Griffin has since [filed a lawsuit](#) against the county over the constitutionality of having his budget cut by the Commissioner's Court. Despite being ruled against he is [continuing to press his case](#), which only goes to irk the WCGOP machine even more.

The silliest part of the RRL article is when Bradley has to answer for his disparaging remarks made not only against constables, but deputy constables. This is especially funny considering the fact that he is now backing a reserve deputy constable for promotion to constable, (how much worse a reserve deputy constable is than a deputy constable, in Bradley's eyes, we can only wonder). It would seem that Bradley's had a change of heart regarding the need for constables.

Some have questioned whether constable offices are still even necessary in Texas.

Griffin sent the Leader a question Bradley posted in 2004 on the Texas District and County Attorneys Association's Web site.

On Feb. 4, 2004 Bradley wrote: "Is anyone else out there in favor of abolishing the office of constable?"

Griffin argues Bradley should not be making an endorsement for an office he doesn't believe in.

Bradley is not alone in his opinions, though.

Bell County Attorney Rick Miller responded to Bradley's posting, stating: "I do agree that the office of constable is an outmoded one. The commissioners could save additional staffing for the sheriff for process serving and attending the J.P. courts "

Since then Texas voters have amended the state's Constitution, allowing commissioners courts to do away with constable offices.

Griffin pointed out Chody is a reserve deputy constable, noting in 2004 Bradley posted: "The only thing worse [than a constable] A reserve deputy constable."

Bradley told the Leader this week he should not have made that generalization four years ago.

The RRL didn't clarify that while "some may question" if constables are still necessary, and the constables office can be abolished by a Commissioners Court, the office cannot just be eliminated at the whim of the Court, and the wish of the DA. The office of constable is a constitutionally mandated office, that has historic significance in Western democracies. For there even to be a question of eliminating a constable, the

office has to have been empty for 7 years.Â Then a constitutional amendment must be passed, and ratified by county voters, to do aways with the constable. Â So there's little chance of that happening any time soon.

[Permalink](#) [2 Comments](#)

12.21.07

[Constable Griffin Will Continue Fight Against The County](#)

Posted in [Commentary](#), [Constables](#), [Cronyism](#), [Had Enough Yet?](#), [Williamson County](#) at 11:14 am by wcnews

From yesterday's AusChron, [Appeals Court Rules Against WilCo Constable: The fight continues](#). Constable Gary Griffin's Attorney Bill Aleshire says they will continue to fight the recent ruling.

But Griffin's attorney, former Travis Co. Judge Bill Aleshire, filed a motion for a rehearing on Dec. 11 and insists, "This case is not over." Aleshire's motion argues the court erred because the lawsuit involves considerable dispute over material fact and therefore does not meet the legal standard for summary judgment. "Commissioners Court's and Constable Griffin's evidence were in conflict," said Aleshire last week. "We produced evidence that the county budgets each personnel slot â€" but the [appeal court's] opinion assumed that salaries were budgeted lump-sum. That is important because, if the commissioners had to create new salary slots in the sheriff's budget, then they

exceeded their authority.” The opinion also states that Griffin’s deputies did not perform core constable duties “ although the county never made that argument “ and therefore, the court ruled, the deputies could be transferred.

Asked about the ruling, former county Judge John Doerfler confirmed that Griffin’s deputies in fact performed both core and noncore duties. Indeed, as Aleshire pointed out, the Commissioners Court had made its initial decision to cut Griffin’s budget because he had briefly ordered his deputies to focus only on “core duties” (serving criminal warrants and civil papers) while de-emphasizing mental-health calls, before quickly rescinding that order.

Why the court would rule such a way when the evidence points another is one of those stories those who pay attention to politics in Williamson County have become all too familiar with. Family and crony ties that bind.

Maybe it’s politics as usual in Williamson Co., including the connections underlying the 3rd Court’s opinion. First, there’s the obligatory county official family tie “ 3rd Court Justice David Puryear’s son Geoffrey works as an attorney under County Attorney Jana Duty. Duty’s assistant, Vickie Vickers, coordinated a Dec. 13 Georgetown fundraiser for 3rd Court Chief Justice Ken Law, held only a couple of weeks after the opinion was issued (a fundraiser announcement dated Nov. 28 “ the same day as the court’s ruling “ listed Duty and Sheriff James Wilson as committee members). Law also reportedly sandwiched in appearances at the Republican Women’s Club and the local GOP’s Christmas shindig right after the opinion’s release. The

timing alone suggests that Law, to avoid the appearance of a conflict of interest, might have considered recusing himself from the court's decision, and perhaps Puryear as well.

Aleshire says that along with his motion for a rehearing, he will file a simultaneous petition for review with the Texas Supreme Court. The former Travis Co. judge believes large issues are at stake. "If this opinion stands, it will undermine the independence of the county officials who are elected to be loyal to the voters, not to the Boss Hoggs on the CommisÂsionÂers Court. Worse yet, because the summary judgment standard was ignored, the opinion, if followed in other cases, would deny parties their right to a full trial when the evidence is in dispute."

Because of the statewide constitutional implications of this case it's reasonable that higher courts would want to review this. It would likely change things in every county, not just Williamson, if it's allowed to stand. Not to mention that having judges without these local entanglements, there's a better chance that the correct legal ruling will be achieved. This is also another example of why the Court of Appeals races are so important.

[Permalink Comments](#)

11.28.07

[Constable Griffin's Fight With County Comes To An End](#)

Posted in [Bad Government Republicans](#), [Commentary](#), [Commissioners Court](#), [Constables](#), [Williamson County](#) at 1:01 pm by wcnews

Citing the fact that the mental health unit was not part of the “core duties” of the Constable, as set out by the legislature and the Texas Constitution, the Appeals Court ruled in the counties favor. Full opinion [here](#). This will just add more fuel to Griffin’s many opponents inside the WCGOP. [From the beginning](#) of this fight it’s never been about right and wrong. It’s been a vendetta by some in the county’s government against Gary Griffin. What really caused this all we may never know, and it probably won’t end until one or all of the players are gone from county office.

Here’s the AAS article, [Appeals court sides with Williamson County in constable’s suit](#).

[Permalink](#) [4 Comments](#)

11.16.07

[Commissioners, Griffin Battle Over Precinct 1 Budget](#)

Posted in [Commissioners Court](#), [Constables](#), [Williamson County](#) at 10:31 am by wcnews

It looks like the WCCC are still mad a Precinct 1 Constable Gary Griffin, via KXAN, [Budget Controversy Over Constables’ Budget](#).

What Griffin said is even more disturbing however, is the fact that the constables’ Precinct 2 office got more than \$11,000 for law enforcement equipment.

In Precinct 3, it was almost \$5,000, and the constables at Precinct 4 received more than \$2,000.

Williamson County Judge Dan Gattis said Precinct 1 didn't get radio equipment this year, because their office didn't get any new deputies and that Precinct 1 was budgeted for zero dollars for law enforcement, because they were asking for guns, something the county does not provide for any constables.

"Precinct 1 happens to be a precinct that there's a lot of conflict going on right now. There's a lawsuit against the county, but that was all before my time. It has nothing to do with me, nor does our budget office or nor do I think any members of the court have any hard feelings against Precinct 1," said Gattis.

"Every officer, they have to have the tools of their trade to not only be an effective public safety officer, but to carry out their duties in the safest possible manner," said Griffin.

Griffin said he plans to buy equipment like replacement batteries, flashlights and radios out of his own pocket.

Commissioners, however, said their intent is not for the constable's office to be ill-equipped, and if they need things like batteries for flashlights, they should just ask.

It looks like the court will continue it's vendetta against Griffin. The lawsuit may have nothing to do with Judge Gattis but he sure isn't acting like it.

[Permalink 3 Comments](#)

11.08.07

[AAS Profile Of Griffin v. Chody](#)

Posted in [2008 Primary](#), [Commentary](#), [Constables](#), [Elections](#), [Williamson County](#) at 1:04 pm by wcnews

Here's the article, [Williamson constable race pits lottery winner against longtime incumbent](#).

Gary Griffin, the 51-year-old Precinct 1 constable, faces an unlikely challenger in the March 4 Republican primary elections. (There is currently no Democratic challenger.) Robert Chody is a veteran of the Austin Police Department who's better known as an \$85 million lottery winner.

Chody, 37, said he is bidding for the job because he loves police work and wants to restore the constable's office, which he said has been hurt because of ongoing mudslinging from Griffin toward county officials.

The AAS is also reporting that they both have baggage ([Griffin's baggage](#) – [Chody's baggage](#)).

In 2005, Griffin sued county commissioners after they transferred the county's mental health unit, along with seven of his 11 deputies, to the sheriff's office. County Attorney Jana Duty says the transfer was done because of a "middle-of-the-night" refusal by Griffin to handle mental health calls.

Griffin disputes that, saying he took the calls on a case-by-case basis so he could tend to other constable duties. Constables are licensed peace officers who

write tickets, serve warrants and make arrests. They also handle truancy and child support cases and serve as bailiffs in court.

Griffin's lawsuit alleges that commissioners overstepped their authority and jeopardized his ability to serve the roughly 60,000 to 80,000 people in his precinct, which mostly includes Round Rock. A district judge sided with the county, but Griffin appealed the ruling, and the suit is now in the 3rd Court of Appeals. Griffin acknowledges that his legal brawl with the county hasn't been popular.

"I have faced some serious character assassinations over the years for doing what's right," he said.

Griffin also faced a sexual harassment allegation by a former employee, but a judge dismissed the case because the complainant and her lawyers failed to "diligently" prosecute it, according to the federal lawsuit. Griffin denies that the incident happened.

His opponent, Chody, is a newcomer to politics who has baggage of his own. In August 1998, a call to a fight in East Austin ended with charges of police brutality against Chody.

According to court records, Chody put a 15-year-old in a full nelson wrestling hold because he thought the boy had been involved in the fight. The boy then had a seizure, which his mother told Chody and another officer he was prone to do in stressful situations. The boy's family sued Chody and another officer, and the suit was settled in 2001.

On the advice of his attorneys, Chody would not speak about the incident in detail, but he said it was a mistake that he regrets.

“I wish it’d have never happened,” he said.

Baggage means little to Republicans as long as the eventual nominee will do what they’re told, and toe the party line. That’s what matters most. Millions of dollars doesn’t hurt either.

[Permalink](#) [6 Comments](#)

09.27.07

Millionaire Constable Candidate Has Issues In His APD Past

Posted in [2008 Primary](#), [Commentary](#), [Constables](#), [Williamson County](#) at 1:00 pm by wcnews

Anytime someone is applying for a job it’s only natural that they would want to highlight the positive and omit negative. But it’s also imperative in a job interview that when asked about a character flaw or previous mistake that the person shows they’ve corrected that flaw and/or learned from that mistake to prove that it’s no longer an issue so the flaw or mistake doesn’t happen again.

In today’s AusChron article on Precinct 1 Constable candidate Robert Chody, [The Millionaire Who Would Be Constable](#), we learn that APD settled a policy brutality lawsuit – involving himself and another officer, Jerry Sullivan – shortly after winning the lottery and just before leaving the Austin Police Department. [Read the rest of this entry](#) □

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