

PERCIPIENT STRATEGIES RESEARCH DOSSIER

TOBY FITCH

(NORTH CAROLINA STATE SENATE: SD-04)

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EXECUTIVE SYNOPSIS

DOSSIER NOTES

In preparing this background report, we undertook an examination of all readily available and relevant electronic and online records, several hundred Nexis and news articles, dozens of active and archived web pages, and several dozen public records from Nexis and the resources of various federal, state, and municipal government offices. The results of our analysis are contained below.

Typographical Note: There are a number of articles quoted in this report that contain typographical errors. These are from the original text of the article and have not been corrected when being quoted directly.

MAIN VULNERABILITIES

Fiscally Irresponsible, Anti-Growth Governance

A review of Fitch's decades-long tenure in-and-out of the legislature has revealed the record of not just a tax-and-spend Democrat, but a unique obstructionist who took several fiscally irresponsible positions.

On tax issues, Fitch was establishing his reputation as a leftist progressive as early as the 1990s. In 1995, Fitch was the only House member (108-1) to vote against a \$240 million income tax cut for working class citizens. In 1995, Fitch criticized cutting the intangibles tax on stocks and bonds - a \$125 million tax cut. In 1998, Fitch was the only legislator to vote against the state budget plan which repealed the inheritance tax. Perhaps most notably, in 2001, Fitch pushed for a \$620 million tax hike, which included a half-penny sales tax increase, sales tax increases on liquor and other select items, and income tax hike for high earners. More recently, in 2021, Fitch voted against an effort to provide tax cuts to individuals and businesses. Fitch also recently criticized the 2021 budget for including a phase out of the corporate tax rate.

Despite seeking to raise additional revenues, Fitch as shown little interest in restraint regarding spending. Fitch has opposed increasing the integrity of the welfare state. Fitch opposed tightening of cash welfare assistance eligibility rules. Fitch opposed increasing the integrity of the unemployment compensation system by strengthening unemployment work search requirements. Fitch opposed certain work requirements for food stamps.

Fitch has opted to seek further damage on the North Carolina economy by expanding burdensome regulations on businesses.

Finally, Fitch supported the left's big government reaction to the covid-19 pandemic that decimated the economy. Fitch supported Roy Cooper's authority and actions amid the covid pandemic. Fitch consistently opposed legislative efforts to reopen businesses and schools.

History Of Hypocrisy And Work Promoting The Left's Policy And Social Agenda

Beyond Fitch's commitment to tax-and-spend liberal fiscal governance, he has undoubtedly spent his career seeking to install the broader progressive policy and social agenda.

Fitch appears to unapologetically support expanding government healthcare. Fitch has noted his support for expanding access to healthcare includes his willingness to raise taxes. As a legislator, Fitch has sponsored legislation to expand Medicaid. However, Fitch once curiously opposed rules restricting indoor smoking in legislative buildings.

On education, Fitch has worked to undermine school choice efforts. In 2021, Fitch voted against legislation that "is designed to improve education outcomes by responsibly expanding opportunities for students and their families to pursue school choice". In 1995, Fitch criticized Republicans for trying to insert \$20 million in tuition tax credits for parents who send their children to private schools. However, Fitch has indicated support for implementing a universal pre-k program in the state at a cost of \$1.2 billion for taxpayers.

Perhaps most notably, Fitch has indicated support for the teaching of Critical Race Theory in schools. Specifically, in 2021, Fitch voted against legislation that "contains a number of provisions that are designed to ensure students receive instruction on core subject areas and prevent classrooms from being used to indoctrinate students with leftist ideals such as Critical Race Theory (CRT)".

Unsurprisingly, Fitch has regularly earned the support of local teachers' unions. And yet, Fitch was the only member of the legislature to vote against the 1998 state budget plan which increased teacher pay and education programs. Additionally, Fitch was the only member of the legislature to vote against a 2000 \$3.1 billion bond package for UNC and community colleges.

On social issues, Fitch has largely toed the Democrat party line of late. Fitch supports abortion rights and state funding for abortions. However, Fitch recently promoted an essay contest for a pro-life Democrat group. Additionally, Fitch appears opposed to the Second Amendment and has voted against legislation seeking to expand Second Amendment rights.

Curious Legal Career And Dangerous Public Safety Agenda

Of all of Fitch's public exposure, voters may find his dangerous actions as a lawyer and judge most concerning. As an attorney, Fitch defended convicted murdered Abner Nicholson, who killed his wife and gunned down a police chief responding to the domestic violence incident with a point-blank shot to the head. As a Superior Court Judge, Fitch may be criticized for allowing several offenders off with seemingly light sentences, particularly amid plea agreements.

As a policymaker, Fitch has opted to join the political left in neglecting the public's safety.

On immigration, Fitch seems uninterested in embracing any sort of law enforcement. Fitch has opposed requiring local law enforcement to cooperate with federal immigration authorities. Notably, Fitch supports providing illegal immigrants with drivers' licenses.

Fitch has undermined law and order with controversial criminal justice reform positions. Recently, Fitch has opposed legislation that increases the penalties for rioting or inciting rioting. In 1998, Fitch was the only member of the House (114-1) to vote against a plan to rewrite

juvenile crime laws including tougher sentencing for violent teens found guilty of serious felonies. In 1985, Fitch was one of only three House members to vote against legislation letting the state and crime victims recover profits from drug trafficking and white collar crime. In 1989, Fitch was among only six members of the House to vote against a bill setting mandatory prison terms for selling drugs on school grounds. In 1994, victims' rights advocates criticized Fitch for delaying reporting of an amendment preventing offenders from choosing probation over prison time. In 1989, Fitch was the only House member (by a vote of 103-1) to vote against a bill making it illegal to leave profane, indecent, or threatening messages on an answering machine, fax, or modem. Notably, Fitch has recently spearheaded efforts to decriminalize marijuana use.

Fitch was among the earliest Democrats to criticize and undermine the prison system. In 1994, Fitch questioned the amount of money the state spent on prisons. In 1995, Fitch was one of only seven House members (109-7) to against eliminating "the cap on the state's prison population".

Fitch has also taken several curious votes related to the criminal justice system. Fitch is known to have flip-flopped on his support for the banning of child marriage. In 1999, Fitch pushed to eliminate alienation of affection lawsuits. In 1987, Fitch opposed a provision requiring auto insurance for driver's license registrations or renewals. In 1998, Fitch was the only member of the House (111-1) to oppose a bill allowing local governments to create ordinances to control adult businesses.

Notably, in 1998, Fitch was the only member of the House (112-1) to vote against a bill that could reverse Durham's limits on large American flags.

Political Missteps, Personal Foibles And Ethical Concerns

Fitch's decades in public service have featured several missteps and ethical issues.

Perhaps most notably, in April 2020, a fellow Democrat, Sen. Erica Smith, filed an ethics complaint accusing Fitch of "sexual harassment" and requested he be expelled from the legislature. Smith accused Fitch of having "made sexual comments to her on multiple occasions." Specifically, Smith alleged that Fitch "suggested she perform oral sex on him as 'practice' before visiting her ex-husband in jail."

It has been well documented that Fitch has faced additional ethical concerns. In 1985, Fitch was criticized for earmarking \$35,000 in taxpayer funding for a masonic lodge where his father was a member. In 1993, Fitch filed legislation in an attempt to intimidate a judge with whom he disagreed about the apparent treatment of his clients. Fitch complained that the judge was not granting postponements and was jailing his clients. Fitch has been criticized for his lack of transparency at times. Specifically, in 1996, Fitch was criticized by the Nashville Graphic Editorial Board for convening a meeting of government officials to discuss an area merger issue without informing the press. Unsurprisingly, Fitch opposed stronger corruption and ethics reform efforts in 2021. Additionally, Fitch has opposed legislation seeking stronger government transparency and public access.

As a legislator, Fitch's constituents could consider him to have slacked off at times. Throughout several sessions, Fitch has been near or at the top of members that have missed votes.

Fitch's personal and professional behavior has at times appeared to be unbecoming of a public official. In 2007, Fitch intervened in a state BAR disciplinary measure, protecting attorney Willie Gilbert who was accused of mishandling clients' money. In 1995, Fitch is known to have attended the Million Man March hosted by Nation of Islam Head Louis Farrakhan. In 1968, while participating in a protest in which students hung and set on fire an effigy of Governor Dan Moore, "Fitch said he was arrested for destruction of property, went to trial and was placed on probation".

On social media, Fitch has expressed support for progressive politicians and has expressed partisan views against Republicans.

TOP HITS

Financial

Tax Delinquencies

- As of June 22, 2022, Fitch is delinquent on his municipal property taxes for eight properties, totaling \$3,241.20

Personal

Separation

- In April 1988, Fitch and his wife, Judy, jointly petitioned for a separation agreement.
 - The parties agreed to joint custody of their child, but Judy would be the primary caregiver while Fitch was ordered to pay \$1,000 per month in child support.
 - Judy was additionally granted exclusive use of their marital residence.

Ethics

- Fitch was accused of sexual harassment and making extremely lewd comments by a fellow Democratic female state senator.
- Fitch was criticized for earmarking \$35,000 in taxpayer funding for a masonic lodge where his father was a member.
- Fitch filed legislation in an attempt to intimidate a judge with whom he disagreed about the apparent treatment of his clients.
- Fitch has been criticized for his lack of transparency at times.
- Fitch opposed stronger corruption and ethics reform efforts in 2021.
- Fitch opposed legislation seeking stronger government transparency and public access.
- Fitch intervened in a state BAR disciplinary measure, protecting attorney Willie Gilbert who was accused of mishandling clients' money.

Notable Personal Activity

- Fitch attended the Million Man March hosted by Nation of Islam Head Louis Farrakhan.
- In 1968, while participating in a protest in which students hung and set on fire an effigy of Governor Dan Moore, “Fitch said he was arrested for destruction of property, went to trial and was placed on probation”.
- In 1979, Fitch testified as a character witness for Wilson County Chief Deputy Tony Owens, who was charged with conspiring to obstruct the enforcement of state laws by taking bribes.

- Fitch has noted his belief in a conspiracy behind the assassination of Martin Luther King Jr. And expressed doubts in the Warren Commission's explanation of the JFK assassination.
- Fitch was "installed as most worshipful Grand Master of the Prince Hall Grand Lodge of Free & accepted Masons of North Carolina, the state's black masonic group".

Political

Campaign Finance

- Between 1996 and 2000, and between 2018 and 2020, Fitch accepted thousands of dollars from medical insurance companies, such as Blue Cross Blue Shield and Anthem.
 - Fitch similarly received thousands of dollars from pharmaceutical companies like Merck & Co. and Glaxosmithkline.
 - Fitch received thousands from liberal special interest groups including the North Carolina Advocates for Justice and the North Carolina Association of Educators.

Governance

- Throughout several sessions, Fitch has been near or at the top of members seen to have missed votes.
- Fitch led coups against Democratic leadership in bids to increase his own stature.
- Fitch has opposed strengthening election integrity.

Partisanship

- On social media, fitch has expressed support for progressive politicians and has expressed partisan views against Republicans.

Policy

Fiscal And Economic

- Fitch was the only House member (108-1) to vote against a \$240 million income tax cut for working class citizens in 1995.
- In 2021, Fitch voted against an effort to provide tax cuts to individuals and businesses.
- Fitch criticized cutting the intangibles tax on stocks and bonds in 1995 - a \$125 million tax cut.
- Fitch played politics with repealing the food tax - calling for its repeal in 1995 but then voting against republican-led measures to phase it out in subsequent years.
- Fitch was the only state legislator to vote against the 1998 state budget plan which repealed the inheritance tax.

- Fitch pushed for a \$620 million tax hike in 2001, which included a half-penny sales tax increase, sales tax increases on liquor and other select items, and income tax hike for high earners.
- Fitch criticized phasing out of the state corporate income tax.
- Fitch opposed tightening of cash welfare assistance eligibility rules.
- Fitch opposed increasing the integrity of the unemployment compensation system by strengthening unemployment work search requirements.
- Fitch opposed certain work requirements for food stamps.
- Fitch has supported expanding burdensome government regulations over business.
- Fitch supported creation of a state lottery.
- Fitch supported Roy Cooper's authority and actions amid the covid pandemic and voted against reopening businesses.
- Fitch opposed legislation seeking ensure schools offered in-person learning.
- Fitch flip-flopped on sustaining Cooper's veto of the senate-passed 2019-2020 state budget.

Healthcare

- Fitch broadly supports raising taxes to expand healthcare.
- Fitch supports expanding Medicaid.
- Fitch opposed rules restricting indoor smoking in legislative buildings.

Education

- Fitch has opposed efforts to expand school choice.
- Fitch supports implementing a billion-dollar universal pre-k program.
- Fitch has consistently earned the support of NC teachers' unions.
- And yet, Fitch was the only member of the NC legislature to vote against the 1998 state budget plan which increased teacher pay and education programs.
 - Fitch was the only member of the NC legislature to vote against a 2000 \$3.1 billion bond package for UNC and community colleges.

Social Issues

- Fitch opposed legislation seeking to “prevent classrooms from being used to indoctrinate students with leftist ideals such as Critical Race Theory (CRT)”.

- Fitch supports abortion rights and state funding for abortions.
- However, Fitch recently promoted an essay contest for a pro-life democrat group.
- Fitch appears opposed to the Second Amendment and has voted against legislation seeking to expand Second Amendment rights.

Law And Order (Professional And Policy)

- As an attorney, Fitch defended convicted murdered Abner Nicholson, who killed his wife and gunned down a police chief responding to the domestic violence incident with a point-blank shot to the head.
- As a Superior Court Judge, Fitch may be criticized for allowing several offenders off with seemingly light sentences, particularly amid plea agreements.
- Fitch supports providing illegal immigrants with drivers' licenses.
- Fitch has opposed requiring local law enforcement to cooperate with federal immigration authorities.
- Fitch has opposed legislation that increases the penalties for rioting or inciting rioting.
- Fitch has undermined law and order with controversial criminal justice reform positions:
 - Fitch was the only member of the House (114-1) to vote against a plan to rewrite juvenile crime laws including tougher sentencing for violent teens found guilty of serious felonies.
 - Fitch opposed an amendment allowing judges to impose alternative punishments.
 - Fitch pushed for legislation to ban executions of those found to be mentally retarded.
 - Fitch opposed legislation making it a 10-year felony to steal blank prescriptions.
 - Fitch was one of only three House members to vote against legislation letting the state and crime victims recover profits from drug trafficking and white collar crime.
 - Fitch opposed a bill "under which a person who sold cocaine to someone who died from its use could be charged with second degree murder."
 - Fitch was among only six members to vote against a bill setting mandatory prison terms for selling drugs on school grounds.
 - Fitch was one of only two House members to vote against a bill increasing the monthly fee paid by those on parole and raise \$1.35 million for the victims compensation fund.

- In 1993, a victims' rights amendment languished in Fitch's committee where he eventually assigned it to a subcommittee where it was killed.
 - In 1994, victims' rights advocates criticized Fitch for delaying reporting of an amendment preventing offenders from choosing probation over prison time.
 - Fitch was the only House member (by a vote of 103-1) to vote against a bill making it illegal to leave profane, indecent, or threatening messages on an answering machine, fax, or modem.
 - Fitch proposed an unsuccessful amendment that "would have freed people winning an insanity verdict after they had proven they were no longer dangerous to themselves or others".
- Fitch supports decriminalization of marijuana use.
 - Fitch questioned the amount of money state spent on prisons in 1994.
 - Fitch was one of only seven House members (109-7) to against eliminating "the cap on the state's prison population".
 - Fitch flip-flopped on banning child marriage for children under age 14.
 - Fitch pushed to eliminate alienation of affection lawsuits.
 - Fitch opposed a provision requiring auto insurance for driver's license registrations or renewals.
 - Fitch was the only member of the House (111-1) to oppose a bill allowing local governments to create ordinances to control adult businesses.
 - Fitch was the only member of the House (112-1) to vote against a bill that could reverse Durham's limits on large American flags.

BACKGROUND INFORMATION**PERSONAL INFORMATION: TOBY FITCH**

Full Name: Milton “Toby” Frederick Fitch, Jr.

DOB: October 20, 1946 (75)

Social Security: 249-72-XXXX

Primary Address: 516 South Lodge Street
Wilson, NC 27893
Wilson County
(Unk.-Pres.)

Marital Status: Separated*

Spouse: Judy Bradley Fitch (née Bradley) (m. October 20, 1980; s. April 26, 1988)
DOB: January 19, 1953 (69)

Children: One (Melonie, 41)

Voter Registration: Registered Democrat – Wilson County, North Carolina

Education: 1969 – 1972 J.D., North Carolina Central University
1965 – 1969 B.A., North Carolina Central University

Employment: 2018 – Pres. Senator, North Carolina State Senate, SD-04
2002 – 2018 Judge, North Carolina Superior Court, 7B Judicial District
1985 – 2001 Representative, North Carolina House of Representatives, HD-70
1975 – Unk. Attorney, Law Office of Fitch, Butterfield, and Sumner

Associations: Unk.

Business Interests: N/A

Military Service: N/A



*See Legal Issues for more information on Fitch’s marital status.

Election Results: 2020 North Carolina State Senate, SD-04 (General, Won)
 2018 North Carolina State Senate, SD-04 (General, Won)
 2010 North Carolina State Superior Court, 7B (General, Won)
 2002 North Carolina State Superior Court, 7B (General, Won)
 1998 North Carolina House of Representatives, HD-70 (General, Won)
 1996 North Carolina House of Representatives, HD-70 (General, Won)
 1994 North Carolina House of Representatives, HD-70 (General, Won)
 1992 North Carolina House of Representatives, HD-70 (General, Won)
 1990 North Carolina House of Representatives, HD-70 (General, Won)
 1988 North Carolina House of Representatives, HD-70 (General, Won)
 1986 North Carolina House of Representatives, HD-70 (General, Won)
 1984 North Carolina House of Representatives, HD-70 (General, Won)

Web Sites: <https://en.wikipedia.org/>
 <https://ballotpedia.org/>
 <https://justfacts.votesmart.org/>
 <https://www.ncleg.gov/>
 <https://www.legistorm.com/>

Social Media: [Facebook](#) (Personal)
 [Facebook](#) (Official)
 [Twitter](#) (Official)

Email: N/A

Phone: (252) 291-8761
 (252) 205-4160
 (252) 243-5967
 (919) 733-5858

ELECTION RESULTS

Toby Fitch has been serving in elected public office since 1985. Fitch served in the North Carolina House of Representatives for District 70 between 1985 and 2001. In 2002, Fitch was elected as a Superior Court Judge for North Carolina; Fitch was re-elected in 2010. In 2018, Fitch was appointed to the North Carolina State Senate for District 4. Fitch was re-elected in the 2018 general election, and again in 2020.

2020 General Election, North Carolina State Senate, SD-04

General Election Results (November 3, 2020)

Candidate	Party	Vote Total
Toby Fitch	DEM	51,384
Sammy Webb	REP	38,514

(Official Election Results, [North Carolina State Board Of Elections](#), 11/3/20)

2018 General Election, North Carolina State Senate, SD-04

General Election Results (November 6, 2018)

Candidate	Party	Vote Total
Toby Fitch	DEM	36,471
Richard Scott	REP	25,391

(Official Election Results, [North Carolina State Board Of Elections](#), 11/6/18)

2010 General Election, North Carolina Superior Court Judge, 7B

General Election Results (November 2, 2010)

Candidate	Party	Vote Total
Toby Fitch	DEM	7,763

(Official Election Results, [North Carolina State Board Of Elections](#), 11/2/10)

2002 General Election, North Carolina Superior Court Judge, 7B

General Election Results (November 5, 2002)

Candidate	Party	Vote Total
Toby Fitch	DEM	6,517

(Official Election Results, [North Carolina State Board Of Elections](#), 11/5/02)

CAMPAIGN FINANCE

Thus far, Toby Fitch has received an aggregate of \$19,210 in total contributions for his campaign for the North Carolina State Senate For District 4. Fitch has received \$5,600 from Congressman G.K. Butterfield and an additional \$3,000 from energy companies such as Duke Energy and Dominion Energy. Fitch has similarly received thousands from corporations such as Blue Cross Blue Shield and Merck; as well as from special interest groups, including the North Carolina Beer and Wine Wholesalers Association and the North Carolina Home Builders

Association. Fitch has disbursed an aggregate of \$22,211.76 to date, primarily spending his funds on poll work and advertising.

Between 1996 and 2000, and between 2018 and 2020, Fitch received an aggregate of \$167,469 in total contributions for his campaigns for elected office in North Carolina. Fitch may receive scrutiny for his willingness to accept thousands of dollars from medical insurance companies, such as Blue Cross Blue Shield and Anthem. Fitch similarly received thousands of dollars from pharmaceutical companies like Merck & Co. and Glaxosmithkline. Further, Fitch received thousands from liberal special interest groups including the North Carolina Advocates for Justice and the North Carolina Association of Educators. Additionally, Fitch was showered in contributions from energy companies like Duke Energy and Dominion Energy.

Individually, Fitch has contributed an aggregate of \$73,665 to federal and statewide campaign committees. Federally, Fitch has gave \$2,000 to the senatorial campaign of Dan Blue. Fitch has contributed \$71,665 to campaign committees in the state of North Carolina. Fitch has spread his contributions to various Democratic candidates and committees throughout the state, giving thousands to groups such as the NC Advocates for Justice PAC and the NC State AFL-CIO Committee. Fitch has additionally contributed to various special interest and corporations across the state, including the various North Carolina medical associations and pharmaceutical companies like Pfizer and Glaxosmithkline. Fitch has also contributed nearly \$3,000 to his own campaigns.

Fitch For Senate Committee (2022)

Notable Contributions

Thus Far, Fitch Has Received An Aggregate Of \$19,210 In Total Contributions For His Campaign For The North Carolina State Senate. (North Carolina State Board Of Elections, Accessed 6/21/22)

- **In 2022, Fitch Received \$5,600 From Butterfield For Congress.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Received \$2,000 From Duke Energy.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Received \$2,000 From The North Carolina Beer And Wine Wholesalers Association.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Received \$1,000 From Dominion Energy.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Received \$1,000 From The North Carolina Home Builders Association.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Received \$1,000 From Blue Cross Blue Shield Of North Carolina.** (North Carolina State Board Of Elections, Accessed 6/21/22)

- **In 2022, Fitch Received \$500 From Merck & Co.** (North Carolina State Board Of Elections, Accessed 6/21/22)

Notable Expenditures

Thus Far, Fitch Has Disbursed An Aggregate Of \$22,211.76 For His Campaign For The North Carolina State Senate. (North Carolina State Board Of Elections, Accessed 6/21/22)

- **In 2021, Fitch Disbursed \$5,000 To The North Carolina Senate Democratic Caucus For Dues.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Disbursed \$5,000 To Nadine McEachern For Poll Work.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Disbursed \$4,000 To Brittany Brown For Poll Work.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2021, Fitch Disbursed \$2,900 To John Scott For Sample Ballots.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2022, Fitch Disbursed \$2,132.56 To Ole North State Associates For Palm Cards.** (North Carolina State Board Of Elections, Accessed 6/21/22)

Committee To Elect Milton Fitch Jr. (1996-2000; 2018-2020)

Notable Contributions

Between 1996 And 2000, And Between 2018 And 2020, Fitch Received An Aggregate Of \$167,469 In Total Contributions For His Campaigns For Elected Office In North Carolina. (North Carolina State Board Of Elections, Accessed 6/21/22)

- **Between 1996 And 2020, Fitch Received \$10,650 From The North Carolina Association Of Realtors.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 2018 And 2022, Fitch Received \$7,900 From Butterfield For Congress.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$7,400 From Duke Energy.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1996 And 1998, Fitch Received \$7,120 From The North Carolina Democratic Party.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$5,400 From The Eastern Band Of Cherokee Indians.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$5,400 From New South Leadership.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$5,400 From Truist Financial Of North Carolina.** (North Carolina State Board Of Elections, Accessed 6/21/22)

- **Between 1997 And 2018, Fitch Received \$4,000 From The North Carolina Advocates For Justice.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1996 And 2020, Fitch Received \$3,350 From The North Carolina Beer And Wine Wholesalers Association.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1996 And 2020, Fitch Received \$3,550 From Merck & Co.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1996 And 2020, Fitch Received \$2,900 From The North Carolina Home Builders Association.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1995 And 2020, Fitch Received \$2,900 From The North Carolina Farm Bureau.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 2000 And 2020, Fitch Received \$2,000 From Blue Cross Blue Shield Of North Carolina.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$1,500 From Charter Communications.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2019, Fitch Received \$1,000 From Dominion Energy.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1998 And 2000, Fitch Received \$1,000 From Glaxosmithkline.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **In 2020, Fitch Received \$1,000 From Anthem PAC.** (North Carolina State Board Of Elections, Accessed 6/21/22)
- **Between 1997 And 2018, Fitch Received \$1,000 From The North Carolina Association Of Educators.** (North Carolina State Board Of Elections, Accessed 6/21/22)

Individual Contributions

Federal Election Commission

According To The Federal Election Commission, Fitch Has Contributed \$2,000 To Federal Campaign Committees. ([Federal Election Commission](#), Accessed 6/21/22)

- **In 2001, Fitch Contributed \$2,000 To The Dan Blue Senate Committee.** ([Federal Election Commission](#), Accessed 6/21/22)

North Carolina State Board Of Elections

According To The North Carolina State Board Of Elections, Fitch Has Contributed \$71,655 To Campaign Committees In North Carolina. (North Carolina State Board Of Elections, Accessed 6/21/22)

Name	Committee Name	Date Occurred	Amount
MILTON F (TOBY) 'TOBY' FITCH JR	06TH CONG DIST REC	10/28/1992	\$ 4,895.00

MILTON F (TOBY) 'TOBY' FITCH JR	ABBOTT LABORATORIES EMPL PAC	11/15/1993	\$ 200.00
MILTON F (TOBY) 'TOBY' FITCH JR	ABBOTT LABORATORIES EMPL PAC	9/28/1994	\$ 100.00
MILTON F (TOBY) 'TOBY' FITCH JR	ALMA ADAMS CAMPAIGN	10/28/1996	\$ 750.00
MILTON F (TOBY) 'TOBY' FITCH JR	AMERICAN GENERAL CORP PAC	12/22/1993	\$ 100.00
MILTON FITCH JR	AMERICAN GENERAL CORP PAC	9/11/1992	\$ 100.00
MILTON F (TOBY) 'TOBY' FITCH JR	ARNOLD BRYANT FOR NC STATE HOUSE	5/1/2000	\$ 2,000.00
MILTON F (TOBY) 'TOBY' FITCH JR	ASSN FOR HOME & HOSPICE CARE OF NC	1/26/1994	\$ 125.00
MILTON F (TOBY) 'TOBY' FITCH JR	ASSN FOR HOME & HOSPICE CARE OF NC	10/17/1994	\$ 100.00
MILTON F FITCH	AT&T COMP PAC OF NC	2/2/1994	\$ 250.00
MILTON F FITCH	AT&T NC PAC	1/24/1994	\$ 250.00
MILTON F FITCH	AT&T NC PAC	2/21/1994	\$ 500.00
MILTON F FITCH	AT&T NC PAC	10/15/1994	\$ 500.00
MILTON F (TOBY) 'TOBY' FITCH JR	AT&T NC PAC	10/21/1996	\$ 500.00
MILTON F (TOBY) 'TOBY' FITCH JR	BANK OF AMERICA NC PAC	1/20/1994	\$ 250.00
MILTON F (TOBY) 'TOBY' FITCH JR	BANK OF AMERICA NC PAC	10/11/1994	\$ 250.00
MILTON F (TOBY) 'TOBY' FITCH JR	BLACKWELL FOR NC HOUSE	5/2/1996	\$ 500.00
MILTON F FITCH	BLACKWELL FOR NC HOUSE	11/7/1996	\$ 1,000.00
MILTON F FITCH	BLUE CROSS & BLUE SHIELD OF NC EMPL PAC	10/17/1992	\$ 200.00
MILTON F FITCH	BLUE CROSS & BLUE SHIELD OF NC EMPL PAC	4/25/1994	\$ 250.00
MILTON F FITCH	BOB ETHERIDGE COMM	10/6/1994	\$ 50.00
MILTON F FITCH	BOB MARTIN SENATE CAMPAIGN	1/17/1994	\$ 125.00
MILTON F FITCH	BONNER FOR THE HOUSE	10/29/1996	\$ 500.00
MILTON F FITCH	BOWMAN COMM FOR RE-ELECTION TO NC HOUSE	5/3/1996	\$ 500.00
MILTON F FITCH	BROWNING FERRIS INDUSTRIES PAC	2/2/1994	\$ 125.00
MILTON F FITCH	BURROUGHS WELLCOME COMP NC GOOD GOVT FUND	2/1/1994	\$ 250.00
MILTON F FITCH	CAROLINA DRIVE CHAPTER 1 STATE ACCT INTL BROTHERHOOD TEAMSTERS	2/4/1994	\$ 250.00

MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	3/5/1990	\$	100.00
MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	9/19/1990	\$	100.00
MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	3/18/1992	\$	250.00
MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	9/10/1992	\$	500.00
MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	1/31/1994	\$	250.00
MILTON F FITCH	CAROLINA TEL & TEL COMP LEADERSHIP FOR ACTION PAC	11/2/1994	\$	200.00
MILTON F FITCH	CAROLINAS ELECTRICAL CONTRACTORS PAC	9/18/1992	\$	200.00
MILTON F FITCH	CAROLINAS ELECTRICAL CONTRACTORS PAC	11/2/1994	\$	100.00
MILTON F FITCH	CITIZENS FOR PROPERTY RIGHTS PAC	12/2/1993	\$	250.00
MILTON F FITCH	CITIZENS FOR PROPERTY RIGHTS PAC	2/2/1994	\$	50.00
MILTON F FITCH	CITIZENS FOR PROPERTY RIGHTS PAC	7/1/1994	\$	75.00
MILTON F FITCH	CITIZENS FOR PROPERTY RIGHTS PAC	10/1/1994	\$	75.00
MILTON F FITCH	COCA COLA CONSOLIDATED EMPL COMM FOR GOOD GOVT	1/21/1994	\$	500.00
MILTON F FITCH	COLLEGE DEMOCRATS OF NORTH CAROLINA	11/29/2018	\$	100.00
MILTON F FITCH	COMM FOR RESPONSIBLE GOVT DOMINION RESOURCES INC	2/1/1994	\$	250.00
MILTON F FITCH	COMM FOR RESPONSIBLE GOVT DOMINION RESOURCES INC	9/8/1994	\$	300.00
MILTON F FITCH	COMM TO ELECT AILEEN W FORD	4/29/1996	\$	500.00
TOBY FITCH	COMM TO ELECT BECKY H MOCK	11/30/1998	\$	500.00
TOBY FITCH	COMM TO ELECT CALRTON PRESSLEY	4/27/2000	\$	2,000.00
MILTON F FITCH	COMM TO ELECT DANIEL MALLISON	4/29/1996	\$	500.00
MILTON F FITCH	COMM TO ELECT DANIEL MALLISON	7/5/1996	\$	500.00

MILTON F FITCH	COMM TO ELECT DONNIE HOOVER	10/25/2008	\$	100.00
MILTON F FITCH	COMM TO ELECT DONNIE HOOVER	9/27/2008	\$	100.00
MILTON F FITCH	COMM TO ELECT JIM BLACK	2/8/1994	\$	500.00
MILTON F FITCH	COMM TO ELECT JUDGE ANTHONY W BROWN	8/27/2020	\$	500.00
MILTON F FITCH	COMM TO ELECT MARTIN NESBITT	2/2/1994	\$	125.00
MILTON F FITCH	COMM TO ELECT MILTON FITCH JR	2/24/2010	\$	1,244.00
MILTON F FITCH	COMM TO ELECT MILTON FITCH JR	3/22/2010	\$	1,244.00
TOBY FITCH	COMM TO ELECT TOMMY JENKINS	12/24/1996	\$	1,000.00
MILTON F FITCH	COMM TO RE-ELECT JUDGE MARSH	11/1/2016	\$	250.00
MILTON F FITCH	COMM TO RE-ELECT MARY MCALLISTER	5/3/1996	\$	500.00
MILTON F FITCH	COMM TO RE-ELECT MARY MCALLISTER	3/30/1998	\$	500.00
MILTON F FITCH	CONCERNED ASSOC EMPL PAC	12/22/1993	\$	200.00
MILTON F FITCH	CREDIT UNION PAC OF NC	9/7/1994	\$	50.00
MILTON F FITCH	DANIEL HOWARD DEVANE CANDIDATE	2/1/1994	\$	250.00
MILTON F FITCH	DARRYL G SMITH CANDIDATE	10/14/1994	\$	50.00
MILTON F FITCH	DEM LEGISLATIVE CAMPAIGN COMM	11/16/1994	\$	3,000.00
MILTON F FITCH	DEM LEGISLATIVE CAMPAIGN COMM	10/21/1990	\$	100.00
MILTON F FITCH	DEM LEGISLATIVE CAMPAIGN COMM	7/2/1992	\$	250.00
MILTON F FITCH	DOMINION ENERGY INC. PAC	9/21/1992	\$	200.00
MILTON F FITCH	DUKE ENERGY CORPORATION CAROLINAS PAC	1/31/1994	\$	250.00
MILTON F FITCH	EDWARD C BOWEN FOR NC HOUSE	2/18/1994	\$	125.00
MILTON F FITCH	ELAINE MARSHALL COMM FOR NC SENATE	10/16/1994	\$	50.00
MILTON F FITCH	EMPLOYEES POLITICAL ACTION COMMITTEE	1/26/1994	\$	100.00
MILTON F FITCH	EMPLOYEES POLITICAL ACTION COMMITTEE	10/28/1994	\$	100.00
MILTON F FITCH	ENGINEERS PAC OF NC	2/28/2001	\$	100.00
MILTON F FITCH	FIRST CITIZENS BANK PAC STATE	10/1/1992	\$	100.00
MILTON F FITCH	FITCH FOR SENATE COMMITTEE	12/11/2019	\$	140.00

MILTON F FITCH	FITCH FOR SENATE COMMITTEE	2/16/2018	\$ 207.00
MILTON F FITCH	FRIENDS FOR DENNIS WICKER COMM	4/23/1996	\$ 1,000.00
MILTON F FITCH	GLAXO INC NC PAC	9/25/1990	\$ 200.00
MILTON F FITCH	GLAXO INC NC PAC	9/25/1992	\$ 300.00
MILTON F FITCH	GLAXO INC NC PAC	2/7/1994	\$ 500.00
MILTON F FITCH	HARRY PAYNE COMM	10/27/1994	\$ 50.00
MILTON F FITCH	HEALTH NETWORK SOLUTIONS PAC	1/28/1994	\$ 250.00
MILTON F FITCH	HEALTH NETWORK SOLUTIONS PAC	2/16/1994	\$ 250.00
MILTON F FITCH	HEALTH NETWORK SOLUTIONS PAC	10/18/1994	\$ 100.00
MILTON F FITCH	JEFFERSON PILOT STATE GOOD GOVT COMM	4/6/1992	\$ 200.00
MILTON F FITCH	JEFFERSON PILOT STATE GOOD GOVT COMM	2/18/1993	\$ (200.00)
MILTON F FITCH	JEFFERSON PILOT STATE GOOD GOVT COMM	10/24/1994	\$ 300.00
MILTON F FITCH	JIM LONG ELECTION COMM	10/5/1994	\$ 50.00
MILTON F FITCH	JUDGE BOB HUNTER FOR NC SUPREME CT	5/30/1990	\$ 100.00
MILTON F FITCH	JUDGE BOB HUNTER FOR NC SUPREME CT	10/25/1996	\$ 100.00
MILTON F FITCH	JUDGE JIM WYNN FOR CT OF APPEALS	9/30/1997	\$ 500.00
MILTON FITCH JR	LINWOOD E MERCER CANDIDATE	11/16/1993	\$ 1,000.00
MILTON F FITCH	LORELL MADDOX CANDIDATE	1/31/1997	\$ 803.00
MILTON F FITCH	LORELL MADDOX CANDIDATE	1/31/1997	\$ 2,597.00
MILTON F FITCH	LORELL MADDOX CANDIDATE	1/31/1997	\$ 803.00
MILTON F FITCH	LORELL MADDOX CANDIDATE	1/31/1997	\$ 2,597.00
MILTON FITCH JR	LORELL MADDOX CANDIDATE	5/25/1996	\$ 3,400.00
MILTON F FITCH	MANUFACTURED AND MODULAR HOMEBUILDERS PAC	2/20/1990	\$ 300.00
MILTON F FITCH	MANUFACTURED AND MODULAR HOMEBUILDERS PAC	1/27/1994	\$ 250.00
MILTON F FITCH	MANUFACTURED AND MODULAR HOMEBUILDERS PAC	10/11/1994	\$ 150.00
MILTON F FITCH	NATL ASSN OF INSURANCE AND FINANCIAL ADVISORS NC PAC	6/25/1990	\$ 200.00

MILTON F FITCH	NATL ASSN OF INSURANCE AND FINANCIAL ADVISORS NC PAC	8/26/1992	\$ 200.00
MILTON F FITCH	NATL ASSN OF INSURANCE AND FINANCIAL ADVISORS NC PAC	4/20/1994	\$ 500.00
MILTON F FITCH	NATL ASSN OF INSURANCE AND FINANCIAL ADVISORS NC PAC	8/31/1994	\$ 200.00
MILTON F FITCH	NC ACADEMY OF FAMILY PHYSICIANS PAC	10/21/1992	\$ 250.00
MILTON F FITCH	NC ACADEMY OF FAMILY PHYSICIANS PAC	10/13/1994	\$ 50.00
MILTON F FITCH	NC ADVOCATES FOR JUSTICE PAC	1/18/1994	\$ 500.00
MILTON F FITCH	NC ADVOCATES FOR JUSTICE PAC	3/11/1994	\$ 2,000.00
MILTON F FITCH	NC ADVOCATES FOR JUSTICE PAC	4/6/1992	\$ 500.00
MILTON F FITCH	NC ADVOCATES FOR JUSTICE PAC	8/21/1992	\$ 500.00
TOBY FITCH JR	NC ADVOCATES FOR JUSTICE PAC	9/1/1994	\$ 1,000.00
MILTON F FITCH	NC ANESTHESIOLOGISTS PAC	10/7/1992	\$ 200.00
MILTON F FITCH	NC ANESTHESIOLOGISTS PAC	1/26/1994	\$ 250.00
MILTON F FITCH	NC ANESTHESIOLOGISTS PAC	10/26/1994	\$ 200.00
MILTON F FITCH	NC ANESTHESIOLOGISTS PAC	4/8/1996	\$ 100.00
MILTON F FITCH	NC ASSN LONG TERM CARE FACS PAC	4/24/1990	\$ 100.00
MILTON F FITCH	NC ASSN LONG TERM CARE FACS PAC	1/25/1994	\$ 250.00
MILTON F FITCH	NC ASSN LONG TERM CARE FACS PAC	10/18/1994	\$ 250.00
MILTON F FITCH	NC ASSN OF CONVENIENCE STORES PAC	4/21/1992	\$ 200.00
MILTON F FITCH	NC ASSN OF CONVENIENCE STORES PAC	4/27/1994	\$ 200.00
MILTON F FITCH	NC ASSN OF CONVENIENCE STORES PAC	10/12/1994	\$ 300.00

MILTON F FITCH	NC ASSN OF CPAS PAC	10/17/1994	\$	100.00
MILTON F FITCH	NC ASSN OF PERSONNEL SERVICES ALLIANCE PAC	10/20/1994	\$	150.00
MILTON F FITCH	NC BANKERS ASSN PAC	10/3/1994	\$	150.00
MILTON F FITCH	NC BEER & WINE WHOLESALE ASSN PAC	2/2/1994	\$	250.00
MILTON F FITCH	NC CABLE PAC	4/20/1992	\$	200.00
MILTON F FITCH	NC CABLE PAC	4/27/1994	\$	200.00
MILTON F FITCH	NC CHAPTER AMERICAN INSTITUTE OF ARCHITECTS PAC	1/21/1994	\$	150.00
MILTON F FITCH	NC CHAPTER AMERICAN INSTITUTE OF ARCHITECTS PAC	10/4/1994	\$	100.00
MILTON F FITCH	NC CHAPTER AMERICAN INSTITUTE OF ARCHITECTS PAC	9/26/1990	\$	50.00
MILTON F FITCH	NC CHAPTER AMERICAN INSTITUTE OF ARCHITECTS PAC	4/3/1992	\$	50.00
MILTON F FITCH	NC CHAPTER AMERICAN INSTITUTE OF ARCHITECTS PAC	10/2/1992	\$	50.00
MILTON F FITCH	NC CWA COMM ON POL EDU POL CONTRIBUTION COMM	10/19/1992	\$	100.00
MILTON F FITCH	NC DENTAL SOCIETY PAC	8/18/1992	\$	300.00
MILTON F FITCH	NC DENTAL SOCIETY PAC	1/25/1994	\$	250.00
MILTON F FITCH	NC DENTAL SOCIETY PAC	3/22/1994	\$	400.00
MILTON F FITCH	NC DENTAL SOCIETY PAC	8/1/1994	\$	300.00
MILTON F FITCH	NC DENTAL SOCIETY PAC	10/2/1994	\$	100.00
MILTON F FITCH	NC FARM BUREAU PAC	1/20/1994	\$	250.00
MILTON F FITCH	NC FARM BUREAU PAC	10/24/1994	\$	200.00
MILTON F FITCH	NC FARM BUREAU PAC	1/18/1995	\$	200.00
MILTON F FITCH	NC HEALTH CARE FACILITIES ASSN PAC	1/17/1994	\$	250.00
MILTON F FITCH	NC HOME BUILDERS ASSN PAC	2/2/1994	\$	250.00
MILTON F FITCH	NC HOME BUILDERS ASSN PAC	10/5/1992	\$	200.00
MILTON F FITCH	NC HOME BUILDERS ASSN PAC	5/31/1993	\$	(200.00)
MILTON F FITCH	NC HOSPITAL ASSN PAC	10/30/1991	\$	300.00
MILTON F FITCH	NC HOSPITAL ASSN PAC	10/2/1992	\$	200.00
MILTON F FITCH	NC HOSPITAL ASSN PAC	8/31/1993	\$	(200.00)

MILTON F FITCH	NC HOSPITAL ASSN PAC	1/20/1994	\$	500.00
MILTON F FITCH	NC MANUFACTURERS PAC	10/9/1992	\$	200.00
MILTON F FITCH	NC MEDICAL SOCIETY STATE POL EDU AND ACTION COMM	9/28/1992	\$	200.00
MILTON F FITCH	NC MEDICAL SOCIETY STATE POL EDU AND ACTION COMM	9/22/1994	\$	250.00
MILTON F FITCH	NC PHARMACY PAC	10/15/1990	\$	200.00
MILTON F FITCH	NC PHARMACY PAC	6/20/1992	\$	150.00
MILTON F FITCH	NC PORK COUNCIL PAC	4/13/1994	\$	200.00
MILTON F FITCH	NC PORK COUNCIL PAC	9/30/1994	\$	200.00
MILTON F FITCH	NC REALTORS PAC	8/31/1992	\$	300.00
MILTON F FITCH	NC REALTORS PAC	8/25/1994	\$	125.00
MILTON F FITCH	NC SOCIETY OF EYE PHYSICIANS & SURGEONS PAC	10/23/1992	\$	150.00
MILTON F FITCH	NC SOCIETY OF EYE PHYSICIANS & SURGEONS PAC	2/16/1994	\$	200.00
MILTON F FITCH	NC STATE AFL CIO COMM ON POL EDU	1/18/1994	\$	500.00
MILTON F FITCH	NC STATE AFL CIO COMM ON POL EDU	10/25/1994	\$	50.00
MILTON F FITCH	NC STATE OPTOMETRIC SOCIETY PAC	9/10/1992	\$	100.00
MILTON F FITCH	NC STATE OPTOMETRIC SOCIETY PAC	1/4/1994	\$	250.00
MILTON F FITCH	NC TRUCKING ASSN COMM FOR GOOD GOVT	3/28/1994	\$	50.00
MILTON F FITCH	NC VENDING ASSN INC PAC	4/24/1992	\$	50.00
MILTON F FITCH	NC VENDING ASSN INC PAC	10/10/1992	\$	100.00
MILTON F FITCH	NC VENDING ASSN INC PAC	4/25/1994	\$	150.00
MILTON F FITCH	NC VENDING ASSN INC PAC	10/24/1994	\$	150.00
MILTON F FITCH	NCAE PAC	1/24/1994	\$	250.00
MILTON F FITCH	NORFOLK SOUTHERN CORP GOOD GOVT FUND	11/1/1994	\$	125.00
MILTON F FITCH	PARKER POE ADAMS & BERNSTEIN PAC	2/2/1994	\$	250.00
MILTON F FITCH JR	PFIZER INC PAC	10/14/1994	\$	200.00
MILTON F FITCH JR	PHILIP MORRIS USA (NC) PAC	10/20/1990	\$	100.00
MILTON F FITCH	PIEDMONT STONE CENTER PAC	1/24/1994	\$	250.00
MILTON F FITCH JR	PLUMBING HEATING COOLING CONTRACTORS OF NC	10/15/1992	\$	100.00

MILTON F FITCH JR	PLUMBING HEATING COOLING CONTRACTORS OF NC	10/26/1994	\$ 50.00
MILTON F FITCH JR	PSNC ENERGY PAC	1/24/1994	\$ 250.00
MILTON F FITCH JR	RESIDENT LENDERS PAC	2/15/1994	\$ 250.00
MILTON F FITCH JR	REYNOLDS AMERICAN INC PAC	1/20/1994	\$ 500.00
MILTON F FITCH JR	RICHARD M HENDERSON FOR NC HOUSE	5/3/1996	\$ 500.00
MILTON F FITCH JR	TRANSOUTH FINANCIAL CORP PAC	5/11/1994	\$ 100.00
MILTON F FITCH JR	TUCKER FOR NC HOUSE	10/8/1996	\$ 1,000.00
MILTON F. (TOBY) FITCH JR	UNITED TRANSPORTATION PAC	4/19/1994	\$ 500.00
MILTON FITCH	WACHOVIA NC EMPL GOOD GOVT FUND	7/27/1994	\$ 500.00
MILTON FITCH	WASTE MANAGEMENT EMPLOYEES BETTER GOVT FUND	2/11/1994	\$ 250.00
MILTON FITCH	WASTE MANAGEMENT EMPLOYEES BETTER GOVT FUND	10/20/1994	\$ (250.00)
MILTON FITCH	WASTE MANAGEMENT EMPLOYEES BETTER GOVT FUND	10/20/1994	\$ 100.00
MILTON FITCH	WILSON DEC	10/30/1996	\$ 1,200.00
MILTON FITCH	WILSON DEC	9/20/2018	\$ 100.00
MILTON FITCH	WILSON DEC	10/9/2019	\$ 100.00
MILTON FITCH JR	WILSON DW	9/27/2018	\$ 200.00

(North Carolina State Board Of Elections, Accessed 6/21/22)

NOTE: Fitch and his father, Milton Fitch, Sr., share the same name and have several overlapping addresses based on open-source software. Due to these commonalities, some contributions require further examination to determine whether they are from Fitch or his father.

VOTING RECORDS

Toby Fitch has been an actively-registered Democratic Party voter in Wilson County, North since December 27, 1967. Since 1992, Fitch appears to have voted in every election for which he has been eligible. (Note: Voter history prior to 1992 is no longer available, per record retention schedule).

Wilson County, NC

According To The North Carolina State Board Of Elections, Fitch Has Been An Actively-Registered Democratic Party Voter In Wilson County, North Carolina Since December 27, 1967. (Voter Profile Report: Toby Fitch, [North Carolina State Board Of Elections](#), Accessed 6/21/22)

MILTON FREDERICK FITCH JR
516 LODGE ST S
WILSON, NC 27893

[Collapse all sections](#) | [Expand all sections](#)

YOUR VOTER DETAILS

County: WILSON
Status: ACTIVE
Voter Reg Num: 000000010050
NCID: EP8571
Party: DEM
Race: BLACK or AFRICAN AMERICAN
Ethnicity: NOT HISPANIC or NOT LATINO
Gender: MALE
Registration Date: 12/27/1967
NCDMV Customer: Yes

(Voter Profile Report: Toby Fitch, [North Carolina State Board Of Elections](#), Accessed 6/21/22)

Since 1992, Fitch Appears To Have Voted In Every Election For Which He Has Been Eligible. (Voter Profile Report: Toby Fitch, [North Carolina State Board Of Elections](#), Accessed 6/21/22)

Election	Voted Method	Voted County	Primary Election Ballot
05/17/2022 PRIMARY	CURBSIDE: ONE-STOP EARLY VOTING	WILSON	DEMOCRATIC
11/03/2020 GENERAL	CURBSIDE: ONE-STOP EARLY VOTING	WILSON	
03/03/2020 PRIMARY	CURBSIDE ELECTION DAY	WILSON	DEMOCRATIC
11/05/2019 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	
11/06/2018 GENERAL	CURBSIDE ELECTION DAY	WILSON	
05/08/2018 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/08/2016 GENERAL	CURBSIDE: ONE-STOP EARLY VOTING	WILSON	
06/07/2016 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
03/15/2016 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/04/2014 GENERAL	IN-PERSON ELECTION DAY	WILSON	
05/06/2014 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/05/2013 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	
11/06/2012 GENERAL	ONE-STOP EARLY VOTING	WILSON	
05/08/2012 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/02/2010 GENERAL	IN-PERSON ELECTION DAY	WILSON	
05/04/2010 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/04/2008 GENERAL	ONE-STOP EARLY VOTING	WILSON	
05/06/2008 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/06/2007 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	
11/07/2006 GENERAL	IN-PERSON ELECTION DAY	WILSON	
05/02/2006 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/08/2005 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	

11/02/2004 GENERAL	IN-PERSON ELECTION DAY	WILSON	
07/20/2004 PRIMARY	IN-PERSON ELECTION DAY	WILSON	DEMOCRATIC
11/04/2003 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	
11/05/2002 GENERAL	ABSENTEE	WILSON	
09/10/2002 PRIMARY	ABSENTEE	WILSON	DEMOCRATIC
11/06/2001 MUNICIPAL	IN-PERSON ELECTION DAY	WILSON	
11/07/2000 GENERAL	LEGACY	WILSON	
05/02/2000 PRIMARY	LEGACY	WILSON	DEMOCRATIC
11/02/1999 MUNICIPAL	LEGACY	WILSON	
11/03/1998 GENERAL	LEGACY	WILSON	
09/15/1998 PRIMARY	LEGACY	WILSON	DEMOCRATIC
11/04/1997 MUNICIPAL	LEGACY	WILSON	
11/05/1996 GENERAL	LEGACY	WILSON	
06/04/1996 SECOND PRIMARY	LEGACY	WILSON	
05/07/1996 PRIMARY	LEGACY	WILSON	
11/07/1995 MUNICIPAL	LEGACY	WILSON	
11/08/1994 GENERAL	LEGACY	WILSON	
05/31/1994 SECOND PRIMARY	LEGACY	WILSON	
05/03/1994 PRIMARY	LEGACY	WILSON	
11/02/1993 MUNICIPAL	LEGACY	WILSON	
11/03/1992 GENERAL	LEGACY	WILSON	
06/02/1992 SECOND PRIMARY	LEGACY	WILSON	
05/05/1992 PRIMARY	LEGACY	WILSON	

(Voter Profile Report: Toby Fitch, [North Carolina State Board Of Elections](#), Accessed 6/21/22)

NOTE: Voter history prior to 1992 is no longer available, per record retention schedule.

PUBLIC COMPENSATION RECORDS

NOTE: Percipient Strategies currently awaits responsive records relating to Toby Fitch's public compensation records during his tenure in various elected offices.

CRIMINAL RECORDS

According to Nexis, Toby Fitch has received at least four traffic citations throughout Virginia and North Carolina.

Traffic Citations

According To Nexis, In December 2001, Fitch Received A Traffic Citation For Speeding In Chesapeake, Virginia. (Nexis, Accessed 6/22/22)

1: Virginia Court Report

Offender information
Name: FITCH, MILTON F JR
Address: VA
Case Number: 550GT0106039400
Case Filing Date: 12/19/2001
Case Type: INFRACTION
DOB: 10/1946
SSN: 240-72-XXXX
Race: BLACK
Sex: Male

Offenses
Categories: TRAFFIC
Case Filing Date: 12/19/2001
Offense Date: 12/16/2001
Court Description: CHESAPEAKE GENERAL DISTRICT
Case Number: 550GT0106039400
Court Offense: SPD 70/55
Court Statute: G.46.2-878
Court Disposition: GUILTY
Court Disposition Date: 02/08/2002
Court Level/Degree: INFRACTION

(Nexis, Accessed 6/22/22)

- **Fitch Pleaded Guilty To The Charge.** (Nexis, Accessed 6/22/22)

According To Nexis, In September 1987, Fitch Received A Traffic Citation In Wilson County, North Carolina. (Nexis, Accessed 6/22/22)

2: North Carolina Court Report

Offender information
Name: FITCH, MILTON FREDRICK JR
Address: 5165 LODGE ST
WILSON, NC 27893
WILSON COUNTY
Case Number: 3201987CR 007233
Case Filing Date: 09/22/1987
Case Type: CRIMINAL

DOB: 10/1946
SSN: 240-72-XXXX
Race: BLACK
Sex: Male

Offenses
Categories: OTHER
Case Filing Date: 09/22/1987
Court Case Number: 3201987CR 007233
Court Offense: NOT SPECIFIED
Court Disposition: DISPOSED

(Nexis, Accessed 6/22/22)

- **This Case Was Disposed.** (Nexis, Accessed 6/22/22)

According To Nexis, In April 1983, Fitch Received A Traffic Citation In Wilson County, North Carolina. (Nexis, Accessed 6/22/22)

3: North Carolina Court Report

Offender information
Name: FITCH, MILTON FREDRICK JR
Address: 5165 LODGE ST
WILSON, NC 27893
WILSON COUNTY
Case Number: 6301983CR 004745
Case Filing Date: 04/15/1983
Case Type: CRIMINAL
DOB: 10/1946
SSN: 240-72-XXXX
Race: BLACK
Sex: Male

Offenses

Categories: OTHER
Case Filing Date: 04/15/1983
Court Case Number: 6301983CR 004745
Court Offense: NOT SPECIFIED
Court Disposition: DISPOSED

(Nexis, Accessed 6/22/22)

- **This Case Was Disposed.** (Nexis, Accessed 6/22/22)

According To Nexis, Fitch Received A Traffic Citation In Wilson County, North Carolina.
(Nexis, Accessed 6/22/22)

4: North Carolina Court Report

Offender information
Name: FITCH, MILTON F JR
Address: 516 LODGE ST S
WILSON, NC 27893-5040
WILSON COUNTY
Case Number: 9101984CR 088715
Case Type: CRIMINAL
DOB: 10/1946
SSN: 240-72-XXXX
Race: BLACK
Sex: Male

Offenses

Categories: OTHER
Court Case Number: 9101984CR 088715
Court Offense: NOT SPECIFIED
Court Disposition: DISPOSED

(Nexis, Accessed 6/22/22)

- **This Case Was Disposed.** (Nexis, Accessed 6/22/22)

POLICE RECORDS

NOTE: No immediately actionable information pertaining to Toby Fitch could be gleaned from municipal law enforcement records.

REAL PROPERTY RECORDS***516 S Lodge Street, Wilson, NC, Wilson County***

This is the primary residence owned by Toby Fitch. This single-family residence comprises three bedrooms and two bathrooms and has a 2022 assessed value of \$142,859. According to Fitch's Statement of Economic Interests, he owns 15 properties across Wilson County and Edgecombe County.

Notably, as of June 22, 2022, Fitch is delinquent on his municipal property taxes for eight properties, totaling \$3,241.20. It should be noted that Fitch has partially paid the taxes at 509 S Douglas Street, Wilson, North Carolina, but still owes \$107.35.



([Wilson County GIS](#), Accessed 6/22/22)

Property Information

Full Address:	516 S Lodge Street, Wilson, NC 27893
County:	Wilson County
Parcel ID:	3721189480
Property Type:	Single-Family Residential
Owner:	WHITTED WALTER C HEIRS
Sale Date:	-
Sale Price:	-
Year Built:	1917
Total Bedrooms:	3
Total Bathrooms:	2
Total Square Footage:	3,917
2022 Assessed Value:	\$142,859

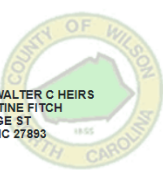
([Wilson County Assessor](#), Accessed 6/22/22)

Tax Information

In 2022, Fitch Will Pay \$2,010.50 Total Municipal Property Taxes. ([Wilson County Tax Departmenthttps://property.spataleest.com/co/pueblo/-/property/1516122050](https://property.spataleest.com/co/pueblo/-/property/1516122050), Accessed 6/22/22)

THIS IS A GENERATED TAX BILL. NOT THE ORIGINAL! - FOR DISPLAY PURPOSES ONLY

WILSON COUNTY TAX DEPARTMENT
113 NASH ST E
PO BOX 1162
WILSON NC 27894-1162



WHITTED WALTER C HEIRS
C/O CHRISTINE FITCH
516 S LODGE ST
WILSON, NC 27893

IMPORTANT - PLEASE READ

DUE DATE: Property taxes are due and payable Sept 1 and must be paid by Jan 5. Interest begins Jan 6 at a rate of 2% and 3/4 of 1% each month thereafter. Delinquent taxes are subject to Levy, Foreclosure, and/or Garnishment of bank deposits, state refunds and wages with a \$60.00 fee applied.

REAL ESTATE: Real property is billed to the current owner at the time of billing. If you are not responsible for this bill, please forward to the appropriate person or return to the Tax Office. All unpaid taxes are advertised in the name of the delinquent owner as of Jan 6.

PERSONAL PROPERTY: Jan 1 determines taxable situs for personal property and tax liability. If you have sold this property or moved from this county during the year, this tax bill is still due and payable in full.

PAYMENT BY MAIL: Late payment penalties are determined by US Postage Postmark only.

CREDIT CARD/ONLINE PAYMENTS: Visa, AmExp, Discover & Mastercard payments accepted by calling 252-360-1033, or at www.wilson-co.com Click on **ONLINE SERVICES** → **PAY TAX BILL** (allow 48 hours to process).

ESCROW/MORTGAGE: The property owner is responsible for ensuring full payment. Wilson County can notify escrow providers if they request. [\[+\] haga clic aqui para español](#)

YEAR	ACCOUNT NUMBER	PARCEL ID	BILL NUMBER	DUE DATE
2021	19363620	3721189480.000	1275548	1-05-2022

DESCRIPTION OF PROPERTY	ASSESSED	VALUE
516 LODGE ST S	\$2,010.50	150,859
Total Taxable Value		150,859

YEAR	ACCOUNT NUMBER	PARCEL ID	RECEIPT NUMBER	DUE DATE	TOTAL DUE NOW
2021	19363620	3721189480.000	2346357	1-05-2022	\$ 2,010.50
TOTAL DUE					\$ 283.26

([Wilson County Tax Departmenthttps://property.spataleest.com/co/pueblo/-/property/1516122050](https://property.spataleest.com/co/pueblo/-/property/1516122050), Accessed 6/22/22)

- **Fitch Still Owes \$283.26.** ([Wilson County Tax Departmenthttps://property.spataleest.com/co/pueblo/-/property/1516122050](https://property.spataleest.com/co/pueblo/-/property/1516122050), Accessed 6/22/22)

Additional Properties

According To Fitch's 2018 Statement Of Economic Interest, He Owns 15 Properties Across Wilson County And Edgecombe County. (2018 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 4/24/18)

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Self: 603 East Nash Street	100	Wilson	Wilson
Self: 511 South Douglas Street	100	Wilson	Wilson
Self: 1541 Beverly Road	100	Rocky Mount	Edgecombe
Self: 615 East Nash Street	100	Wilson	Wilson
Self: 600 East Green Street	100	Wilson	Wilson
Self: 1203 Toisnot Ave.	100	Wilson	Wilson
Self: 906 Faison Street	100	Wilson	Wilson
Self: 531 Barnes Street	100	Wilson	Wilson
Self: 600 South Lodge Street	100	Wilson	Wilson
Self: 606 South Lodge Street	100	Wilson	Wilson
Self: 19 AC Peacock Road	100	Lucama	Wilson
Self: 516 South Lodge Street	66.67	Wilson	Wilson
Self: 510 South Lodge Street	100	Wilson	Wilson
Self: 612 South Lodge Street	100	Wilson	Wilson
Self: 509 South Douglas Street	100	Wilson	Wilson

(2018 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 4/24/18)

Tax Delinquencies

As Of June 22, 2022, Fitch Is Delinquent On His Municipal Property Taxes For Eight Properties, Totaling \$3,241.20. ([Wilson County Tax Department](#))

<https://property.spatalest.com/co/pueblo/ - /property/1516122050>, Accessed 6/22/22)

Year	Account	Bill No.	Owner Name(s)	Asset Description	Status	Taxes Owed
2021	13708845	1273366	FITCH MILTON FREDRICK JR / ...	509 DOUGLAS ST S	●●○	\$ 107.35
2021	13708845	1273367	FITCH MILTON FREDRICK JR / ...	514 LODGE ST S	●○○	\$ 201.07
2021	13708845	1273368	FITCH MILTON FREDRICK JR / ...	405 PARKER LN S	●○○	\$ 113.45
2021	13708845	1273369	FITCH MILTON FREDRICK JR / ...	403 PARKER LN S	●○○	\$ 113.45
2021	13708845	1273370	FITCH MILTON FREDRICK JR / ...	409 PARKER LN S	●○○	\$ 113.45
2021	13708845	1273371	FITCH MILTON FREDRICK JR / ...	531 BARNES ST S	●○○	\$ 1,462.28
2021	13708845	1273372	FITCH MILTON FREDRICK JR / ...	600 GREEN ST E	●○○	\$ 446.13
2021	13708846	1273373	FITCH MILTON TOBY / ...	906 FAISON ST E	●○○	\$ 684.02

([Wilson County Tax Department](#)) <https://property.spatalest.com/co/pueblo/ - /property/1516122050>, Accessed 6/22/22)

- **Fitch Has Partially Paid The Taxes At 509 S Douglas Street, Wilson, North Carolina, But Still Owes \$107.35.** ([Wilson County Tax Department](#)) <https://property.spatalest.com/co/pueblo/ - /property/1516122050>, Accessed 6/22/22)

BANKRUPTCIES, JUDGMENTS, & LIENS RECORDS

NOTE: No bankruptcies, judgments, or lien records could be found for Toby Fitch.

LEGAL ISSUES

In April 1988, Toby Fitch and his wife, Judy, jointly petitioned for a separation agreement. The parties agreed to joint custody of their child, but Judy would be the primary caregiver while Fitch was ordered to pay \$1,000 per month in child support. Judy was additionally granted exclusive use of their marital residence. (Note: Per the Wake County Clerk of Court, Fitch has a domestic relations lawsuit from 1988, which would align with the timing of this separation agreement).

Separation Agreement

In April 1988, Fitch And His Wife, Judy, Jointly Filed A Separation Agreement In Wilson County, North Carolina. (Wilson County Recorder, Filed 4/27/88)

THIS SEPARATION AGREEMENT, made and entered into as of this 27th day of April, 1988, by and between JUDY BRADLEY FITCH, party of the first part, hereinafter called Wife, a resident of Wake County, North Carolina, and MILTON F. FITCH, JR., party of the second part, hereinafter called Husband, a resident of Wilson County, North Carolina.

W I T N E S S E T H:

WHEREAS, the parties hereto were lawfully married to each other on or about October 20, 1980, and lived together as husband and wife until on or about the 25th day of April, 1988, at which time they separated one from the other, and intend to continuously live separate and apart; and

WHEREAS, the parties have one child, namely: MELONIE FITCH, born October 26, 1981 who is the issue of this marriage; and

WHEREAS, various unfortunate and unhappy difficulties, disputes and differences have arisen between the parties, as a result of which they are no longer able to live together in peace and harmony, and it is therefore necessary for the health, happiness and well being of both parties that they should continue to live separate and apart from each other; and

WHEREAS, the parties mutually have decided and agreed to live separate and apart for the remainder of their natural lives, terminate the marriage relationship, and each go her or his way unmolested by the other, both understanding and agreeing that either party may apply to the Court for an absolute uncontested divorce on the grounds of mutual separation of the parties at such time as the parties have been continuously separated for one year or more; and

(Wilson County Recorder, Filed 4/27/88)

- **The Parties Agreed To Joint Custody With Judy Being The Primary Caregiver Of Their Child.** (Wilson County Recorder, Filed 4/27/88)

6. CUSTODY OF MINOR CHILD

Wife and Husband shall joint custody of their minor child, MELONIE FITCH. The Wife shall have the care and control of the minor child born to the marriage of the parties. MELONIE FITCH, age 6, subject to reasonable visitation by the Husband to be as follows:

(Wilson County Recorder, Filed 4/27/88)

- **Fitch Was Ordered To Pay \$1,000 Per Month For Child Support.** (Wilson County Recorder, Filed 4/27/88)

7. SUPPORT

The Husband shall pay for the support of his minor child, MELONIE FITCH, the sum of ONE THOUSAND DOLLARS (\$1000.00) per month, payable on or before the 5th day of each month beginning with the first day of _____, 1988 and continuing each month thereafter until the child reaches his majority.

(Wilson County Recorder, Filed 4/27/88)

- **Judy Was Granted Exclusive Use Of Their Marital Home.** (Wilson County Recorder, Filed 4/27/88)

9. RESIDENCE

It is agreed to that Wife shall have the exclusive use and possession of the home presently owned by the parties as tenants by the entireties, and known and identified as 1109 Caspen Street, Raleigh, North Carolina and that Husband will convey unto Wife all of his interest in the said residential property. In exchange for the considerations listed in this agreement, Wife will convey all of her interest in all other real property owned by both Husband, and Wife or listed in the name of Husband only and Wife further agrees to execute all necessary documents in order to convey said interest in the said properties unto Husband.

(Wilson County Recorder, Filed 4/27/88)

NOTE: *Per the Wake County Clerk of Court, Fitch has a domestic relations lawsuit from 1988, which would align with the timing of this separation agreement.*

BUSINESS RECORDS

NOTE: *No business records could be found for Toby Fitch.*

NON-PROFIT RECORDS

NOTE: *No non-profit records could be found for Toby Fitch.*

PROFESSIONAL & RECREATIONAL LICENSES

Toby Fitch has been licensed to practice law in the state of North Carolina since August 24, 1975; Fitch's license is currently active to date.

Attorney License**North Carolina**

Fitch Has Been Licensed To Practice Law In The State Of North Carolina Since August 24, 1975. ([North Carolina State Bar](#), Accessed 6/21/22)

Judge Milton F. Fitch, Jr. - Attorney

Bar #: 6614
Name: Judge Milton F. Fitch, Jr.
Address: 516 S. Lodge St.
City: Wilson
State: NC
Zip Code: 27893
Work Phone: 919-733-5878
Email: toby_fitch@yahoo.com

Status: Active
 The lawyer is presently eligible to practice law in North Carolina.
Date Admitted: 08/24/1975
Status Date: 02/17/2018
Judicial District: 8 - Edgecombe, Nash, Wilson

([North Carolina State Bar](#), Accessed 6/21/22)


- **Fitch's License Is Currently Active To Date.** ([North Carolina State Bar](#), Accessed 6/21/22)

FINANCIAL DISCLOSURE STATEMENT

On his 2019 Statement of Economic Interests, Toby Fitch declared 100% ownership over 12 properties in Wilson, North Carolina, 67% ownership in a property in Wilson, and 100% ownership in two additional properties in separate towns in North Carolina. Fitch declared no public or private stock ownership but disclosed two creditors who he owed more than \$10,000, one of whom is current Congressman G.K. Butterfield. Fitch listed two sources of income for himself (rental and retirement), while listing two of his siblings similarly received retirement income. Fitch declared he held no civic or fiduciary positions. On his 2022 Statement of Economic Interests, Fitch declared there was no change from his past statements.

2022 Statement Of Financial Interests, North Carolina State Senate

In 2022, Fitch Declared No Change From His Past Statements. (2021 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/24/22)

 <p>STATE ETHICS COMMISSION 2022 STATEMENT OF ECONOMIC INTEREST No Change Form</p> <p>This entire form must be completed to fulfill your SEI filing obligation.</p>		FOR STAFF USE ONLY Date Received:		
		<p>RECEIVED</p> <p>FEB 24 2022</p> <p>NC ETHICS COMMISSION</p>		
Filer's Name (First, Middle, Last)				
Prefix	First Name	Middle Name	Last Name	Suffix
	Milton	F.	Fitch	Jr.
Reason for Filing (Complete all that apply)				
State Government Job (Specify agency and position.)		Board/Commission (List the complete names of all State boards on which you are serving or are being considered.)		
State Senator		N/A		
Currently Serving as a Judicial Officer (Specify office.)		Currently Serving as a Legislator (Specify House or Senate.)		
N/A		Senate		
Are you a CANDIDATE for a covered elected office? (District, Superior, or Supreme Court, Court of Clerk of Court, District Attorney, General Assembly)		If Yes, specify office and District/County if applicable:		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		State Senate / District 4		
AFFIRMATION I have carefully reviewed my most recently filed Statement of Economic Interest Long Form and my responses continue to be true, correct, and complete to the best of my knowledge and belief. I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest. I understand that my No Change Form is a public record. I have read and understand the following statutes: N.C.G.S. § 138A-26. Concealing or failing to disclose material information.				

(2021 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/24/22)

2019 Statement Of Financial Interests, North Carolina State Senate

Real Property

In 2019, Fitch Declared 100% Ownership In 12 Properties In Wilson, North Carolina; Fitch Declared 67% Ownership In One Additional Property In Wilson, North Carolina.
 (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

In 2019, Fitch Declared 100% Ownership In One Property In Rocky Mount, North Carolina And One Property In Lucama, North Carolina. (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Property Interests			
1. As of December 31, 2018, did you or any members of your immediate family:			
A. have an ownership interest in North Carolina real estate (including your residence) with a market value of \$10,000 or more?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Wilson	Wilson
Milton F. Fitch (Self)	100.00%	Rocky Mount	Edgecombe
Milton F. Fitch (Self)	100.00%	Lucama	Wilson
Milton F. Fitch (Self)	67.00%	Wilson	Wilson

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Investments

In 2019, Fitch Declared No Public Stocks Or Stock Options. (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Financial Interests	
3. As of December 31, 2018, did you or any members of your immediate family own any of the following financial interests valued at \$10,000 or more? List each company individually.	
A. Stock in a publicly owned company?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
► Do <u>not</u> list interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if:	
1. the fund is publicly traded or its assets are widely diversified; and	
2. neither you nor an immediate family member are able to control the underlying assets.	
Owner of Interest	Full Name of Company or ticker symbol
B. Stock options in a company or business?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)
C. Interests in a non-publicly owned company or business entity? These include interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - If "No," proceed to question 4.	
Owner of Interest	Name of Company or Business Entity

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

- **In 2019, Fitch Declared No Private Stock Ownership.** (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Creditors

In 2019, Fitch Declared Personal Liabilities Over \$10,000 To G.K. Butterfield. (2019

Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

In 2019, Fitch Declared Personal Liabilities Over \$10,000 To Ocwen Financial. (2019

Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

5. As of December 31, 2018, did you any members of your immediate family have liabilities of \$10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Debtor	Type of Creditor (commercial Bank, credit union, individual, etc.)
Milton F. Fitch (Self)	603 East Nash Street Individual: G. K. Butterfield
Milton F. Fitch (Self)	1203 Toisnot Ave. Ocwen Financial

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Income

In 2019, Fitch Declared Personal Income Of More Than \$5,000 From Rental Properties.

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

In 2019, Fitch Declared Personal Retirement Income Of More Than \$5,000 From The Judicial Court System. (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#),

Filed 2/28/19)

In 2019, Fitch Declared Both Of Siblings Received Retirement Income. (2019 Statement Of

Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

6. List each source of income (not specific amounts) of more than \$5,000 received by you or any members of your immediate family during 2018. Include salary, wages, state/local government retirement income, professional fees, honoraria, interest, dividends, rental income, business income, and other types required to be reported on State and federal tax returns. Do not include income received from the following sources: ▶ Capital gains ▶ Federal government retirement ▶ Military retirement ▶ Social security income/SSDI			
Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
Christine L. Fitch (Sibling)	Retirement	Wilson County Education Board	Other type of income
Ernestine L. Fitch (Sibling)	Retirement	Practitioner	Other type of income
Milton F. Fitch (Self)	Retirement	Judicial Court System	Other type of income
Milton F. Fitch (Self)	Rental Property	Real Estate	Rental income

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Civic Positions

In 2019, Fitch Declared He Held No Civic Positions. (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Professional and Civic Relationships			
7(a). During 2018, were you or any members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - If "No," proceed to question 8.			
► Do not list State boards or entities. ► Do not list organizations of which you are a mere member.			
Name of Person	Position	Name of Nonprofit Corporation or Organization	Nature or Purpose of Organization
7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, briefly describe the nature of that business, if known or with due diligence could reasonably be known.			
Name of Nonprofit Corporation or Organization		Describe State Business	
None or Not Known			
8. During 2018, were you or any members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or judicial officer or you are filing as an appointee to one of those offices.			
► Do not list organizations of which you are only a member and do not serve in a leadership role.			

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

Fiduciary Positions

In 2019, Fitch Declared He Held No Fiduciary Positions. (2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

9(a). List the name of each business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2018.			
Name of Person	Relationship to Filer	Name of Company	Role of Person
No Business Associations			
9(b). If you know that any entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2018, briefly describe that activity.			
Name of Company or Business Entity		Description of Business Activity with the State	
None or Not Known			

(2019 Statement Of Economic Interests, [North Carolina State Ethics Commission](#), Filed 2/28/19)

FITCH'S FISCALLY IRRESPONSIBLE, ANTI-GROWTH GOVERNANCE

A review of Fitch's decades-long tenure in-and-out of the legislature has revealed the record of not just a tax-and-spend Democrat, but a unique obstructionist who took several fiscally irresponsible positions.

On tax issues, Fitch was establishing his reputation as a leftist progressive as early as the 1990s. In 1995, Fitch was the only House member (108-1) to vote against a \$240 million income tax cut for working class citizens. In 1995, Fitch criticized cutting the intangibles tax on stocks and bonds - a \$125 million tax cut. In 1998, Fitch was the only legislator to vote against the state budget plan which repealed the inheritance tax. Perhaps most notably, in 2001, Fitch pushed for a \$620 million tax hike, which included a half-penny sales tax increase, sales tax increases on liquor and other select items, and income tax hike for high earners. More recently, in 2021, Fitch voted against an effort to provide tax cuts to individuals and businesses. Fitch also recently criticized the 2021 budget for including a phase out of the corporate tax rate.

Despite seeking to raise additional revenues, Fitch as shown little interest in restraint regarding spending. Fitch has opposed increasing the integrity of the welfare state. Fitch opposed tightening of cash welfare assistance eligibility rules. Fitch opposed increasing the integrity of the unemployment compensation system by strengthening unemployment work search requirements. Fitch opposed certain work requirements for food stamps.

Fitch has opted to seek further damage on the North Carolina economy by expanding burdensome regulations on businesses.

Finally, Fitch supported the left's big government reaction to the covid-19 pandemic that decimated the economy. Fitch supported Roy Cooper's authority and actions amid the covid pandemic. Fitch consistently opposed legislative efforts to reopen businesses and schools.

FITCH WAS THE ONLY HOUSE MEMBER (108-1) TO VOTE AGAINST A \$240 MILLION INCOME TAX CUT FOR WORKING CLASS CITIZENS IN 1995

In 1995, North Carolina Legislators Passed A \$362 Million Tax Cut Package That Included A Reduction In Income Taxes, "Crafted So That Most Of It - 72 Percent - Would Go To Those With An Income Of \$ 50,000 Or Less"

In April 1995, North Carolina Legislators Passed A \$362 Million Tax Cut Package That Included A Reduction In Income Taxes, "Crafted So That Most Of It - 72 Percent - Would Go To Those With An Income Of \$ 50,000 Or Less." "The General Assembly is finished with its major tax-reduction bills for the 1995 session. Disgusted at the amount you pay in North Carolina taxes? Well, chill out because the General Assembly is funneling relief your way: Lawmakers Monday night completed work on a \$ 362 million tax-cut package. The package mixes a reduction in state income taxes - if you make less than \$ 100,000 - with the total repeal of North Carolina's intangibles tax on stocks, bonds and other investments in out-of-state

corporations. But before visions of a fattened wallet get the best of you, consider that the income tax cut probably will net you less than \$ 1 per day. A married couple earning \$ 50,000 annually would net an extra \$ 260 under the tax-cut plan - about 71 cents per day. "This is tax relief for Mr. and Mrs. Middle Class in North Carolina," said House Speaker Harold Brubaker, an Asheboro Republican. "This sets the right tone, the right direction for North Carolina." Speaking after the vote, Brubaker was flanked by Senate President Pro Tem Marc Basnight, a Manteo Democrat, as well as dozens of ebullient Republican lawmakers, many sporting fluorescent yellow buttons emblazoned with the phrase "Tax Freedom Day." Here are the highlights of the tax-cut plan, which will take effect for the 1995 tax year: Personal exemptions would increase from the current \$ 2,000 to \$ 2,250 in 1995, then to \$ 2,500 in 1996. A \$ 60 per-child tax credit would be established. The House gave its final OK to the Senate bill that eliminates the intangibles tax on stocks, bonds and other investments. The majority of that tax is paid by wealthy North Carolinians. However, the income tax cut was crafted so that most of it - 72 percent - would go to those with an income of \$ 50,000 or less." (*News & Record*, 4/18/95)

- “The Personal Income Tax Cut Will Go To Married Couples With Incomes Of Less Than \$100,000, Single Filers Making Less Than \$60,000 And Heads Of Households With Incomes Under \$80,000. For Married Couples Filing Separately, The Income Cap Will Be \$50,000. The Measure Will Increase The Personal Exemption From \$2,000 To \$2,250 For This Tax Year And To \$2,500 For 1996.”** “Lawmakers put the finishing touches on a tax cut package that will save the typical family of four about \$260 when they file taxes next year. The \$360 million package includes a reduction in the personal income tax for most taxpayers and a repeal of the intangibles tax on stocks and bonds. About 240,000 individuals and some businesses pay the intangibles tax. An income tax cut of at least \$200 million was a key component of a “contract” that many Republican candidates signed last fall. “The people of North Carolina have something to cheer about because they now have tax relief from North Carolina,” House Speaker Harold Brubaker, R-Randolph, said after the Monday night session. Joining Brubaker and jubilant Republicans wearing “Tax Freedom Day” buttons was Senate President Pro Tem Marc Basnight, D-Dare. Senate Democrats were the key players in crafting the final version of the tax cut package. “Working together, you can move mountains,” Basnight said. House members passed the bill on a vote of 108-1. Rep. Toby Fitch, D-Wilson, cast the lone dissenting vote. The personal income tax cut will go to married couples with incomes of less than \$100,000, single filers making less than \$60,000 and heads of households with incomes under \$80,000. For married couples filing separately, the income cap will be \$50,000. The measure will increase the personal exemption from \$2,000 to \$2,250 for this tax year and to \$2,500 for 1996. It also includes a tax credit of \$60 for each child. For a family of four making \$20,000, the tax cut will be \$240 next year. Families with incomes between \$35,000 and \$100,000 will save \$260 in state income taxes. Married couples with no children will get a tax cut ranging from \$60 to \$70, while a single parent with one child will pay between \$120 and \$130 less. Single taxpayers will save \$35. The House originally passed a similar income tax cut with no income limits. All taxpayers would have received some tax relief under that measure.” (*Herald Sun*, 4/18/95)

In Total, The Plan “Cuts Income Taxes By \$240 Million A Year” – “The State's Largest Tax Cut Ever”

In Total, The Plan “Cuts Income Taxes By \$240 Million A Year” – “The State's Largest Tax Cut Ever.” “North Carolinians were handed a surprise on tax filing day - the state's largest tax cut ever. N.C. lawmakers gave it to them Monday night, slicing income taxes for most families and killing the intangibles tax for investors. The state House voted 108-1 to go along with a Senate plan that cuts income taxes by \$240 million a year, but that won't apply to the state's 284,000 wealthiest taxpayers. By a 99-16 vote, the House also gave the final approval to ending the intangibles tax on stocks and bonds at a cost of \$125 million a year to the state treasury. "The people of North Carolina now have something to cheer about," said House Speaker Harold Brubaker, R-Randolph, surrounded by fellow Republicans sporting "Tax Freedom Day" buttons.” (Charlotte Observer, 4/18/95)

The Income Tax Cut Was Passed 108-1; Fitch Was The Only House Member To Vote Against The Income Tax Cut

The Income Tax Cut Was Passed 108-1; Fitch Was The Only House Member To Vote Against The Income Tax Cut. “For Republicans who control the North Carolina House for the first time this century, Monday night's quick vote on the income tax cut was long on symbolism. Voting on the final day that tax returns could be filed, the 108-1 approval of the Senate-crafted income tax reduction fulfilled a key part of the Republican contract with North Carolina voters. "Today is Tax Day for all Americans. But we can send to the people of North Carolina the largest tax reduction in state history," said state Rep. Leo Daughtry of Smithfield, the House Republican leader. Lawmakers are able to dole out a tax cut because of continued growth in North Carolina's economy. The cut will be paid for with a reduction in state spending along with a better than expected growth in state revenue. Rep. Toby Fitch, a Wilson Democrat, cast the only vote against the income tax cut. All Guilford legislators voted for the bill, except for state Rep. Steve Wood of High Point, who had an excused absence Monday night.” (News & Record, 4/18/95)

IN 2021, FITCH VOTED AGAINST AN EFFORT TO PROVIDE TAX CUTS TO INDIVIDUALS AND BUSINESSES

In 2021, Fitch Voted Against A Bill That “Would Foster Economic Growth By Making Numerous Changes To The State Tax Code, Including Tax Cuts For Individuals And Businesses”

In June 2021, Fitch Voted No On H 334, Which Was A Version Of Legislation That Sought To Reduce Tax Rates. ([HB 334](#), Bill Passed - Senate (34 - 13), North Carolina State Senate, 6/10/21, Fitch Voted No)

ACU: “This Bill Would Foster Economic Growth By Making Numerous Changes To The State Tax Code, Including Tax Cuts For Individuals And Businesses.” “This bill would foster economic growth by making numerous changes to the state tax code, including tax cuts for individuals and businesses. First, this bill phases out the corporate income tax over seven years by lowering the rate every year by a half a percent until it is eliminated in 2028. Second, this bill reduces the state’s flat personal income tax rate from 5.25 percent to 4.99 percent. Third, this bill

increases the standard deduction from \$21,500 to \$25,500 for married taxpayers filing jointly (\$10,750 to \$12,750 for single filers). ACU supports fostering economic growth through broad-based tax cuts for all taxpayers and supported this bill. The Senate passed the bill on June 10, 2021 by a vote of 34-13.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“First, This Bill Phases Out The Corporate Income Tax Over Seven Years By Lowering The Rate Every Year By A Half A Percent Until It Is Eliminated In 2028.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Second, This Bill Reduces The State’s Flat Personal Income Tax Rate From 5.25 Percent To 4.99 Percent.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Third, This Bill Increases The Standard Deduction From \$21,500 To \$25,500 For Married Taxpayers Filing Jointly (\$10,750 To \$12,750 For Single Filers).”** ([American Conservative Union Legislative Ratings](#), 2021)

FITCH CRITICIZED CUTTING THE INTANGIBLES TAX ON STOCKS AND BONDS IN 1995 - A \$125 MILLION TAX CUT

In 1995, Fitch Criticized Repeal Of The “Intangibles Tax On Stocks And Bonds At A Cost Of \$125 Million A Year” Contending It Was Just A Tax Cut For Millionaires

In 1995, Fitch Criticized Repeal Of The “Intangibles Tax On Stocks And Bonds At A Cost Of \$125 Million A Year” Contending It Was Just A Tax Cut For Millionaires. “Also Tuesday, about 75 members of N.C. Fair Share, a statewide coalition of advocacy groups for the poor, rallied at the Legislative Building for the food tax repeal as part of a "people's contract" of health care, affordable housing and other wishes. A recent Observer/WSOC-TV poll showed that eliminating the food tax is by far the most popular tax cut - 71 percent favored it. Still, there has been little public pressure on legislators to do it. "A murder occurred in this building . . . and that victim was repeal of the state sales tax on food," said Fair Share member Barbara Earls, who wore a black dress to mark the occasion. "Our silence is what allowed that to happen." Monday night, lawmakers gave final approval to this year's tax cut: a \$240 million reduction in income taxes for families, and a repeal of the intangibles tax on stocks and bonds at a cost of \$125 million a year. "People can try to justify all they want, but we just cut taxes for millionaires," Fitch said. Legislative leaders say there's no money left for any other major tax cuts. And there's little interest in a pledge to look at the food tax next year.” (*Charlotte Observer*, 4/19/95)

FITCH PLAYED POLITICS WITH REPEALING THE FOOD TAX - CALLING FOR ITS REPEAL IN 1995 BUT THEN VOTING AGAINST REPUBLICAN-LED MEASURES TO PHASE IT OUT IN SUBSEQUENT YEARS

In 1995, Fitch Suggested That His Proposal To End The Food Tax Could Be Balanced By Paring Back Certain Corporate Tax Breaks

In 1995, Fitch Suggested That His Proposal To End The Food Tax Could Be Balanced By Paring Back Certain Corporate Tax Breaks. “Fitch suggested one place to look: corporate taxes. One example is a tax break for multistate corporations approved in 1988 to land a \$600 million bakery. The bakery never came, but the break is costing the state \$52 million a year. Another is a provision that allows N.C. banks to deduct interest paid on deposits from their taxable income. That costs the state \$30 million a year. Fitch argued that studies done for Hunt and for the state’s leading business group show that corporations don’t need tax relief. Working families do, he said. The food tax is regressive – poorer families pay a bigger share of their income in the tax than wealthier families. “No one can choose not to eat,” Fitch said. “It is immoral to tax items that people must have for their very survival.” He claims the bill has support from 67 of the 120 House members. That’s enough to pass the bill – if it ever comes up for a vote before the full House.” (*Charlotte Observer*, 3/9/95)

Herald Sun Editorial Board: “For This Session, Fitch's Bill Is Neither Politically Feasible Nor Economically Responsible”

Herald Sun Editorial Board: “For This Session, Fitch's Bill Is Neither Politically Feasible Nor Economically Responsible.” “That said, the Legislature should be wary of eliminating the tax all at once. For reasons of fiscal responsibility, the measure that Luebke has put on the table is the one most worthy of the Legislature's consideration. Luebke wants to reduce the tax a penny beginning July 1. Another measure that Rep. Toby Fitch of Wilson filed would eliminate the tax this year. For this session, Fitch's bill is neither politically feasible nor economically responsible. The momentum for middle-class tax relief has a head start on Fitch's plan. The Republican-controlled House already has passed a \$237.5 million income tax cut intended to benefit the middle class. The governor's tax-cut package also leans heavily in favor of middle-class relief. House members also are looking at an intangibles tax repeal. Both tax cuts combined would cost about \$360 million. But complete repeal of the food tax would eat up an estimated \$490 million. House Speaker Harold Brubaker is right to caution against doing too much in one year. The lean economic times of 1991 can always return, and the Legislature needs to ensure some reasonable cushion.” (Editorial, *Herald Sun*, 3/10/95)

In 1996, By A Vote Of 113-3, The North Carolina House Moved To Phase Out The 4 Percent Sales Tax On Food; Fitch Was One Of Three Lawmakers To Oppose

In 1996, By A Vote Of 113-3, The North Carolina House Moved To Phase Out The 4 Percent Sales Tax On Food. “The Republican-controlled state House voted overwhelmingly Wednesday to phase out the state's 4 percent sales tax on food during the next four years, embracing an election-year plan drafted by their party's gubernatorial nominee. By a 113-3

margin, the House gave tentative approval to state Rep. Robin Hayes' plan to start cutting a 35-year-old tax that the Republican leadership balked at reducing last summer when several Democrats pushed the issue. "Now's the time to do this for everyone," said Hayes, who touted his "4 No More" plan throughout his GOP primary campaign. "It's time for tax freedom." After the House gives final approval to Hayes' plan, which is expected today, the measure will move to the Democratic-controlled Senate, where its fate is less certain. While many Democrats support a reduction in the food tax - which hits the poor the hardest - President Pro Tem Marc Basnight has said repeatedly that he doesn't think the state can afford it this year. "I don't think we will act quickly on it," John Kerr, chairman of the Senate Finance Committee, said after the House vote. "If this is the Robin Hayes' agenda, it is interesting that we didn't have this last year." Under Hayes' plan, a typical family of four with an income of \$ 30,000 would save about \$ 140 a year by the year 2000, once the tax is completely phased out." (*News And Observer*, 5/16/96)

- **"The Measure Would Cost The State \$ 36.7 Million In Revenue Next Year - And Well Over \$ 300 Million Annually Four Years From Now."** (*News And Observer*, 5/16/96)
- **"The Only Lawmakers To Oppose The Bill Were Democratic Reps. Toby Fitch Of Wilson County, Jack Hunt Of Cleveland County And Bill Owens Of Pasquotank County."** "Hensley, a Wake County Democrat, later said that Hayes' bill "is like a three-day-old mackerel by moonlight. It shines but it stinks." But in the end, Hensley, Miller and almost every other Democrat who spoke out against Hayes' bill wound up voting for it. The only lawmakers to oppose the bill were Democratic Reps. Toby Fitch of Wilson County, Jack Hunt of Cleveland County and Bill Owens of Pasquotank County." (*News And Observer*, 5/16/96)
- **The *Herald Sun* Editorial Board Noted Fitch Voted Against The Food Tax Repeal Bill Despite Having Sponsored A Similar Proposal In 1995.** "Two years ago, House Democrats decided to spend the money instead on pay raises and prisons and other items instead of repealing the food tax. Democrats even had a bill to begin rolling back the tax in 1994. Then-Majority Leader Toby Fitch, a Democrat from Wilson who introduced the bill, said repeal of the food tax would be "the fairest tax relief for all." Fitch also said the state "sends a devastating message to our working people by taxing the necessities of life. No one can choose not to eat. It is immoral to tax items that people must have for their very survival." Last week, Fitch voted against Hayes' bill. Like Fitch's 1994 measure, it would phase out the 4 percent state tax on food over four years." (Editorial, *The Herald Sun*, 5/19/96)

In 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which Repealed The Estate Tax And Finalized The Phase Out Of The Food Tax

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which Repealed The Estate Tax And Finalized The Phase Out Of The Food Tax. "It took more than four months of bickering, but state lawmakers agreed Tuesday that it was time to end the longest legislative session in North Carolina history, giving preliminary approval to a \$ 12.6 billion spending plan for this fiscal year. The plan repeals the tax heirs pay on estates and knocks the final 2 cents off the state's

portion of the food tax - both effective in 1999. It launches a \$ 17.3 million overhaul of the juvenile justice system, raises teacher pay and expands Smart Start, Gov. Jim Hunt's early childhood education initiative, to all 100 counties. In the end, Senate Democrats got their clean-water initiatives and improvements in school technology and universities, while House Republicans got a package of tax cuts to take before voters. But with one week remaining before the election Nov. 3, neither side will have much time to tout the spending plan on the campaign trail. And problems in the plan may show up later, said Dan Gerlach, fiscal analyst with the nonprofit N.C. Budget & Tax Center in Raleigh. "This is a big-spending budget," Gerlach said. "There are spending increases of almost \$ 1 billion. The cost of the tax cuts approved this year will go from \$ 35 million to \$ 290 million, and then you've got teacher pay increases. You've got Smart Start. When you put them together and you look at them all you say, 'Next year, even if we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby Fitch in dissent. Both houses are set to convene at 8 a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week." (*News And Observer*, 10/28/98)

- **"In All, Tax Cuts Will Cost The State \$ 531.6 Million In 2000."** (*News And Observer*, 10/28/98)

FITCH WAS THE ONLY NC LEGISLATOR TO VOTE AGAINST THE 1998 STATE BUDGET PLAN WHICH REPEALED THE INHERITANCE TAX

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we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby Fitch in dissent. Both houses are set to convene at 8 a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week." (*News And Observer*, 10/28/98)

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FITCH PUSHED FOR A \$620 MILLION TAX HIKE IN 2001, WHICH INCLUDED A HALF-PENNY SALES TAX INCREASE, SALES TAX INCREASES ON LIQUOR AND OTHER SELECT ITEMS, AND INCOME TAX HIKE FOR HIGH EARNERS

In August 2001, The House Finance Committee Approved A Tax Plan Containing "A Smaller Half-Cent Increase In The Sales Tax And A Larger Increase In The Income-Tax Rate On The Wealthiest Taxpayers"

In August 2001, The House Finance Committee Approved A Tax Plan Containing "A Smaller Half-Cent Increase In The Sales Tax And A Larger Increase In The Income-Tax Rate On The Wealthiest Taxpayers." "House Democratic leaders, stymied by opposition from Republicans and dissident Democrats, scrapped a \$ 1 billion tax package Tuesday and plan to try to win approval of a new tax plan today that puts more of the burden on the wealthy. The new plan, which the House Finance Committee approved 20-13 late Tuesday, has a smaller half-cent increase in the sales tax and a larger increase in the income-tax rate on the wealthiest taxpayers." (*News And Observer*, 8/29/01)

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"The Package Would Produce About \$ 706 Million In Revenue Over Two Years -- About \$ 300 Million Less Than The Previous Plan." "The package would produce about \$ 706 million in revenue over two years -- about \$ 300 million less than the previous plan. "The sense is the third time is the charm," said state Rep. Paul Luebke, a Durham Democrat and co-chairman of the House Finance Committee. "It's probably a little short on revenue, but the consensus is to find 61 votes to get the bill out of the House." House and Senate budget writers have struggled to agree on new taxes to balance the 2001-02 state budget in a slowing economy. Once they agree on how much money they'll have, budget writers can finish work on the budget." (*News And Observer*, 8/29/01)

- **"The Tax Plan Endorsed By The House Finance Committee Includes A Half-Cent Local Option Sales Tax -- The Same As The Original House Proposal -- Rather Than A One-Cent Increase Favored By The Senate And The Governor."** (*News And Observer*, 8/29/01)
- **"It Proposes A Half Percent Increase In The State Income Tax On Individuals With More Than \$ 120,000 Of Net Taxable Income And Families**

With More Than \$ 200,000 In Net Taxable Income, Raising The Rate From 7.75 Percent To 8.25 Percent.” (*News And Observer*, 8/29/01)

- **“The Plan Includes A 6 Percent Sales Tax On Liquor, Effective Dec. 1.”** (*News And Observer*, 8/29/01)
- **“It Would Remove The \$ 1,500 Cap On Taxes On Luxury Vehicles, Effective Oct. 1.”** (*News And Observer*, 8/29/01)
- **“And It Would Require HMOs To Pay A 1 Percent Insurance Premiums Tax, Effective 2002.”** (*News And Observer*, 8/29/01)

Fitch “Voted For The New Package In The Committee And Praised The Changes”

Fitch “Voted For The New Package In The Committee And Praised The Changes.” “One of the dissident Democrats, state Rep. Toby Fitch of Wilson, voted for the new package in the committee and praised the changes. “This bill has come a long way,” said Fitch. “It is not where it ought to be. We have not closed the type of loopholes we should. “This bill needs to move. This bill has gotten better and can still continue to get better. It does not balance what is needed on the backs of a few.” The tax plan endorsed by the House Finance Committee includes a half-cent local option sales tax -- the same as the original House proposal -- rather than a one-cent increase favored by the Senate and the governor.” (*News And Observer*, 8/29/01)

In August 2001, Fitch And His Fellow Seven Democratic Dissidents Voted To Pass The House Committee-Passed Version Of The Democratic Tax Plan

In August 2001, Fitch And His Fellow Seven Democratic Dissidents Voted To Pass The House Committee-Passed Version Of The Democratic Tax Plan. “After several aborted attempts, the state House gave preliminary approval Wednesday to higher taxes on sales and affluent North Carolinians, thawing an extended budget impasse in the General Assembly. “It was tough to get to this point,” House Speaker Jim Black, D-Mecklenburg, said after his chamber backed the measure 63-56, almost along party lines. Security at the Legislative Building was stepped up as House members considered the revenue package. Several Highway Patrol troopers roamed the hallways just days after a bomb threat had emptied the downtown Raleigh complex. During deliberations on the House floor, Republicans stuck with the message that wasteful spending must be cut before going after taxpayers. “The people back home have told us consistently ... that they do not want you to raise their taxes,” said House Minority Leader Leo Daughtry, R-Johnston. “We are absolutely doing what the people don't want us to do.” Democrats have pushed higher taxes as the best way to cover projected budget shortfalls, maintain and expand programs in education and human services, and rebuild the state's emergency cash reserves as North Carolina goes through its worst fiscal crisis in a decade. “It's a fair package,” said House Majority Leader Phil Baddour, D-Wayne. “It is one to enable the state to move forward.” The lone Republican voting for the bill was state Rep. Monroe Buchanan of Mitchell County, who was kicked out of the GOP caucus a few weeks ago for supporting a tax hike. All House Democrats, including eight dissidents who blocked two previous revenue packages party leaders had crafted, backed the latest bill. The rogue Democrats were upset with earlier plans to raise the sales tax rate a full penny. They charged doing so would place an undue burden on lower-income people.” (*News & Record*, 8/30/01)

In September 2001, Fitch And His Fellow Dissidents Declined To Support A \$850 Million Compromise Tax Package And Urged Acceptance Of The House Passed Version

In September 2001, Fitch And His Fellow Dissidents Declined To Support A \$850 Million Compromise Tax Package And Urged Acceptance Of The House Passed Version. “A dissident group of eight House Democrats again derailed a tax increase plan Thursday, rebuffing Gov. Mike Easley and frustrating their own party leaders. House and Senate leaders had reached a compromise \$850 million tax increase package Wednesday, legislation that varied so slightly from a tax hike the House passed last month that one Democratic leader characterized it as a done deal. Then the group of eight balked, insisting on sticking with the original House legislation. That's likely to delay a budget agreement, dashing hopes of ending the state's longest legislative session in the coming days. "We sent (the Senate) a good package," said Rep. Toby Fitch, of Wilson County, one of the renegade Democrats. The House passed a 1/2-cent local option sales tax hike and a 1/2-percentage point income tax boost on upper income earners. Under that plan, the state would withhold \$333 million in annual tax reimbursements to localities, and each county could then replace that money by voting to impose the sales tax increase. The legislation raised \$700 million over two years. The Senate compromise proposed Wednesday changed the sales tax hike from a local option to a statewide increase. The state would continue providing the reimbursements. That arrangement netted an additional \$150 million. The eight Democrats exert tremendous leverage because their party holds a slim 62-58 majority and cannot pass legislation without the independent group on board.” (*Charlotte Observer*, 9/14/01)

By The End Of The 2001 Session, Fitch And His Fellow Dissident Democrats Agreed To Pass A \$620 Million Tax Hike With A Half-Penny Sales Tax Increase And A Temporary Income Tax Increase For High Earners

By The End Of The 2001 Session, Fitch And His Fellow Dissident Democrats Agreed To Pass A \$620 Million Tax Hike With A Half-Penny Sales Tax Increase And A Temporary Income Tax Increase For High Earners. “During stop-and-go final-hour debate, lawmakers also approved legislation to toughen stalking laws and correct errors in earlier bills. And they reached a deal on a bill to require non-farmers to pay 6 percent sales tax on seed and fertilizer. Senate leaders suggested they should have spent the time approving legislation to limit the length of session, something that body has done for several years only to see its attempts rejected by the House. The long session was largely the result of a debate on taxes that lasted for weeks as lawmakers tried to cope with slowing tax collections in a softening economy. They eventually agreed to a \$620 million tax hike funded with a half-penny sales tax increase - passed despite near-unanimous Republican opposition - and temporary rise in the income tax for wealthy payers. The agreement was reached only after Black placated Rep. Toby Fitch, D-Wilson, who had sought to replace him as speaker, and seven dissident Democrats who joined him. Even after a budget was passed, legislators still had to redraw legislative and congressional maps to correspond to new census data, a task that only comes around once a decade.” (*The Associated Press*, 12/6/01)

- **“It Included The House Proposal For A Half-Cent Sales Tax Increase And A Temporary Two-Year Increase In The Income Tax On The Wealthy.”** (*The Associated Press*, 12/6/01)
- **“Sales Tax Hikes On Liquor And Some Other Items Were Included To Boost Revenue To Meet Senate Demands.”** (*The Associated Press*, 12/6/01)

FITCH CRITICIZED PHASING OUT OF THE NC CORPORATE INCOME TAX

In 2021, Fitch Criticized The 2021 Budget For Including A Phase Out Of The Corporate Tax Rate

In 2021, Fitch Criticized The 2021 Budget For Including A Phase Out Of The Corporate Tax Rate. “No state makes a ton of money from corporate income taxes, but it does take some of the burden off everyday people. "The [elimination of] corporate income tax creates a structural deficit, which means you know there's going to come a time that you're going to need money that you're cutting off," Senator Toby Fitch (D-4) says. "The taxpayer is the only way to pay for the goods and services that we have." North Carolina's decision to eliminate corporate income taxes means people, not faceless entities, will bear the burden of keeping the state from falling apart. There's already a divide in North Carolina's urban areas versus rural areas based on municipal taxes. Towns and cities in North Carolina fall into disrepair, since there's no money in schools or infrastructure. Fitch sees this too; he reminded me that some students will go to poor schools, get good grades, and go to college only to realize they haven't had a proper education. I'm one of those people.” (*The News & Observer*, 11/18/21)

FITCH OPPOSED TIGHTENING OF CASH WELFARE ASSISTANCE ELIGIBILITY RULES

In 1995, A North Carolina Bill Proposed Making It More Difficult For Families To Qualify For The AFDC Cash Welfare Program By Requiring “To Count The Value Of Both The Family's Food Stamps And Housing Subsidy As Income When Determining If They Qualified For AFDC - Something No Other State In The Country Does”

In 1995, A North Carolina Bill Proposed Making It More Difficult For Families To Qualify For The AFDC Cash Welfare Program By Requiring “To Count The Value Of Both The Family's Food Stamps And Housing Subsidy As Income When Determining If They Qualified For AFDC - Something No Other State In The Country Does.” “A last-minute change in a House welfare reform plan would gut the state's cash welfare program - terminating or slashing the benefits of more than two-thirds of the people now receiving it. If this little-noticed provision becomes law, supporters and critics agree, North Carolina will have one of the strictest welfare reform plans in the country. "We said we wanted to change welfare as we know it, right?" said Rep. Cherie Killian Berry, R-Catawba, the bill sponsor and chairman of the Republican-controlled House welfare reform committee. The change, presented Tuesday morning as a last-minute addition to a bill and approved the same night at a hastily scheduled meeting, reads like another dull, bureaucratic rule. But its impact is enormous. The provision

would essentially make it more difficult to qualify for Aid to Families with Dependent Children, the primary welfare program which helps poor families with cash to pay their living expenses. Under the provision, caseworkers would be required to count the value of both the family's food stamps and housing subsidy as income when determining if they qualified for AFDC - something no other state in the country does.” (*Charlotte Observer*, 4/20/95)

Fitch Said The Bill Picks On People Who 'Can't Protect Themselves'”

“Rep. Toby Fitch, D-Wilson, Said The Bill Picks On People Who "Can't Protect Themselves.”” “The bill says that 100 percent of food stamp and housing subsidy value will be counted as income. Federal law allows states to count those things when determining eligibility - but not at full value. "What they're proposing is not permitted under current law," Greenberg said. "They'd need a waiver, and I'm not sure they could get it." Hinting at her welfare reform plan a few weeks ago, Berry said she was "really going to reach out and touch people." Rep. Toby Fitch, D-Wilson, said the bill picks on people who "can't protect themselves." He echoed the predictions that benefit-slashing would lead to more poverty and hunger, more house burglaries and gas station stick-ups. "The plague these people sent upon their brethren today may very well be the plague that visits their own tomorrow," he said.” (*Charlotte Observer*, 4/20/95)

**FITCH OPPOSED INCREASING THE INTEGRITY OF THE
UNEMPLOYMENT COMPENSATION SYSTEM BY STRENGTHENING
UNEMPLOYMENT WORK SEARCH REQUIREMENTS**

***In 2021, Fitch Voted Against A Bill That “Increases The Integrity Of The
Unemployment Compensation System By Strengthening Unemployment Work Search
Requirements”***

Fitch Voted No On H 128, ‘An Act To Reemploy NC's Workforce.’ ([HB 128](#), Bill Passed - Senate (35 - 10), North Carolina State Senate, 6/1/21, Fitch Voted No)

"§ 96-14.9. Weekly certification.

(a) Requirements. – An individual's eligibility for a weekly benefit amount is determined on a week-to-week basis. An individual must meet all of the requirements of this section for each weekly benefit period. An individual who fails to meet one or more of the requirements is ineligible to receive benefits until the condition causing the ineligibility ceases to exist:

- (1) File a claim for benefits.
- (2) Report as requested by the Division and present valid photo identification meeting the requirements of subsection (k) of this section.



General Assembly Of North Carolina
Session 2021

- (3) Meet the work search requirements of subsection (b) of this section.
- (b) Work Search Requirements. – The Division must find that the individual meets all of the following work search requirements:
 - (1) The individual is able to work.
 - (2) The individual is available to work.

[\(H 128\)](#)

ACU: “The Senate Version Of This Bill Increases The Integrity Of The Unemployment Compensation System By Strengthening Unemployment Work Search Requirements.”

“The Senate version of this bill increases the integrity of the unemployment compensation system by strengthening unemployment work search requirements. Specifically, the bill requires individuals to respond to employer requests if receiving unemployment insurance benefits. If claimants fail to satisfy requirements three or more times during a benefit year, they are disqualified for any remaining unemployment benefits. ACU supports increasing the integrity of the unemployment system, especially at a time when coupled with federal benefits recipients are receiving payouts greater than their previous salaries and supported this bill as a step in the right direction.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Increasing The Integrity Of The Unemployment System, Especially At A Time When Coupled With Federal Benefits Recipients Are Receiving Payouts Greater Than Their Previous Salaries And Supported This Bill As A Step In The Right Direction.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH OPPOSED CERTAIN WORK REQUIREMENTS FOR FOOD STAMPS

In 1995, Fitch Criticized Imposing Non-Profit Or Public Agency Work Requirements For Food Stamp Recipients Comparing Them To Community Service Requirements For Convicted Criminals

In 1995, Fitch Criticized Imposing Non-Profit Or Public Agency Work Requirements For Food Stamp Recipients Comparing Them To Community Service Requirements For

Convicted Criminals. “Under Rep. Howard's bill, an estimated 20,000 food stamp recipients would have to work an average of 37 hours each month at public or nonprofit agencies in exchange for their stamps. She said that would "introduce individuals to the work experience," return something of value to the communities that feed them and possibly stem abuse of the food stamp system "by those people who can work but choose not to." But Rep. Toby Fitch, D-Wilson, asked what would be the difference between work forced on food stamp recipients and community service jobs performed by convicted criminals as part of their sentences. "I understand having people to work," Rep. Fitch said. "But these folks haven't committed any crime. They're just poor." "In all sincerity, I want to help them," Rep. Howard responded. "We're not penalizing them. We're encouraging them." The program would not cost the state anything. But it would cost the counties, which would have to pay an estimated \$ 3.5 million next year and \$ 3.6 million in 1996-97.” (*Wilmington Star-News*, 3/1/95)

FITCH HAS SUPPORTED EXPANDING BURDENSOME GOVERNMENT REGULATIONS OVER BUSINESS

Fitch Supported Stricter Penalties For Hog Farmers

In 1995, Fitch Sponsored Legislation In Which “Hog Farmers Would Have To Meet More Stringent Controls On Animal Waste Or Face Large Fines.” “Hog farmers would have to meet more stringent controls on animal waste or face large fines under a bill two state House Democrats introduced Tuesday. The bill, sponsored by Rep. Howard Hunter, D-Northampton, and Rep. Toby Fitch, D-Wilson, would require the state's Department of Environment, Health and Natural Resources to issue permits for farms with 200 or more hogs. That accounts for roughly 98 percent of the state's hog operations. The measure, identical to a failed bill the two lawmakers sponsored two years ago, would require that hog waste be stored and applied to land so that it does not pollute surface water or groundwater. The bill's sponsors argue that current rules do not protect the environment or public health. Southeastern North Carolina has seen explosive growth in hog farms - many run under contract with production companies - over the past several years. The expansion has prompted complaints about odor and fears that waste from the large farms will pollute streams and groundwater.” (*Wilmington Star News*, 3/23/95)

- **“The Bill Calls For Stiff Penalties For Anyone Who Negligently Dumps Hog Waste Into State Waters. The Penalty Would Be A Fine Of Up To \$ 25,000 A Day, A Year In Prison Or Both. Anyone Who Knowingly Dumps Could Be Fined Up To \$ 50,000 A Day Or Jailed For Two Years.”** (*Wilmington Star News*, 3/23/95)

Fitch Supported Legislation Imposing Additional Affordable Housing Regulations

In 2021, “HB 401 And SB 349 Advertise That The Legislation's Primary Goal Is To Provide Affordable Housing Options In All Residential Zones In North Carolina. The Proposed Legislation Achieves This By Mandating That Every Local Government In North Carolina Must Allow All "Middle Housing" Types In Areas Zoned For Residential Use, Including Those Residential Zoning Areas Currently Defined As For Single-Family Homes.” “If early feedback is any indication of broader interest, North Carolina homeowners will want to take note of proposed legislation that was filed on March 25, 2021, as House Bill

401 and Senate Bill 349, according to local officials. In their introductory language, HB 401 and SB 349 advertise that the legislation's primary goal is to provide affordable housing options in all residential zones in North Carolina. The proposed legislation achieves this by mandating that every local government in North Carolina must allow all "middle housing" types in areas zoned for residential use, including those residential zoning areas currently defined as for single-family homes. Middle housing types are defined as duplexes, triplexes, quadplexes and townhouses in the proposed legislation. There are other proposed changes to the General Statutes governing development of real estate in North Carolina that are included in HB 401 and SB349, and the legalese is difficult to wade through, but the consequences and implications of allowing all types of middle housing in all zones defined as residential has raised concerns. "Especially in a tight real estate market with low inventory and home prices and rental rates rising, the idea of promoting the concept of affordable housing is laudable. I'm just not sure this is the right way to go about it," said Blowing Rock commissioner Albert Yount, questioning the proposed legislation's dilution of local control." (*The Blowing Rocket*, 4/1/21)

- **“The Sponsors Of SB 349 Are Sen. Milton "Toby" Fitch, Jr. (Democrat, Representing Edgecombe, Halifax And Wilson Counties), Sen. Chuck Edwards (Republican, Representing Buncombe, Henderson, And Transylvania Counties), Sen. Paul Newton (Republican, Representing Cabarrus And Union Counties), And Sen. Valerie Foushee (Democrat, Representing Chatham And Orange Counties).”**
(*The Blowing Rocket*, 4/1/21)

Fitch Opposed Allowing Employers To Conduct Mandatory Drug Tests For Employees

In December 1987, Fitch Noted His Criticism Of Measures Allowing Businesses To Require Employees Undergo Mandatory Drug Testing. “A panel of North Carolina lawmakers is pondering the validity of laws that allow businesses to require employees to undergo mandatory drug tests or be fired. Critics maintain the tests violate workers' rights and are inaccurate. Employers say they have a right to ensure workers, especially in sensitive or difficult jobs, are sober and drug free. State Sen. Frank Block said last week he believes the panel will find it necessary to ask for some sort of regulations. To do nothing would leave the issue, and the complaints of both sides, in legal limbo, waiting for future courts to hand down opinions that could be used as guidelines. "The chances are that we're going to come down on some kind of controls to protect the confidentiality of the employees being tested and the credibility of the outcome of the tests," Block, co-chairman of the study commission, told Sunday's News and Observer of Raleigh. State Rep. Toby Fitch introduced last summer's legislation and co-chairs the commission. "If I had my way, there would not be any testing," Fitch said. "But if some people are going to do it, we have to look at it closely and make sure those people are protected.”” (*United Press International*, 12/13/87)

FITCH SUPPORTED CREATION OF A STATE LOTTERY

In 1995, Fitch “Gave Other House Members Notice He Would Attempt To Force A Bill Out Of Committee That Would Create A Lottery To Raise Money For School Construction”

In 1995, “Rep. Toby Fitch, D-Wilson, Gave Other House Members Notice He Would Attempt To Force A Bill Out Of Committee That Would Create A Lottery To Raise Money For School Construction.” “The House forged ahead in trying to produce a budget for new and expanded programs, despite grumbling from some Republicans that the leadership is ignoring the work of budget subcommittees in its rush to produce a bill. Rep. Toby Fitch, D-Wilson, gave other House members notice he would attempt to force a bill out of committee that would create a lottery to raise money for school construction. Law-abiding citizens would have an easier time carrying a concealed pistol and buying a handgun under separate bills approved by legislative committees over the protests of police chiefs. - The Associated Press” (*The Associated Press*, 6/28/95)

In 1998, Fitch Reiterated His Intention To Support Lottery Referendum Legislation

In December 1998, Fitch Reiterated His Intention To Support Lottery Referendum Legislation. “N.C. lottery supporters hope to capitalize on the new momentum when the legislature convenes in January. Sen. Tony Rand, D-Cumberland, and Rep. Toby Fitch, D-Wilson, both plan to propose bills calling for a lottery referendum. And even lottery companies are gearing up more than usual for a legislative push, said Raleigh lobbyist Roger Bone, who's represented the companies in the past. The companies are eyeing North Carolina because it's the largest of the 15 states without a lottery. The N.C. Senate passed lottery referendum bills in 1989, 1991 and 1993, but they died in the House. In 1995 and 1997, lottery bills failed to even get out of the Senate.” (*Charlotte Observer*, 12/9/98)

FITCH SUPPORTED ROY COOPER'S AUTHORITY AND ACTIONS AMID THE COVID PANDEMIC

In April 2022, Fitch Defended Cooper’s Handling Of The COVID Pandemic And His Executive Authority

In April 2022, Fitch Defended Cooper’s Handling Of The COVID Pandemic And His Executive Authority. “The candidates were asked whether they thought Gov. Roy Cooper had too much, too little or just enough power as he led the state's response to the COVID-19 pandemic. Democko said he thought Cooper had too much power in his response to the pandemic. "I was on the Wayne County school board during the pandemic," Democko said. "Our students are now at least a year and a half behind because Gov. Cooper decided to close the state's public schools. The students suffered. "At the same time, the private schools had an advantage over the public schools because they did not have to close." Newton said Cooper's decisions hurt businesses and employees. "A two-year state of emergency is absolutely outrageous," Newton said. "Cooper slapped people onto unemployment. We still don't even know just how many businesses statewide had to close their doors as a result of Cooper's measures. "He had absolutely too much power." Fitch and Smith supported Cooper's decisions.

"We have not had a pandemic as we saw this time," Fitch said. "I am one who believes that you follow the science. We followed the science and history will tell if that was right or wrong. "I see a lot of things that could have been done differently but weren't. Because we followed the science, I feel safe today for myself and for my neighbors." Smith said Cooper had the authority to make certain decisions during the pandemic." (*News Argus*, 4/8/22)

In June 2020, Fitch Voted Against A Bill That "Provides A Critical Check On Executive Branch Powers Concerning State Of Emergency Declarations, Which Have Been Abused By Governor Roy Cooper During The COVID-19 Outbreak"

Fitch Voted No SB 105, Which Clarifies Emergency Powers. ([SB 105](#), Bill Passed - Senate (26 – 17), North Carolina State Senate, 6/26/20, Fitch Voted No)

- NOTE: "An act to clarify the expiration of a state of emergency and the exercise of certain powers under a state of emergency and to clarify the abatement of statewide imminent hazards." ([SB 105](#))

ACU: "This Bill Provides A Critical Check On Executive Branch Powers Concerning State Of Emergency Declarations, Which Have Been Abused By Governor Roy Cooper During The COVID-19 Outbreak." "This bill provides a critical check on executive branch powers concerning state of emergency declarations, which have been abused by Governor Roy Cooper during the COVID-19 outbreak. Under the bill, any statewide state of emergency declared by the governor must be approved in concurrence of the majority of the Council of State (Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance) or be rescinded 48 hours after issuance. ACU supports this check on executive authority and supported this bill." ([American Conservative Union Legislative Ratings](#), 2020)

In September 2021, Fitch Voted Against A Bill That Sought To "Help Protect Against Overreach Taken By The Executive Branch Concerning Issuance Of Executive Orders Relating To States Of Emergency"

Fitch Voted No On HB 264, 'Emergency Powers Accountability Act.' ([HB 264](#), Bill Passed - Senate (27 - 15), North Carolina State Senate, 9/8/21, Fitch Voted No)

- NOTE: "An act to clarify the expiration of a statewide state of emergency and the exercise of certain powers under a statewide state of emergency, to clarify the abatement of statewide imminent hazards, and to clarify statewide quarantines." ([HB 264](#))

ACU: "This Bill, Known As The Emergency Powers Accountability Act, Helps Protect Against Overreach Taken By The Executive Branch Concerning Issuance Of Executive Orders Relating To States Of Emergency." "This bill, known as the Emergency Powers Accountability Act, helps protect against overreach taken by the executive branch concerning issuance of executive orders relating to states of emergency. Under the bill, a "Council of State" is established which is made up of the Lt. Governor, Secretary of State, Attorney General, and six other public officials. Under the bill, any state-wide emergency declaration issued by the governor shall expire 7 days after issuance unless the Council of State approves. If the Council

of State approves, the order must then be approved by the General Assembly to be implemented for more than 45 days. ACU supports this legislative check on executive branch power and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Under The Bill, A ‘Council Of State’ Is Established Which Is Made Up Of The Lt. Governor, Secretary Of State, Attorney General, And Six Other Public Officials.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Under The Bill, Any State-Wide Emergency Declaration Issued By The Governor Shall Expire 7 Days After Issuance Unless The Council Of State Approves.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports This Legislative Check On Executive Branch Power And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

In June 2020, Fitch Voted Against A Reopening Legislation; “This Bill Combats Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Skating Rinks And Bowling Alleys Can Safely Reopen”

Fitch Voted No SB 599, Concerning Skating Rinks And Bowling Alleys. ([SB 599](#), Bill Passed - Senate (32 – 15), North Carolina State Senate, 6/18/20, Fitch Voted No)

- NOTE: “An act to authorize skating rinks and bowling alleys to resume operations and to modify the capacity of temporary outdoor seating for food and drink establishments.” ([SB 599](#))

ACU: “This Bill Combats Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Skating Rinks And Bowling Alleys Can Safely Reopen.” “This bill combats Governor Roy Coopers abuse of power during the COVID-19 outbreak by ensuring skating rinks and bowling alleys can safely reopen. At the time of this vote, these types of establishments had been shut down for months due to emergency orders issued by the governor and other local officials even as other businesses were permitted to reopen. The bill sets a capacity restriction of 50 percent and requires the establishments that reopen to comply with guidelines set by the Centers for Disease Control and Prevention. ACU supports protecting constitutional rights, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government’s reactions to COVID-19 have done more harm than good and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

In June 2020, Fitch Voted Against Legislation Seeking To “Combat Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Gyms, Health Clubs And Fitness Centers Can Safely Reopen”

Fitch Voted No HB 806, Concerning Exercise And Fitness Facilities. ([HB 806](#), Bill Passed - Senate (33 – 13), North Carolina State Senate, 6/25/20, Fitch Voted No)

- NOTE: “An act to authorize indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to resume operations.” ([HB 806](#))

ACU: “This Bill Combats Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Gyms, Health Clubs And Fitness Centers Can Safely Reopen.”

“This bill combats Governor Roy Coopers abuse of power during the COVID-19 outbreak by ensuring gyms, health clubs and fitness centers can safely reopen. At the time of this vote, these types of establishments had been shut down for months due to emergency orders issued by the governor and other local officials even as other businesses were permitted to reopen. The bill sets a capacity restriction of between 40 and 50 percent and requires the establishments that reopen to comply with guidelines set by the Centers for Disease Control and Prevention. ACU supports protecting constitutional rights, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government’s reactions to COVID-19 have done more harm than good and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

In June 2020, Fitch Voted Against A Bill That “Ensures Individuals Are Able To Celebrate Our Nation’s Founding And Participate In Fourth Of July Festivities By Overriding The Governor’s COVID-19 Shutdown Order”

Fitch Voted No On HB 686, ‘Freedom To Celebrate The Fourth Of July.’ ([HB 686](#), Bill Passed - Senate (29 – 21), North Carolina State Senate, 6/19/20, Fitch Voted No)

- NOTE: “An Act To Protect The Right To Celebrate The Fourth Of July, In Commemoration Of The Declaration Of Independence Of The United States.” ([HB 686](#))

ACU: “This Bill Ensures Individuals Are Able To Celebrate Our Nation’s Founding And Participate In Fourth Of July Festivities By Overriding The Governor’s COVID-19 Shutdown Order.”

“This bill ensures individuals are able to celebrate our nation’s founding and participate in Fourth of July festivities by overriding the Governor’s COVID-19 shutdown order. Under the bill, the Governor nor localities may enact any restriction that forbids parades or firework displays from July 1st through the 10th of 2020. Additionally, this bill protects organizations that hold festivities by establishing civil liability protections for alleged exposure to COVID-19. ACU believes individuals possess reason, which gives them the ability to assess risk and choose how they celebrate the founding of the United States and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

- **“Under The Bill, The Governor Nor Localities May Enact Any Restriction That Forbids Parades Or Firework Displays From July 1st Through The 10th Of 2020.”** ([American Conservative Union Legislative Ratings](#), 2020)
- **“Additionally, This Bill Protects Organizations That Hold Festivities By Establishing Civil Liability Protections For Alleged Exposure To COVID-19.”** ([American Conservative Union Legislative Ratings](#), 2020)

The American Conservative Union “Believes Individuals Possess Reason, Which Gives Them The Ability To Assess Risk And Choose How They Celebrate The Founding Of The United States And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2020)

FITCH OPPOSED LEGISLATION SEEKING ENSURE SCHOOLS OFFERED IN-PERSON LEARNING

In 2021, Fitch Opposed Legislation That “Helps Return Students To The Classroom For The Remainder Of The 2020-2021 School Year By Requiring All Local School Administrative Units To Provide The Option Of In-Person Instruction To Students In Grades”

Fitch Voted No On SB 37, ‘In-Person Learning Choice For Families.’ ([SB 37](#), Veto Override Failed - Senate (29 - 20), North Carolina State Senate, 3/1/21, Fitch Voted No; [SB 37](#), Bill Passed - Senate (31 - 16), North Carolina State Senate, 2/16/21, Fitch Voted No)

- NOTE: “An act to provide access to in-person learning for students in grades kindergarten through twelve.” ([SB 37](#))

ACU: “This Bill Helps Return Students To The Classroom For The Remainder Of The 2020-2021 School Year By Requiring All Local School Administrative Units To Provide The Option Of In-Person Instruction To Students In Grades.” “This bill helps return students to the classroom for the remainder of the 2020-2021 school year by requiring all local school administrative units to provide the option of in-person instruction to students in grades K-12. The bill provides appropriate guidance to promote social distancing for in-person instruction and leaves student participation up to the student’s parent or guardian for the remainder of the school year. ACU supports improving educational outcomes by returning students to the classrooms and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Improving Educational Outcomes By Returning Students To The Classrooms And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH'S HISTORY OF HYPOCRISY AND WORK PROMOTING THE LEFT'S POLICY AND SOCIAL AGENDA

Beyond Fitch's commitment to tax-and-spend liberal fiscal governance, he has undoubtedly spent his career seeking to install the broader progressive policy and social agenda.

Fitch appears to unapologetically support expanding government healthcare. Fitch has noted his support for expanding access to healthcare includes his willingness to raise taxes. As a legislator, Fitch has sponsored legislation to expand Medicaid. However, Fitch once curiously opposed rules restricting indoor smoking in legislative buildings.

On education, Fitch has worked to undermine school choice efforts. In 2021, Fitch voted against legislation that "is designed to improve education outcomes by responsibly expanding opportunities for students and their families to pursue school choice". In 1995, Fitch criticized Republicans for trying to insert \$20 million in tuition tax credits for parents who send their children to private schools. However, Fitch has indicated support for implementing a universal pre-k program in the state at a cost of \$1.2 billion for taxpayers.

Perhaps most notably, Fitch has indicated support for the teaching of Critical Race Theory in schools. Specifically, in 2021, Fitch voted against legislation that "contains a number of provisions that are designed to ensure students receive instruction on core subject areas and prevent classrooms from being used to indoctrinate students with leftist ideals such as Critical Race Theory (CRT)".

Unsurprisingly, Fitch has regularly earned the support of local teachers' unions. And yet, Fitch was the only member of the legislature to vote against the 1998 state budget plan which increased teacher pay and education programs. Additionally, Fitch was the only member of the legislature to vote against a 2000 \$3.1 billion bond package for UNC and community colleges.

On social issues, Fitch has largely toed the Democrat party line of late. Fitch supports abortion rights and state funding for abortions. However, Fitch recently promoted an essay contest for a pro-life Democrat group. Additionally, Fitch appears opposed to the Second Amendment and has voted against legislation seeking to expand Second Amendment rights.

FITCH BROADLY SUPPORTS RAISING TAXES TO EXPAND HEALTHCARE

In 2022, Fitch Noted His Support For Increasing Taxes In Order To Expand Health Care

In April 2022, Fitch Noted His Support For Increasing Taxes In Order To Expand Health Care. "Having health care for everyone is another issue for Fitch. "Health care is paramount," he said. "Everybody, in my opinion, in this United States of America, should have decent, affordable health care. We can ill afford to take the position, don't tax me. Tax the guy behind the tree. Everybody deserves health care." Granted, there will be some who have put in more, Fitch said. But he said he doesn't know anyone who doesn't want their mother or father to have

the best health care. Decent affordable housing is another thing Fitch says is on his list of important issues to help people with. "We can achieve a lot. When I was a kid, we used to sing a song the more we get together the happier we will be," Fitch said. "Now we can paraphrase and say the same things adding your jobs and my jobs, your education and my education, your health care and my health care, the happier we will be.'" (*News Argus*, 4/26/22)

FITCH SUPPORTS EXPANDING MEDICAID

In 2019, Fitch Sponsored Legislation To Expand Medicaid

In 2019, Fitch Sponsored Legislation To Expand Medicaid. "North Carolina is among 14 states that have yet to expand Medicaid coverage. But last week, Democrats in both the state Senate and House unveiled identical bills at the start of the new legislative session in hopes of changing that. Rep. Jean Farmer-Butterfield, a primary sponsor of House Bill 5, said she is optimistic that by reaching across the aisle, Medicaid expansion can be accomplished. "Hopefully, we can come up with a win, win situation," said Farmer-Butterfield, D-Wilson, who is serving her ninth term in office. She said Medicaid expansion would cover more than 500,000 residents in North Carolina and would include more than 3,200 residents in Wilson County. "That's a lot people in Wilson County alone," Farmer-Butterfield said. Sen. Milton F. "Toby" Fitch Jr. is also a sponsor of the Senate version of the expansion bill. Fitch, a Democrat, represents Wilson, Edgecombe and Halifax counties. Across the country, 37 states, including the District of Columbia, have already expanded Medicaid." (*Wilson Daily Times*, 2/5/19)

On Social Media, Fitch Has Promoted Content Expressing His Support For Medicaid Expansion

In May 2019, Fitch 'Liked' A Tweet Expressing His Support For Medicaid Expansion. (Fitch Profile, [Twitter](#), 5/30/19)



(Fitch Profile, [Twitter](#), 5/30/19)

FITCH OPPOSED RULES RESTRICTING INDOOR SMOKING IN LEGISLATIVE BUILDINGS

In 1997, Fitch Defended Lawmakers Being Able To Smoke In Legislative Buildings, Noting He Smoked "Wherever I Feel Like Lighting Up"

In 1997, Fitch Defended Lawmakers Being Able To Smoke In Legislative Buildings, Noting He Smoked "Wherever I Feel Like Lighting Up." "North Carolina lawmakers smoke whenever and wherever they want -- in the chambers, corridors and hundreds of small rooms and offices that wind through the Legislative Building and adjacent office complex. Visitors can't smoke in galleries. State Rep. Toby Fitch, D-Wilson, said he smokes ``whenever I feel like lighting up." Fitch is unapologetic. ``I think smokers should accommodate nonsmokers, but I also think nonsmokers should accommodate smokers," said Fitch, whose desk on the House floor includes an ashtray of cigarette butts. Nonsmoker Sen. Wib Gulley, D-Durham, said lawmakers should set a healthy example for visitors, but there's reluctance to limit behavior of legislative colleagues." (*Herald Sun*, 6/7/97)

FITCH FLIP-FLOPPED ON SUSTAINING COOPER'S VETO OF THE SENATE-PASSED 2019-2020 STATE BUDGET

In January 2020, Fitch Indicated He Would Vote To Sustain The Governor's Veto Of The Senate-Passed Version Of The Budget Despite Having Voted For It In June 2019

In January 2020, Fitch Indicated He Would Vote To Sustain The Governor's Veto Of The Senate-Passed Version Of The Budget Despite Having Voted For It In June 2019. "With a potential vote on the governor's state budget veto looming in the state Senate on Tuesday, none of the four Democratic senators who initially voted for the budget in June are planning to support an override of the veto. That means Republicans likely won't get the one vote they need to pass the budget over Gov. Roy Cooper's objections if all senators are present. One of the four "yes" votes in June -- Sen. Floyd McKissick, D-Durham -- has resigned to take another government position, and the other three told the NC Insider last week that they expect to stand with the governor. "I'll vote to sustain the governor's veto," said Sen. Ben Clark, D-Hoke. "I filed a bill to expand Medicaid in North Carolina; that is one of my top priorities and a priority of the governor as well. Until we sit down and negotiate that, I see no reason to vote to override the veto." Sen. Don Davis, D-Pitt, said that "my position, as of right now, would (be) sustaining the veto." He said there's still a need to negotiate on teacher pay, school construction and franchise tax cuts. Sen. Toby Fitch, D-Wilson, had previously voiced uncertainty about how he'd vote, but last week said "I see no reason to change my position on the override. At this point in time, I would side with the governor.'" (*News & Observer*, 1/13/20)

FITCH HAS OPPOSED EFFORTS TO EXPAND SCHOOL CHOICE

In 2021, Fitch Voted Against Legislation That "Is Designed To Improve Education Outcomes By Responsibly Expanding Opportunities For Students And Their Families To Pursue School Choice"

Fitch Voted No On SB 671, Which Provides 'Changes To The K-12 Scholarship Programs.' ([SB 671](#), Bill Passed - Senate (29 - 20), North Carolina State Senate, 5/4/21, Fitch Voted No)

ACU: "This Bill Is Designed To Improve Education Outcomes By Responsibility Expanding Opportunities For Students And Their Families To Pursue School Choice."

"This bill is designed to improve education outcomes by responsibly expanding opportunities for students and their families to pursue school choice. The bill generally expands eligibility and reduces barriers for parents to participate in the state's school choice programs including the Opportunity Scholarship program and the Personal Education Student Accounts program. ACU supports improving educational outcomes and reducing taxpayer costs by responsibly expanding school choice and supported this bill." ([American Conservative Union Legislative Ratings](#), 2021)

American Conservative Union "Supports Improving Educational Outcomes And Reducing Taxpayer Costs By Responsibly Expanding School Choice And Supported This Bill."

([American Conservative Union Legislative Ratings](#), 2021)

In 1995, Fitch Criticized Republicans For Trying To Insert \$20 Million In Tuition Tax Credits For Parents Who Send Their Children To Private Schools

In 1995, Fitch Criticized Republicans For Trying To Insert \$20 Million In Tuition Tax Credits For Parents Who Send Their Children To Private Schools. “There were several Republican missteps in putting together their first state budget for new programs and construction projects, but none bigger than the sudden appearance of \$ 20 million for tuition tax credits for parents who send their children to private schools. That money was never approved by the House Appropriations Committee and was inserted into the budget before it was printed and distributed to legislators Thursday. Friday, the Republican leadership pushed through an amendment stripping that \$ 20 million out of the budget - something that displeases conservatives from the Christian Coalition wing of the GOP. Democrats didn't buy that the inclusion of the \$ 20 million was a mistake. "Ladies and gentlemen of the House, that \$ 20 million wasn't a mistake. This whole ill-conceived, secretly written, class warfare, anti-education budget itself is a mistake," said state Rep. Toby Fitch, a Wilson Democrat. "This budget sends one message. The leadership of this House wants a campaign issue more than they want to help the people who are struggling in our state," Fitch said.” (*News & Record*, 7/1/95)

FITCH SUPPORTS IMPLEMENTING A BILLION DOLLAR UNIVERSAL PRE-K PROGRAM

In 2021, Fitch Signaled Support For A Policy That “Would Cost Taxpayers An Additional \$1.2 Billion A Year To Socialize The Costs Of A Universal Pre-K And Childcare Program For All Children Who Are 3 To 4 Years Of Age”

Fitch Voted No On A Motion To Table Amendment 11 To Sb 105, Which Adds 1.2 Billion Dollars To The Omnibus To Fund Universal NC Pre-K. ([Amdt 11](#), Motion To Table - (28 - 22), North Carolina State Senate, 6/24/21, Fitch Voted No)

"FUNDS FOR UNIVERSAL NC PRE-K/EXPAND TO 3 YEAR-OLDS

SECTION 9C.1A. Notwithstanding the Committee Report referenced in Section 43.2 of this act or any other provision of law to the contrary, funds appropriated in this act to the Department of Health and Human Services, Division of Child Development and Early Education, are increased by the sum of one billion two hundred thirty-eight million dollars (\$1,238,000,000) in recurring funds for the 2021-2022 fiscal year and the sum of one billion two hundred forty-eight million dollars (\$1,248,000,000) in recurring funds for the 2022-2023 fiscal year. These funds shall be used for all children who are 3 or 4 years of age in this State to participate in the North Carolina Prekindergarten (NC Pre-K) program in accordance with Section 9C.1 of this act.”; and

([Amdt 11](#))

ACU: This Amendment “Would Cost Taxpayers An Additional \$1.2 Billion A Year To Socialize The Costs Of A Universal Pre-K And Childcare Program For All Children Who Are 3 To 4 Years Of Age.” “The Nickel (ACUF Lifetime 24%) amendment #11 to the omnibus appropriations bill would cost taxpayers an additional \$1.2 billion a year to socialize the costs of a universal Pre-K and childcare program for all children who are 3 to 4 years of age. ACU supports efforts to help individuals live happier, healthier, more productive lives by encouraging

them to become self-sufficient and opposes this enormous expansion of the size and scope of government and opposed this amendment.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Help Individuals Live Happier, Healthier, More Productive Lives By Encouraging Them To Become Self-Sufficient And Opposes This Enormous Expansion Of The Size And Scope Of Government And Opposed This Amendment.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH OPPOSED LEGISLATION SEEKING TO “PREVENT CLASSROOMS FROM BEING USED TO INDOCTRINATE STUDENTS WITH LEFTIST IDEALS SUCH AS CRITICAL RACE THEORY (CRT)”

In 2021, Fitch Voted Against Legislation That “Contains A Number Of Provisions That Are Designed To Ensure Students Receive Instruction On Core Subject Areas And Prevent Classrooms From Being Used To Indoctrinate Students With Leftist Ideals Such As Critical Race Theory (CRT)”

Fitch Voted No On HB 324, ‘Ensuring Dignity And Nondiscrimination/Schools.’ ([HB 324](#), Bill Passed - Senate (25 - 17), North Carolina State Senate, 8/26/21, Fitch Voted No)

BILL ANALYSIS: The bill would state the General Assembly's intent that students, teachers, administrators, and other school employees employ teaching methods and procedures that do the following:

- Respect the dignity of others.
- Acknowledge the right of others to express differing opinions.
- Foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

Public school units would be prohibited from promoting certain identified concepts. "Promote" would be defined as compelling students, teachers, administrators, or other school employees to affirm or profess belief in the identified concepts. The identified concepts would include the following:

- One race or sex is inherently superior to another race or sex.
- An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
- A meritocracy is inherently racist or sexist.
- The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.

([HB 324](#))

ACU: “This Bill Contains A Number Of Provisions That Are Designed To Ensure Students Receive Instruction On Core Subject Areas And Prevent Classrooms From Being Used To Indoctrinate Students With Leftist Ideals Such As Critical Race Theory (CRT).” “This bill

contains a number of provisions that are designed to ensure students receive instruction on core subject areas and prevent classrooms from being used to indoctrinate students with Leftist ideals such as critical race theory (CRT). For example, the bill prohibits public schools from promoting any ideology that one race or sex is inherently superior to another, or that an individual is inherently racist, sexist, or oppressive based solely on their own race or sex. The bill also requires public and charter schools to make instructional materials available to parents. ACU opposes the Left's quest to advance CRT and other ideals designed to advance division and grow the role of government and supported this bill." ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union "Opposes The Left's Quest To Advance CRT And Other Ideals Designed To Advance Division And Grow The Role Of Government And Supported This Bill"

The American Conservative Union "Opposes The Left's Quest To Advance CRT And Other Ideals Designed To Advance Division And Grow The Role Of Government And Supported This Bill." "This bill contains a number of provisions that are designed to ensure students receive instruction on core subject areas and prevent classrooms from being used to indoctrinate students with Leftist ideals such as critical race theory (CRT). For example, the bill prohibits public schools from promoting any ideology that one race or sex is inherently superior to another, or that an individual is inherently racist, sexist, or oppressive based solely on their own race or sex. The bill also requires public and charter schools to make instructional materials available to parents. ACU opposes the Left's quest to advance CRT and other ideals designed to advance division and grow the role of government and supported this bill." ([American Conservative Union Legislative Ratings](#), 2021)

**FITCH HAS CONSISTENTLY EARNED THE SUPPORT OF NC
TEACHERS' UNIONS**

In 2018, "State Sen. Milton F. "Toby" Fitch Jr., D-Wilson, Has Earned The North Carolina Association Of Educators' Endorsement." "State Sen. Milton F. "Toby" Fitch Jr., D-Wilson, has earned the North Carolina Association of Educators' endorsement in November's general election. Fitch a retired Wilson County Superior Court judge who was appointed in March to serve the remainder of Angela Bryant's current state Senate term representing District 4, faces Republican Richard Scott and Libertarian candidate Jesse Shearin in the fall. The NCAE, North Carolina's largest advocacy group for teachers and public school employees, gave Fitch its formal backing in a Friday news release. "Toby Fitch has proven to be a friend of public education for many years," association President Mark Jewell said. "He is 100 percent committed to our students and educators. He understands that in order for our state to remain progressive, we must have a strong public education system. Throughout his career, he has worked to make that happen; he has no plans to stop now!" Fitch previously served nine N.C. House terms representing Wilson and Edgecombe counties. He was a founding member of the N.C. Legislative Black Caucus and was the first African-American representative to be elected House majority leader, the NCAE noted." (*Wilson Daily Times*, 8/14/18)

Fitch Was Endorsed By The NCAE In August 2020. “The North Carolina Association of Educators is endorsing state Sen. Milton F. "Toby" Fitch, D-Wilson, in his Senate District 4 reelection bid. NCAE leaders announced the endorsement on Wednesday, citing the Fitch campaign's focus on public education in addition to economic development and infrastructure improvements. "Toby Fitch understands that in order for our state to remain progressive, we must have a strong public education system. Throughout his career, he has worked to make that happen," said Tonya Harris-Ellis, president of the Wilson County Association of Educators. "He is 100% committed to our students and educators." Fitch retired as Wilson County's senior resident Superior Court judge in February 2018 and was appointed to fill the remainder of former Sen. Angela Bryant's 2017-18 term. He defeated Republican Richard Scott and Libertarian Jesse Shearin nine months later to win a full term. Born and raised in Wilson, Fitch served nine terms in the N.C. House before becoming a judge. A founding member of the N.C. Legislative Black Caucus, he was North Carolina's first African American legislator to serve as House majority whip and later as majority leader.” (*Wilson Daily Times*, 8/19/20)

**HOWEVER, FITCH WAS THE ONLY MEMBER OF THE NC
LEGISLATURE TO VOTE AGAINST THE 1998 STATE BUDGET PLAN
WHICH INCREASED TEACHER PAY AND EDUCATION PROGRAMS**

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which “Raises Teacher Pay And Expands Smart Start, Gov. Jim Hunt's Early Childhood Education Initiative, To All 100 Counties”

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which “Raises Teacher Pay And Expands Smart Start, Gov. Jim Hunt's Early Childhood Education Initiative, To All 100 Counties.” “It took more than four months of bickering, but state lawmakers agreed Tuesday that it was time to end the longest legislative session in North Carolina history, giving preliminary approval to a \$ 12.6 billion spending plan for this fiscal year. The plan repeals the tax heirs pay on estates and knocks the final 2 cents off the state's portion of the food tax - both effective in 1999. It launches a \$ 17.3 million overhaul of the juvenile justice system, raises teacher pay and expands Smart Start, Gov. Jim Hunt's early childhood education initiative, to all 100 counties. In the end, Senate Democrats got their clean-water initiatives and improvements in school technology and universities, while House Republicans got a package of tax cuts to take before voters. But with one week remaining before the election Nov. 3, neither side will have much time to tout the spending plan on the campaign trail. And problems in the plan may show up later, said Dan Gerlach, fiscal analyst with the nonprofit N.C. Budget & Tax Center in Raleigh. "This is a big-spending budget," Gerlach said. "There are spending increases of almost \$ 1 billion. The cost of the tax cuts approved this year will go from \$ 35 million to \$ 290 million, and then you've got teacher pay increases. You've got Smart Start. When you put them together and you look at them all you say, 'Next year, even if we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby

Fitch in dissent. Both houses are set to convene at 8 a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week.” (*News And Observer*, 10/28/98)

**HOWEVER, FITCH WAS THE ONLY MEMBER OF THE NC
LEGISLATURE TO VOTE AGAINST A 2000 \$3.1 BILLION BOND
PACKAGE FOR UNC AND COMMUNITY COLLEGES**

***In May 2000, Fitch Was The Only Member Of The North Carolina Legislature To
Vote Against A \$3.1 Billion Bond Package For UNC And Community Colleges***

In May 2000, Fitch Was The Only Member Of The North Carolina Legislature To Vote Against A \$3.1 Billion Bond Package For UNC And Community Colleges. “A \$3.1 billion bond package for UNC and community colleges sailed through the House and Senate Wednesday with only one lawmaker voting against the plan. The proposal, which comes up for a final vote Thursday, would appear on the November ballot. Voters would be asked to approve \$2.5 billion in specific projects for University of North Carolina campuses and \$600 million for the 58 community colleges. Last year, the plan was derailed by a standoff between the House and Senate over whether to put the bonds to a public vote. But on Wednesday, the Senate voted 49-0 for the proposal, while the House approved it 112-1. Only Rep. Toby Fitch, D-Wilson, voted against the plan. Lawmakers have spent months refining a list of projects to be financed with bonds from a list of nearly \$7 billion in university needs compiled by an outside consultant. “We have gone back through this list that's in here three or four times, as you all know, to make sure the projects that are in here are the kind the people of North Carolina can support,” Sen. Tony Rand, D-Cumberland, told the Senate. He said the university system is one of the state's crown jewels.” (*The Associated Press*, 5/17/00)

**FITCH SUPPORTS ABORTION RIGHTS AND STATE FUNDING FOR
ABORTIONS**

***In 1989, Fitch Supported Continued State Funding For Abortions And Was Critical Of
Potential Efforts To Make Abortions Illegal***

In 1989, Fitch Supported Continued State Funding For Abortions And Was Critical Of Potential Efforts To Make Abortions Illegal. (*Rocky Mount Telegram*, 7/20/89)

Legality of abortion doesn't seem to pose a problem for Rep. Toby Fitch, D-Wilson. "I don't think the state of North Carolina should study it," he said. Instead, Fitch said the state-funded abortions should continue. The funding available for abortions has been eroded, he said. "It used to be available to all women, if they just asked," he added. Fitch said if abortions become illegal, women are "going to end up in a back alley somewhere."

(Rocky Mount Telegram, 7/20/89)

In 2021, Fitch Voted Against The Born-Alive Abortion Survivors Protection Act

Fitch Voted No On S 404, The 'Born-Alive Abortion Survivors Protection Act.' ([SB 404](#), Bill Passed - Senate (28 - 21), North Carolina State Senate, 5/11/21, Fitch Voted No)

- NOTE: "An act establishing the born-alive abortion survivors protection act." ([SB 405](#))

ACU: "This Bill, Known As The Born-Alive Abortion Survivors Protection Act, Protects Life By Requiring A Health Care Practitioner To Exercise The Same Degree Of Professional Skill And Care To Preserve The Life Of A Child Born Alive In The Case Of An Abortion Or Attempt To Perform An Abortion." "This bill, known as the Born-Alive Abortion Survivors Protection Act, protects life by requiring a health care practitioner to exercise the same degree of professional skill and care to preserve the life of a child born alive in the case of an abortion or attempt to perform an abortion. ACU believes abortion is a human tragedy, supports restrictions on the practice and supported this bill. The Senate passed the bill on May 11, 2021 by a vote of 28-21." ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union "Believes Abortion Is A Human Tragedy, Supports Restrictions On The Practice And Supported This Bill." ([American Conservative Union Legislative Ratings](#), 2021)

In 2021, Fitch Voted Against A Bill That "Protects Life By Prohibiting Abortions Sought Due To The Race Or The Presence Or Presumed Presence Of Down Syndrome Of The Unborn Child"

Fitch Voted No On HB 453, 'Human Life Nondiscrimination Act/No Eugenics'. ([HB 453](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 6/10/21, Fitch Voted No)

- NOTE: "An Act To Protect Against Discrimination Of Human Life." ([HB 453](#))

ACU: "This Bill Protects Life By Prohibiting Abortions Sought Due To The Race Or The Presence Or Presumed Presence Of Down Syndrome Of The Unborn Child." "This bill protects life by prohibiting abortions sought due to the race or the presence or presumed presence

of Down syndrome of the unborn child. Under the bill, a physician is required to provide a statement confirming that the women did not seek the abortion because of the child's actual or presumed race or presence of Down syndrome. ACU believes abortion is a human tragedy, supports restrictions on the practice and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Under The Bill, A Physician Is Required To Provide A Statement Confirming That The Women Did Not Seek The Abortion Because Of The Child’s Actual Or Presumed Race Or Presence Of Down Syndrome.”** ([American Conservative Union Legislative Ratings](#), 2021)

HOWEVER, FITCH RECENTLY PROMOTED AN ESSAY CONTEST FOR A PRO-LIFE DEMOCRAT GROUP

In 2018, Fitch’s Office Promoted An Essay Contest By The Pro-Life Group, Democrats For Life Of America

In 2018, Fitch’s Office Promoted An Essay Contest By The Pro-Life Group, Democrats For Life Of America. “High school and college students in N.C. Senate District 4 are invited to enter the Democrats for Life of America's essay contest -- regardless of their political ties or personal views on abortion. The office of state Sen. Milton F. "Toby" Fitch, D-Wilson, distributed a call for entries in the contest via email this week. Individual prizes of \$2,500, \$1,000 and \$500 will be awarded to first-, second- and third-place winners. Essays should be 500 to 800 words and respond to the following prompt: "Many people assert that the term 'pro-life Democrat' is contradictory. How would you respond to someone who makes this assertion?" Democrats for Life of America essay coordinator Roger Morin stresses that students of any or no political affiliation are invited to submit entries. "DFLA will evaluate each essay on strength of argument -- not an individual's personal or political position," Morin writes in the call for entries.” (*Wilson Daily Times*, 5/31/18)

FITCH APPEARS OPPOSED TO SECOND AMENDMENT RIGHTS

In 2021, Fitch Voted Against The Religious Assembly Security And Protection Act

This Bill “Strengthens Second Amendment Rights By Building Upon Previous Law To Ensure Individuals Can Carry A Concealed Firearm In A Church Or Place Of Worship That Shares Its Location With A School”

Fitch Voted No On SB 43, ‘Protect Religious Meeting Places.’ ([SB 43](#), Bill Passed - Senate (30 - 19), North Carolina State Senate, 6/8/21, Fitch Voted No)

- NOTE: “An act to enact the religious assembly security and protection act of 2021 and to authorize concealed carry for certain law enforcement facility employees.” ([SB 43](#))

ACU: “This Bill, Known As The Religious Assembly Security And Protection Act, Strengthens Second Amendment Rights By Building Upon Previous Law To Ensure Individuals Can Carry A Concealed Firearm In A Church Or Place Of Worship That Shares Its Location With A School.” “This bill, known as the Religious Assembly Security and

Protection Act, strengthens Second Amendment rights by building upon previous law to ensure individuals can carry a concealed firearm in a church or place of worship that shares its location with a school. Religious institutions and owners still have the freedom to prohibit a firearm on their property. Additionally, the bill provides certain law enforcement facility employees to conceal carry in a greater amount of previously prohibited areas. ACU supports the founders' belief in the Second Amendment, opposes "gun-free zones" which threaten public safety by stripping individuals of their ability to defend themselves, and supported this bill." ([American Conservative Union Legislative Ratings](#), 2021)

- **"Additionally, The Bill Provides Certain Law Enforcement Facility Employees To Conceal Carry In A Greater Amount Of Previously Prohibited Areas."** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union "Supports The Founders' Belief In The Second Amendment, Opposes 'Gun-Free Zones' Which Threaten Public Safety By Stripping Individuals Of Their Ability To Defend Themselves, And Supported This Bill." ([American Conservative Union Legislative Ratings](#), 2021)

In 2021, Fitch Voted Against Legislation That "Reduces An Undue Burden For Individuals To Exercise Their Second Amendment Rights By Repealing The State's Pistol Purchase Permit Requirement And Instead Directs State Handgun Purchases Through The Federal National Instant Criminal Background Check System (NICS) Managed By The FBI"

Fitch Voted No On HB 398, An Act To Repeal Pistol Permits. ([HB 398](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 8/18/21, Fitch Voted No)

ACU: "This Bill Reduces An Undue Burden For Individuals To Exercise Their Second Amendment Rights By Repealing The State's Pistol Purchase Permit Requirement And Instead Directs State Handgun Purchases Through The Federal National Instant Criminal Background Check System (NICS) Managed By The FBI." "This bill reduces an undue burden for individuals to exercise their Second Amendment rights by repealing the state's pistol purchase permit requirement and instead directs state handgun purchases through the federal National Instant Criminal Background Check System (NICS) managed by the FBI. ACU supports the founders' belief in the Second Amendment and supported this bill." ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union "Supports The Founders' Belief In The Second Amendment And Supported This Bill." ([American Conservative Union Legislative Ratings](#), 2021)

In 2018, The Conservative Group Grass Roots North Carolina Awarded Fitch 0 Stars For His Position On Second Amendment Issues

In April 2018, The Conservative Group Grass Roots North Carolina Awarded Fitch 0 Stars For His Position On Second Amendment Issues. "Conservative group Grass Roots North Carolina has praised Republicans and panned Democrats running for Congress and the state legislature in its "Remember in November" voter guide charting candidates' support for gun

rights. In the 2nd Congressional District Republican primary, both U.S. Rep. George Holding and challenger Allen Chesser received four-star evaluations, the highest mark for Second Amendment support. In the Democratic primary for Holding's seat, Linda Coleman was the only candidate to complete a survey GRNC distributed, scoring 67 out of a possible 100 and earning one star. Her opponents, Wendy Ella May and Ken Romley, did not return the survey and received zero-star ratings. Incumbents are scored on their voting histories and survey responses, while challengers' scores are based solely on the answers they provided to the Grass Roots North Carolina survey. In the 1st Congressional District contest, Democratic U.S. Rep. G.K. Butterfield received a zero-star score based on his voting record. Republican challenger Roger Allison of Durham scored high on the survey and earned four stars. Sen. Toby Fitch, D-Wilson, received zero stars in Senate District 4. Republican challenger Richard Scott earned a four-star rating and Libertarian hopeful Jesse Shearin received zero stars.” (*Wilson Daily Times*, 4/20/18)

FITCH'S CURIOUS LEGAL CAREER AND DANGEROUS PUBLIC SAFETY AGENDA

Of all of Fitch's public exposure, voters may find his dangerous actions as a lawyer and judge most concerning. As an attorney, Fitch defended convicted murdered Abner Nicholson, who killed his wife and gunned down a police chief responding to the domestic violence incident with a point-blank shot to the head. As a Superior Court Judge, Fitch may be criticized for allowing several offenders off with seemingly light sentences, particularly amid plea agreements.

As a policymaker, Fitch has opted to join the political left in neglecting the public's safety.

On immigration, Fitch seems uninterested in embracing any sort of law enforcement. Fitch has opposed requiring local law enforcement to cooperate with federal immigration authorities. Notably, Fitch supports providing illegal immigrants with drivers' licenses.

Fitch has undermined law and order with controversial criminal justice reform positions. Recently, Fitch has opposed legislation that increases the penalties for rioting or inciting rioting. In 1998, Fitch was the only member of the House (114-1) to vote against a plan to rewrite juvenile crime laws including tougher sentencing for violent teens found guilty of serious felonies. In 1985, Fitch was one of only three House members to vote against legislation letting the state and crime victims recover profits from drug trafficking and white collar crime. In 1989, Fitch was among only six members of the House to vote against a bill setting mandatory prison terms for selling drugs on school grounds. In 1994, victims' rights advocates criticized Fitch for delaying reporting of an amendment preventing offenders from choosing probation over prison time. In 1989, Fitch was the only House member (by a vote of 103-1) to vote against a bill making it illegal to leave profane, indecent, or threatening messages on an answering machine, fax, or modem. Notably, Fitch has recently spearheaded efforts to decriminalize marijuana use.

Fitch was among the earliest Democrats to criticize and undermine the prison system. In 1994, Fitch questioned the amount of money the state spent on prisons. In 1995, Fitch was one of only seven House members (109-7) to vote against eliminating "the cap on the state's prison population".

Fitch has also taken several curious votes related to the criminal justice system. Fitch is known to have flip-flopped on his support for the banning of child marriage. In 1999, Fitch pushed to eliminate alienation of affection lawsuits. In 1987, Fitch opposed a provision requiring auto insurance for driver's license registrations or renewals. In 1998, Fitch was the only member of the House (111-1) to oppose a bill allowing local governments to create ordinances to control adult businesses.

Notably, in 1998, Fitch was the only member of the House (112-1) to vote against a bill that could reverse Durham's limits on large American flags.

AS AN ATTORNEY, FITCH DEFENDED CONVICTED MURDERED ABNER NICHOLSON, WHO KILLED HIS WIFE AND GUNNED DOWN A POLICE CHIEF RESPONDING TO THE DOMESTIC VIOLENCE INCIDENT WITH A POINT-BLANK SHOT TO THE HEAD

In Private Practice, Fitch Was The Go-To Criminal Defense Lawyer For His Firm

In Private Practice, Fitch Was The Go-To Criminal Defense Lawyer For His Firm. ‘Fitch said he became the go-to criminal guy. "I was the one who was charged with drumming the business," Fitch said. "So I went into criminal court with no clients. But a vast number of individuals knew me. And so I walked in and I would see Johnny that I went to school with, and played ball with, and I'd ask him what are you doing here? And he would say I've got a case here. I'd say, do you have a lawyer? He would say no. And I would say, what do you want? He might say I want to get out of here and get it continued. I would say I'll do it for you." And so having done that, Fitch said he'd ask the district attorney for the same thing he may have given Robert Farris as a plea bargain for his client. And the district attorney would tell Fitch no. "So, now I have all of these people who I represent," Fitch said. "When he wouldn't give it to me, I would say you will have to reckon with me one day. And so I would wind up with 25, then 30, 35, then 40 cases on the calendar.”’ (Wilson Daily Times, 9/15/14)

In 1999, As A Defense Attorney, Fitch Represented Abner Nicholson, Who Was “Convicted Of Two Counts Of First-Degree Murder Wednesday For The Killings Of His Estranged Wife And A Wilson County Police Chief, Who Tried To Protect Her After Responding To A Domestic Violence Call”

In 1999, As A Defense Attorney, Fitch Represented Abner Nicholson, Who Was “Convicted Of Two Counts Of First-Degree Murder Wednesday For The Killings Of His Estranged Wife And A Wilson County Police Chief, Who Tried To Protect Her After Responding To A Domestic Violence Call.” ‘A Wilson man was convicted of two counts of first-degree murder Wednesday for the killings of his estranged wife and a Wilson County police chief, who tried to protect her after responding to a domestic violence call. A jury of seven women and five men, bused in from Craven County for the trial, deliberated only briefly before finding Abner Nicholson guilty of murder in the deaths of Sharpsburg Police Chief Wayne Hathaway and Gloria Nicholson. Nicholson was acquitted of a charge of trying to kill his father-in-law, Marvin Badger. Nicholson faces life in prison or the death penalty. During closing arguments Wednesday, prosecutor Howard Boney told jurors their decision would send a message to law officers around the state. Defense attorney Toby Fitch urged jurors to put themselves in the place of Nicholson, who has claimed he was ambushed by his wife and father-in-law. Nicholson, who testified in his own defense Monday, claimed Badger shot Hathaway and Mrs. Nicholson on July 19, 1997, at the Nicholsons' trailer.” (The Associated Press, 11/10/99)

- **Nicholson Shot Sharpsburg Police Chief Wayne Hathaway In The Head As He Answered A Domestic Disturbance Call And Also Gunned Down His Wife.** “Sharpsburg Police Chief Wayne Hathaway died early Friday morning at Duke Medical Center, about 18 hours after being shot in the head as he answered a domestic disturbance call. Gloria Nicholson, 25, also was shot and killed. Her husband, Abner Nicholson, 32, was arrested late Thursday night after an intense manhunt. He faces two counts of first-degree murder. Hathaway, who had been with the Sharpsburg police for about 25 years, was shot while responding to a domestic dispute at the Nicholsons' trailer in Weaver's mobile home park. Sharpsburg is a largely rural town of about 2,000 people where the Nash, Edgecombe and Wilson county lines meet. The police department had six officers,

including the chief. Hathaway was airlifted from Nash General Hospital to Duke Medical Center shortly after 5 p.m. Thursday. More than 20 friends and family members gathered at the hospital and stood vigil. Hathaway was pronounced dead shortly after 6 a.m. Friday.”

- **“Nicholson Turned Suddenly And Shot Hathaway Once In The Head At Point-Blank Range, Then Shot His Wife At Least Once, Killing Her. He Also Fired Shots At Gloria's Stepfather, Michael Badger Of Kenly, And Her 14-Year-Old Stepbrother.”** “At a press conference Friday, authorities said Hathaway had gone to the couple's mobile home because Gloria Nicholson had reported a domesitc disturbance. After entering the home and talking with the couple, police say, Nicholson turned suddenly and shot Hathaway once in the head at point-blank range, then shot his wife at least once, killing her. He also fired shots at Gloria's stepfather, Michael Badger of Kenly, and her 14-year-old stepbrother. Neither was injured. Investigators say Nicholson used a small, .22-caliber pistol in the shootings. They found the suspected weapon just before noon Friday near Nicholson's hiding spot. The gun, similar to the one pictured at left, is easy to hide in a pocket or hand. Authorities say the suspect had pawned the gun, along with some camera equipment and some other items, about two weeks ago. The day before the shooting, he returned to the Sharpsburg pawn shop to retrieve the gun.” (WRAL, 7/18/97)

As Part Of His Defense Arguments, Fitch Contended That Nicholson Was Lured And Trapped In The Situation By His Wife And Wife's Family.

NOTE: Fitch Was Pictured Next To Nicholson During His Trial As His Defense Attorney.
(Wilson Times, 11/2/99)



A Spring Hope defense attorney, Terry Alford, left, speaks Monday in the courtroom to fellow attorneys and to his client. Facing the camera are, from left, attorney Brian Paxton, defendant Abner Nicholson and attorney Milton "Toby" Fitch Jr. (Photo by Grant Roberson)

Teen recalls the day of two shootings

By Connie Rhem
Daily Times Staff Writer

Crying, breathing heavily, yelling and talking so fast at times his words jumbled atop each other, Jarrin Brown called police for help after a double shooting at his home, a shooting one of Abner Nicholson's defense attorneys called self defense.

Nicholson, 34, is charged with shooting to death his wife, 25-year-old Gloria Nicholson, and Sharpsburg Police Chief Wayne Hathaway,

"He shot a policeman and my sister. Please send somebody."

— Jarrin Brown
brother of victim Gloria Nicholson;
his voice is captured
on the dispatcher's tape.

went back to her Sharpsburg home July 17, she called Nicholson to come get his clothes and leave the house.

She called town hall and the police department to find out if an officer could come, but walk over rather than coming in a marked car. Assistant town clerk Jeannie Perry told her that was against town policy.

Mrs. Perry testified that she called Hathaway, the only officer on duty that day, to come to the office and explain to Mrs. Nicholson why

(Wilson Times, 11/2/99)

- **During The Trial, Fitch And Nicholson's Other Defense Attorney Tried To Argue That Nicholson Was Lured And Trapped In The Situation.** (Wilson Times, 11/2/99)

During cross examination of prosecuting witnesses, defense attorneys Milton "Toby" Fitch Jr. and Alford tried to show that Nicholson was called to the trailer under the guise of getting his clothes and leaving. Once he got there, however, several events led him to fear for his life. Defense attorneys said that's why he fired a 25-caliber automatic handgun and killed his wife and the police chief.

The shootings were the result of "the horrible, tragic trap that was set that day," Alford said in his opening statement to jurors, adding that Nicholson and Hathaway were the victims of a situation "not of their making."

Nicholson went to the home to get his clothes and leave. Alford said that Nicholson didn't fire until looking around him and sensing something was wrong.

(Wilson Times, 11/2/99)

“Defense Attorney Toby Fitch Urged Jurors To Put Themselves In The Place Of Nicholson, Who Has Claimed He Was Ambushed By His Wife And Father-In-Law”

“Defense Attorney Toby Fitch Urged Jurors To Put Themselves In The Place Of Nicholson, Who Has Claimed He Was Ambushed By His Wife And Father-In-Law.” “During closing arguments Wednesday, prosecutor Howard Boney told jurors their decision would send a message to law officers around the state. Defense attorney Toby Fitch urged jurors to put themselves in the place of Nicholson, who has claimed he was ambushed by his wife and father-in-law. Prosecutors contend Nicholson killed his wife and Hathaway as the police chief responded to a domestic disturbance call from Mrs. Nicholson. Hathaway was helping Mrs. Nicholson move out of the trailer home after an argument with her estranged husband, police said.” (*The Associated Press*, 11/10/99)

- **“Nicholson, Who Testified In His Own Defense Monday, Claimed His Father-In-Law, Marvin Badger, Must Have Shot Hathaway And Mrs. Nicholson On July 19, 1997, At The Nicholsons' Home. Nicholson Also Is Accused Of Trying To Kill Badger.”** “Nicholson, who testified in his own defense Monday, claimed his father-in-law, Marvin Badger, must have shot Hathaway and Mrs. Nicholson on July 19, 1997, at the Nicholsons' home. Nicholson also is accused of trying to kill Badger. Nicholson said Badger and Mrs. Nicholson lured him to the home, and then Badger started shooting. Nicholson said he feared for his life and ran away only because he feared police would blame him. Prosecutors reject Nicholson's claims about Badger, who has attended the trial and was surprised by Nicholson's accusation.” (*The Associated Press*, 11/10/99)

In November 1999, A Jury Sentenced Nicholson To Death

In November 1999, A Jury Sentenced Nicholson To Death. “Jurors have sentenced Abner Nicholson to death for killing his wife, Gloria, and Sharpsburg Police Chief Wayne Hathaway in July 1997. The judge gave the case to the jury late Wednesday afternoon, and the panel returned just after 12 p.m. Thursday with its sentence. The jury said there were mitigating factors in this case, but they felt the aggravating circumstances outweighed those factors. After five hours of deliberations, the jury chose two death sentences. “The hardest part about it is I lost my child. This is a day that shouldn't have been, but we're here,” said Ella Badger, Gloria's mother. Nicholson showed little emotion as each juror confirmed the choice. His attorney says he is not sure if the convicted killer understands his fate. “He is a 34-year-old chronological man who is able to adapt to some things, but he has the mind of a 12 or 13 year old,” said attorney Toby Fitch.” ([WRAL](#), 11/16/99)

“Fitch Had Argued That Jurors Should Spare Nicholson's Life Because His Low Intelligence Level Meant The Jury Would Essentially Be Putting A Child On Death Row”

“Fitch Had Argued That Jurors Should Spare Nicholson's Life Because His Low Intelligence Level Meant The Jury Would Essentially Be Putting A Child On Death Row.” “His lawyer said he is not sure if the convicted killer understands his fate. “He is a 34-year-old chronological man who is able to adapt to some things, but he has the mind of a 12- or 13-year old,” said attorney Toby Fitch, who is also a state legislator. Hathaway's friend and current police chief, William Purnell, said the death penalty is warranted. “I think it would send a message out to anyone that the judicial system and the residents of North Carolina are not going to tolerate

this," Purnell said. Fitch had argued that jurors should spare Nicholson's life because his low intelligence level meant the jury would essentially be putting a child on death row." (*The Associated Press*, 11/19/99)

In 2010, Nicholson's Death Sentence Was Overturned On The Grounds Of His Mental Retardation; He Was Sentenced Instead To Two Life Sentences Without The Possibility Of Parole

In 2010, Nicholson's Death Sentence Was Overturned On The Grounds Of His Mental Retardation; He Was Sentenced Instead To Two Life Sentences Without The Possibility Of Parole. "It's a story 13 years in the making. A man convicted of a double murder and sentenced to death is no longer facing the needle. The murders of Gloria Nicholson and Sharpsburg Police Chief Willard Hathaway left a mark on the small town of Sharpsburg. Everyday residents in Sharpsburg drive across Hathaway Boulevard. It was named for their former police chief murdered 13 years ago by Abner Nicholson. It was a hot July day in 1997 when Nicholson shot and killed his wife, Gloria, and Chief Hathaway who was responding to the domestic call. Then began an intense man hunt. Helicopters searched from the sky, while dogs sniffed him out on the ground. Nicholson was found in a cornfield near the murder scene hours later. He went on trial for the murders in 1999 and was found guilty. Defense lawyers urged for a life sentence saying Nicholson had the mental capacity of a child. Prosecutors portrayed him as a cold-blooded killer who ran away from authorities during the 11 hour man hunt. He was sentenced to death, but now that's changed. Courts overturned his death sentence in September on the grounds that he is mentally retarded. On Thursday he was sentenced to serve two consecutive sentences of life in prison without the possibility of parole." ([ABC 12](#), 11/5/10)

AS A JUDGE, FITCH MAY BE CRITICIZED FOR ALLOWING SEVERAL OFFENDERS OFF WITH SEEMINGLY LIGHT SENTENCES, PARTICULARLY AMID PLEA AGREEMENTS

Fitch Served As A Superior Court Judge For 16 Years From 2001 To 2018

Fitch Served As A Superior Court Judge For 16 Years From 2001 To 2018. "After nearly two decades, Superior Court Judge Milton F. "Toby" Fitch Jr. hopes to switch seats from behind the bench to the state Senate. Fitch retired from his long-held post Friday and filed to run for the N.C. Senate District 4 seat, which covers Wilson, Edgecombe and Halifax counties. He will face O.D. Sykes in the 2018 Democratic primary. Sykes, a Weldon resident, filed to run for the seat on Tuesday. Fitch, who has served as Superior Court judge for 16 years, will turn 72 -- the mandatory retirement age for judges -- in October. "I'm not ready to be put on a shelf and dusted off, so I'm going to offer myself to continue my service to the people ... in the capacity of state senator," Fitch told *The Wilson Times*. "And I would hope with my experience and my ability to be able to cross the aisle, that I would be able to make some things happen in eastern North Carolina as well as across the state." (*Wilson Daily Times*, 2/17/18)

In 2008, Fitch Sentenced Anthony Geer Who Pled Guilty To Involuntary Manslaughter “To 13-16 Months In Prison But Suspended The Sentence On Condition That He Serve Nine Months Of Intensive, Supervised Probation And That He Complete 48 Hours Of Community Service. He Also Fined Geer \$750 And Ordered Him To Pay Court Costs”

In 2008, Fitch Sentenced Anthony Geer Who Pled Guilty To Involuntary Manslaughter “To 13-16 Months In Prison But Suspended The Sentence On Condition That He Serve Nine Months Of Intensive, Supervised Probation And That He Complete 48 Hours Of Community Service. He Also Fined Geer \$750 And Ordered Him To Pay Court Costs.” “At first blush, a plea to involuntary manslaughter looks like a miscarriage of justice in a stabbing death that was being prosecuted as first-degree murder. But that first impression doesn't hold up to closer examination. Calisto Garcia-Jiminez was stabbed to death a year ago following an argument with Anthony Lee Geer, a co-worker at Bruce Foods. Police investigating the homicide charged Geer, 40, with murder. But Geer was prepared to testify that on June 25, 2007, he and Garcia-Jiminez argued in the company breakroom, and Garcia-Jiminez challenged him to a fight. Geer said he declined the challenge and walked away. The next day, he would testify, he was accosted on his way home from work by Garcia-Jiminez, and the two fought beside Stantonsburg Road. After the scuffle, according to Geer's attorney, Geer thought the fight had ended and prepared to continue his trip to his home on Worth Drive. Geer claims Garcia-Jiminez then came at him again, only with a knife this time. Pulling out his own knife, Geer took a swing at Garcia-Jiminez. That swing struck a coronary artery, killing Garcia-Jiminez. Geer could have taken the case to a jury, pleading self-defense. Without other witnesses to contradict Geer's account of the fight, a jury might have found him innocent and set him free. Geer and his attorney decided instead to plea to involuntary manslaughter, admitting that he was responsible, but that the death was unintentional and was without malice, premeditation or deliberation. Assistant District Attorney Peter Glasgow and Superior Court Judge Milton F. "Toby" Fitch agreed to the plea arrangement. Apparently, prosecutors were not confident that they could persuade a jury that Geer had caused Garcia-Jiminez's death intentionally, maliciously and deliberately. Fitch sentenced Geer to 13-16 months in prison but suspended the sentence on condition that he serve nine months of intensive, supervised probation and that he complete 48 hours of community service. He also fined Geer \$750 and ordered him to pay court costs.” (Wilson Daily Times, 7/17/08)

In 2008, Fitch Sentenced Bank Robber Daniel Dunn “To No Less Than 20 And No More Than 24 Months In The N.C. Department Of Corrections With Credit For The Time He Has Been In Jail Since The Incident. Fitch Then Suspended That Sentence And Placed Him On Probation”

In 2008, Fitch Sentenced Bank Robber Daniel Dunn “To No Less Than 20 And No More Than 24 Months In The N.C. Department Of Corrections With Credit For The Time He Has Been In Jail Since The Incident. Fitch Then Suspended That Sentence And Placed Him On Probation.” “A Wilson man who was arrested May 2 after robbing the downtown BB&T bank was sentenced in Wilson Superior Court Wednesday. Daniel Earl Dunn, 50, of Wilson, appeared before Wilson Superior Court Judge Toby Fitch with his attorney Randy Hughes. In a

plea arrangement with the district attorney's office, Dunn pleaded guilty to common law robbery, and the robbery with a dangerous weapon charge was dismissed. Dunn is accused of entering the BB&T towers May 2 and taking money from a teller after stating that he had a weapon, which wasn't true. He then fled on foot and got into a vehicle with Travis Lee Anderson, 28, of 1701 London Drive, Apt. H, and James Arthur Taylor Jr. of 501 Macon St. Officers responding to the call stopped the vehicle at the corner of South and Lodge streets, and all three men were taken into custody. Fitch sentenced Dunn to no less than 20 and no more than 24 months in the N.C. Department of Corrections with credit for the time he has been in jail since the incident. Fitch then suspended that sentence and placed him on probation.” (*Wilson Daily Times*, 11/6/08)

In 2008, Fitch Sentenced Calvin Vick, Who Agreed To A Plea Deal For Misdemeanor Marijuana Possession After Being Charged With Felony Possession With Intent To Sell And Possession Of A Firearm By A Convicted Felon Among Other Offenses, “To No Less Than Six And No More Than Eight Months In State Prison. That Sentence Was Suspended And Vick Was Placed On Six Months Of Intensive Supervision”

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- **“Vick Was Convicted In Wilson County Superior Court In 2004 For Possession Of A Schedule VI Controlled Substance And Maintaining A Place For The Sale Or Delivery Of A Controlled Substance.”** (*Wilson Daily Times*, 11/7/08)

In 2008, Fitch Sentenced Burglar Freddie Russell “To No Less Than 11 Months And No More Than 14 Months In The N.C. Department Of Corrections. He Suspended The Sentence And Placed Him On Nine Months Of Intensive Supervision, Ordered Him To Pay A \$500 Fine Plus Court Costs, Pay Restitution Of \$180 And Pay \$900 In Attorney Fees”

In 2008, Fitch Sentenced Burglar Freddie Russell “To No Less Than 11 Months And No More Than 14 Months In The N.C. Department Of Corrections. He Suspended The Sentence And Placed Him On Nine Months Of Intensive Supervision, Ordered Him To Pay A \$500 Fine Plus Court Costs, Pay Restitution Of \$180 And Pay \$900 In Attorney Fees.”

“Freddie Thomas Russell was sentenced in Superior Court Thursday for his part in breaking into and entering a home while the family was attending a funeral and visitation for a family member. On Dec. 1, Russell and Nicole Michelle Collins-Griffin, 35, broke into Gary Winstead's father's home and stole a pocketbook belonging to Gary's wife, Tanya Winstead. The Winsteds, who live in Laurinburg, were in town attending Gary's father's funeral and visitation and staying at the West Langley Road home. When the couple returned from the funeral home, they found that the door to the home had been kicked in and the pocketbook missing. The robbers used the stolen debit and credit cards at an ATM to obtain a cash advance, at a gas station, Wal-Mart and The Shoe Department. Russell, who was originally charged with breaking and entering, larceny after breaking and entering and four counts of obtaining property by false pretense, pleaded guilty to the lesser offenses of one count of felonious obtaining property by false pretense and one count of felony possession of stolen property, both of which are Class H felonies and carry a maximum sentence of 30 months imprisonment each. Wilson Superior Court Judge Toby Fitch consolidated the charges and sentenced Russell to no less than 11 months and no more than 14 months in the N.C. Department of Corrections. He suspended the sentence and placed him on nine months of intensive supervision, ordered him to pay a \$500 fine plus court costs, pay restitution of \$180 and pay \$900 in attorney fees.” (*Wilson Daily Times*, 11/7/08)

In 2009, Fitch Opted To Not Impose A Court Punishment On A Man Accused Of Helping To Cover Up The Rape And Murder Of A 17-Year-Old Girl

In February 2009, “A Wilson Man Accused Of Helping To Cover Up The Rape And Murder Of A 17-Year-Old Girl Nearly Five Years Ago Pleaded Guilty Monday To A Lesser Charge Of Failing To Report The Crime. James Arthur Johnson, 22, Entered An Alford Plea To Attempted Misprision Of A Felony In Connection With The June 2004, Slaying Of Brittany Tyler Willis.” ([WRAL](#), 2/16/09)

- **“The Charge Is Punishable By A Maximum Of 15 Months In Prison, But Senior Resident Superior Court Judge Milton Fitch Gave Johnson A Prayer For Judgment Continued. That Means The Court Did Not Impose A Punishment. Johnson, Who Was Held For More Than Three Years After His Arrest, Will Not Face Additional Jail Time.”** “The charge is punishable by a maximum of 15 months in prison, but Senior Resident Superior Court Judge Milton Fitch gave Johnson a prayer for judgment continued. That means the court did not impose a punishment. Johnson, who was held for more than three years after his arrest, will not face additional jail time. If he is ever

charged with another crime or convicted of a crime, he could still be sentenced in the Willis case. "The prayer for judgment, while not a final determination, is a scarlet letter that will hang with (Johnson) forever and a day," Fitch said. "PJC is not appealable, nor is it expungeable." In an Alford plea, a defendant pleads guilty, while maintaining his or her innocence, and admits it is in his or her best interest to take the plea deal, because there is sufficient evidence that could find him or her guilty. A misprision of a felony means failing to notify authorities of a crime. Monday's plea brings an end to the high-profile case, which has been riddled with accusations of prosecutorial misconduct and injustice, as well as racial division in the Wilson community – Johnson is black; Willis was white." ([WRAL](#), 2/16/09)

- **“Willis Was Kidnapped From The Brentwood Shopping Center In Wilson On June 28, 2004, And Driven In Her SUV To A Field Where She Was Raped, Shot Once In The Back And Once In The Head.”** ([WRAL](#), 2/16/09)
- **“Johnson And Another Man, Kenneth Meeks, Were Initially Charged With Murder, Rape And Kidnapping In The Case.”** “Johnson and another man, Kenneth Meeks, were initially charged with murder, rape and kidnapping in the case. A third man, Julian Tyson Deans, was charged with accessory after the fact to first-degree murder but has never gone to trial.” ([WRAL](#), 2/16/09)
- **“Meeks Plead Guilty In April 2006. In A May 2007 Letter To The Wilson Daily Times, He Said Johnson Was Innocent.”** “Meeks plead guilty in April 2006. In a May 2007 letter to The Wilson Daily Times, he said Johnson was innocent. Even though there was no physical evidence that linked him to the crime, Johnson spent 39 months in jail under a \$1 million bond until he was released on reduced bond in September 2007. A special prosecutor dismissed the charges in December 2007, but charged him with one count of accessory after the fact to first-degree murder. "Anything I do today will not bring Brittany Willis back. Anything I do today will not give the defendant Johnson his 39 months back," Fitch said Monday.” ([WRAL](#), 2/16/09)
- **“Johnson's Admitted To Investigators That He Wiped Fingerprints Off Willis' SUV, But Said That He Was Under Duress Because Meeks Showed Him A Gun.”** ([WRAL](#), 2/16/09)
- **NOTE: Video Of Fitch Accepting Johnson's Plea Agreement In 2009 Can Be Found Here:** <https://www.wral.com/news/local/story/4543315/>.



([WRAL](#), 2/16/09)

In March 2009, Fitch Sentenced Justin Rose, Who “Was Arrested On July 30 And Charged With Felonious Breaking And Entering And Felonious Larceny After Breaking And Entering,” “To No Less Than Six And No More Than Eight Months On Each Charge And Because He Was Considered A "Record Level 1" Offender, Suspended Those Sentences And Placed Him On Intensive Probation For Nine Months

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In June 2009, Fitch Accepted An Alford Plea From High School Football Coach Tony Newcomb Who “Entered Two Guilty Pleas Wednesday To Two Counts Of Misdemeanor Sexual Battery Pursuant To An Alford Plea Before Resident Superior Court Judge Milton Fitch. Newcomb Was Sentenced To 60 Days In Jail On Each Count. Those Sentences Were Suspended And He Was Placed On 48 Months Of Probation With The First Nine Being Served As Intensive Probation”

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- **Newcomb Was “Indicted By A Wilson County Grand Jury On March 9 On Two Felony Counts Of Taking Indecent Liberties With A Child And One Count Of Misdemeanor Contributing To The Delinquency Of A Juvenile.”** ‘A former Fike High School assistant varsity football coach and parking attendant has been sentenced in Wilson County Superior Court for having an inappropriate relationship with a former student. Tony Ray Newcomb, 47, of 8062 N.C. 42 W., was arrested on Dec. 11 and indicted by a Wilson County Grand Jury on March 9 on two felony counts of taking indecent liberties with a child and one count of misdemeanor contributing to the delinquency of a juvenile.’ (*Wilson Daily Times*, 6/12/09)
- **“Thomas Said That Newcomb And The 15-Year-Old Victim Exchanged E-Mails, Conversations And Text Messages On Numerous Occasions. At Least Twice, Newcomb Picked Up The Victim From Her Residence During The Early Morning Hours.”** “Thomas said that Newcomb and the 15-year-old victim exchanged e-mails, conversations and text messages on numerous occasions. At least twice, Newcomb picked up the victim from her residence during the early morning hours. "He did admit to coming and picking her up on two occasions, said that they rode around and he would ride in areas that had very light traffic late at night that they would stop and he would kiss and touch her..." Thomas said. "Although she was a willing participant to some extent, Your Honor, she was still a child and in high school." Wilson attorney Tom Sallenger, who represented Newcomb, told the court that sometimes good people make bad decisions and mistakes.” (*Wilson Daily Times*, 6/12/09)

- **Fitch Noted His Desire To Impose A Stronger Punishment But Newcomb Had Pleaded Guilty To Misdemeanors.** “Fitch told Newcomb that he had been entrusted (in his job) with children and that a true coach would have never done what he did. "I'm just sorry that you're pleading to misdemeanors because the time that I can give you ain't enough," Fitch said.” (*Wilson Daily Times*, 6/12/09)
- **“Just A Month After Being Placed On Probation, Newcomb Was Arrested By His Probation Officer For Violating His Probation. Investigators Said Newcomb And The Victim Exchanged Text Messages, Therefore Violating His Probation.”** (*Wilson Daily Times*, 4/5/11)
- **“In August 2009, Fitch Revoked Newcomb’s Probation And Ordered He Serve 120 Days In Prison. He Served His Sentence And Was Released Dec. 15, 2009.”** (*Wilson Daily Times*, 4/5/11)

In 2013, Fitch Placed Gary Owens, Who Pleaded To Second Degree Arson For A House That He Set On Fire In December 2012 After Having Been Charged With First Degree Arson, “On Supervised Probation For 24 Months And Ordered Him To Pay \$560 Attorney Fee, \$500 Restitution And \$350 Cost Of Court. He Was Also Ordered To Stay Away From The Victim”

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FITCH SUPPORTS PROVIDING ILLEGAL IMMIGRANTS WITH DRIVERS LICENSES

In 2021, Fitch Sponsored A Bill To Issue Drivers Licenses To Illegal Immigrants In North Carolina And Called It A “Winning Solution”

In 2021, Fitch Sponsored A Bill To Issue Drivers Licenses To Illegal Immigrants In North Carolina And Called It A “Winning Solution.” “A bill that would grant driver's licenses to undocumented immigrants in North Carolina is a "winning solution" for everyone in the state, Democratic State Senator Milton "Toby" Fitch Jr. told Efe on Thursday, one of the main drivers

of the proposal. Fitch and lawmaker Julie Mayfield, also a Democrat, presented the SB180 initiative, called "Restricted Driver's Licenses for Undocumented Immigrants," in the North Carolina Senate on Wednesday. "The SB180 project I presented in the legislature would give undocumented immigrants who have been in the country, who work and who pay taxes the opportunity to have a restricted driver's license," an official document to handle that would not be "valid for any other purpose," the senator said. For Fitch, it's "a winning solution for all parties involved: workers have the opportunity to drive legally on the streets of the state of North Carolina and go to work, and for North Carolina it means they will no longer have to drive without a license and surely an unsafe vehicle, something that creates all sorts of problems." "There will be financial security and responsibility in the car. And if there's anyone injured in an accident, there'll be insurance to cover it. I hope that my colleagues, both in the House and senate, will see that it is a winning solution for all," the legislator said." (*CE Noticias Financieras*, 3/4/21)

FITCH HAS OPPOSED REQUIRING LOCAL LAW ENFORCEMENT TO COOPERATE WITH FEDERAL IMMIGRATION AUTHORITIES

In 2021, Fitch Voted Against Legislation That “Requires Local Law Enforcement To Comply With Federal Immigration Detainers And Administrative Warrants, While Also Strengthening The Screening Process For The Immigration Status Of Individuals Charged With Crimes”

Fitch Voted No On SB 101, ‘Require Cooperation With ICE 2.0’. ([SB 101](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 3/11/21, Fitch Voted No)

- NOTE: “An act to require compliance with immigration detainers and administrative warrants and to require certain reports from local law enforcement.” ([SB 101](#))

ACU: “This Bill Requires Local Law Enforcement To Comply With Federal Immigration Detainers And Administrative Warrants, While Also Strengthening The Screening Process For The Immigration Status Of Individuals Charged With Crimes.” “This bill requires local law enforcement to comply with federal immigration detainers and administrative warrants, while also strengthening the screening process for the immigration status of individuals charged with crimes. ACU supports efforts to help the federal government perform its constitutional role in enforcing the nation’s immigration laws and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Help The Federal Government Perform Its Constitutional Role In Enforcing The Nation’s Immigration Laws And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH HAS OPPOSED LEGISLATION THAT INCREASES THE PENALTIES FOR RIOTING OR INCITING RIOTING

In 2021, Fitch Voted Against Legislation That “Is Designed To Strengthen Property Rights By Holding Rioters Accountable For The Damages They Cause”

Fitch Voted No On HB 805, An Act To Increase The Penalties For Rioting Or Inciting Rioting. ([HB 805](#), Bill Passed - Senate (25 - 19), North Carolina State Senate, 8/25/21, Fitch Voted No)

ACU: “This Bill Is Designed To Strengthen Property Rights By Holding Rioters Accountable For The Damages They Cause.” “This bill is designed to strengthen property rights by holding rioters accountable for the damages they cause. Specifically, the bill increases the felony classification of rioters who cause property damage in excess of \$1,500 or cause serious injury or death. The bill also increases penalties for rioter inciters. ACU firmly supports the founders’ belief in the First Amendment and the right to peacefully assemble, and we also support protecting property rights by holding accountable all parties who cause destruction and violence and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union Supports “Protecting Property Rights By Holding Accountable All Parties Who Cause Destruction And Violence And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH HAS UNDERMINED LAW AND ORDER WITH CONTROVERSIAL CRIMINAL JUSTICE REFORM POSITIONS

Fitch Was The Only Member Of The House (114-1) To Vote Against A Plan To Rewrite Juvenile Crime Laws Including Tougher Sentencing For Violent Teens Found Guilty Of Serious Felonies

In 1998, Fitch Was The Only House Member (114-1) To Vote Against “A Plan To Rewrite The State's Juvenile Crime Laws”; “The Plan Is An Attempt To Update A Juvenile Crime System That Was Not Designed To Deal With Large Numbers Of Violent Teens Found Guilty Of Serious Felonies.” “The state House gave tentative approval Tuesday to its version of a plan to rewrite the state's juvenile crime laws, despite concerns by some lawmakers that the proposal needs more money to be carried out. The 114-1 vote follows months of debate over a 160-page plan drawn up by a special commission appointed by Gov. Jim Hunt last year. Rep. Toby Fitch, D-Wilson, was the lone House member to vote against the plan. The Senate, which has already approved its version of the plan, is expected to reject the House version and appoint negotiators to work out a compromise. The plan is an attempt to update a juvenile crime system that was not designed to deal with large numbers of violent teens found guilty of serious felonies. “Offenders told the commission that the system doesn't work because they get second chance after second chance after second chance,” said Rep. Chuck Neely, R-Wake. Neely cited Gregory Gibson, who killed a 90-year-old Durham woman when he was 13 years old but could not be tried as an adult under state laws at that time. Gibson, who is now 20, was arrested on murder charges last week in the slaying of a convenience store clerk.” (*The Associated Press*, 9/1/98)

- **“The Plan Includes Tougher Sentencing Guidelines, Including A Minimum Six-Month Stay For Juveniles Sent To Training Schools.”** (*The Associated Press*, 9/1/98)
- **“It Also Calls For The Expansion Of Training Schools, Building More Youth Detention Centers And Hiring More Juvenile Court Counselors.”** (*The Associated Press*, 9/1/98)

Fitch Opposed An Amendment Allowing Judges To Impose Alternative Punishments

In June 1995, “The State House Voted 94-18 To Have N.C. Voters Decide In November 1996 On Amending The State Constitution So That Judges Can Impose Alternative Punishments - Whether The Criminal Agrees Or Not.” “State lawmakers are finally primed to fix one of the court systems most frustrating problems: Criminals who pick prison over probation to avoid paying restitution, doing community service or completing work programs. Many have been doing just that, knowing that crowded prisons probably will let them out after serving just a fraction of their sentence. In one month in 1992, nearly one-fourth of new N.C. inmates admitted they picked prison over probation. Thursday, the state House voted 94-18 to have N.C. voters decide in November 1996 on amending the state constitution so that judges can impose alternative punishments - whether the criminal agrees or not. Now, judges can sentence defendants to community punishments and order restitution as part of probation, but criminals can just say no and go to prison instead. Supporters say the change will stop that ploy and send a strong message to wrongdoers: "Crime will not pay in North Carolina," said Rep. Fern Shubert, R-Union. "Restitution will be required. While you may steal it today, you'll pay it back and more tomorrow." The Senate already has passed the proposal, though the referendum is set for this November. But the bill's main sponsor said Thursday he'll urge the Senate to go along with the 1996 vote.” (*Charlotte Observer*, 6/16/95)

- **“Opponents Also Said The Change Isn't Needed Since The State Has Added Thousands Of Prison Beds. "It Might Have Been Needed When There Was No Room At The Inn," Said Rep. Toby Fitch, D-Wilson.”** “Hensley and the handful of Democratic opponents said the alternative punishment amendment no longer is needed since the state started its new sentencing system last October. That "structured sentencing" plan keeps violent and repeat offenders in prison for their full sentences and virtually eliminates parole. Opponents also said the change isn't needed since the state has added thousands of prison beds. "It might have been needed when there was no room at the inn," said Rep. Toby Fitch, D-Wilson.” (*Charlotte Observer*, 6/16/95)

Fitch Pushed For Legislation To Ban Executions Of Those Found To Be Mentally Retarded

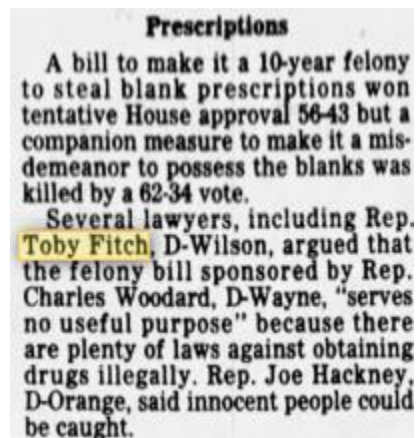
In 1994, Fitch Sponsored Legislation To Restrict The Use Of The Death Penalty For Persons Meeting Certain Conditions Of Mental Retardation. “Easley believes that banning mentally retarded criminals from being executed introduces an arbitrariness to the application of the death penalty - something frowned upon by the U.S. Supreme Court. "If you automatically exclude a class of people from the death penalty, based on an IQ test, that would be arbitrary," Easley said. Excluding any group of people from eligibility for the death penalty is unconstitutional, the Supreme Court has ruled. "I believe if we pass this bill we will be creating

many more new avenues of appeal. If you are just simply opposed to the death penalty, this is a good way to cause problems with the death penalty in the future," said state Sen. Roy Cooper, a Rocky Mount Democrat. The compromise bill, according to its sponsor, state Rep. Toby Fitch, D-Wilson, would have several requirements for the defendant before a jury even would to be allowed to consider whether to put a mentally retarded criminal to death: An IQ of 70 or below. The inability to perform adaptive functions, such as managing money or using public transportation. Evidence of retardation must be present before the age of 18. Opponents, including Easley and several in the Senate, argued that the IQ level should be set at 60 or below to determine whether a person is mentally retarded." (*News & Record*, 8/8/94)

In 2001, Fitch Praised The Passage Of Legislation To Ban The Execution Of The Mentally Retarded. "North Carolina became the 18th state to ban executions of the mentally retarded, though the new law requires defendants to meet some fairly high standards to make the claim. Anyone with an IQ of 70 or less recorded before the age of 18 with "significant limitations in adaptive functioning" at the same time would be considered mentally retarded. The legislation allows a defendant to seek a pretrial hearing before a judge, who could determine whether the person is mentally retarded. However, the prosecutor would have to agree to the hearing. If the judge rejects the claim, the accused's attorneys could bring up the issue again in the sentencing phase of the capital murder trial. But all of the jurors would have to agree the defendant is retarded in order to rule out a death sentence for that reason. Rep. Toby Fitch, D-Wilson, said the change was a decade in the making. "Major legislation like that is like turning a battleship. You've got to start turning it 10 miles ahead to get it in the direction you want it to go," said Fitch, the only lawyer in the Legislature who represents capital case defendants. "In essence, we're heading in the right direction." Lawmakers also agreed to give prosecutors more latitude if they decide the death penalty isn't warranted in a murder case." (*The Associated Press*, 12/6/01)

Fitch Opposed Legislation Making It A 10-Year Felony To Steal Blank Prescriptions

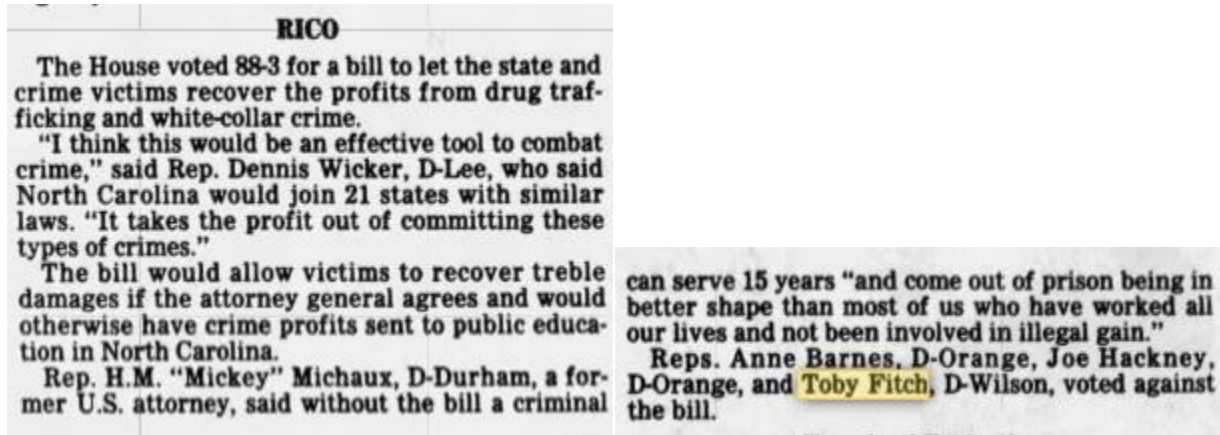
In 1985, Fitch Opposed Legislation Making It A 10-Year Felony To Steal Blank Prescriptions. (*Herald Sun*, 5/31/85)



(*Herald Sun*, 5/31/85)

Fitch Was One Of Only Three House Members To Vote Against Legislation Letting The State And Crime Victims Recover Profits From Drug Trafficking And White Collar Crime

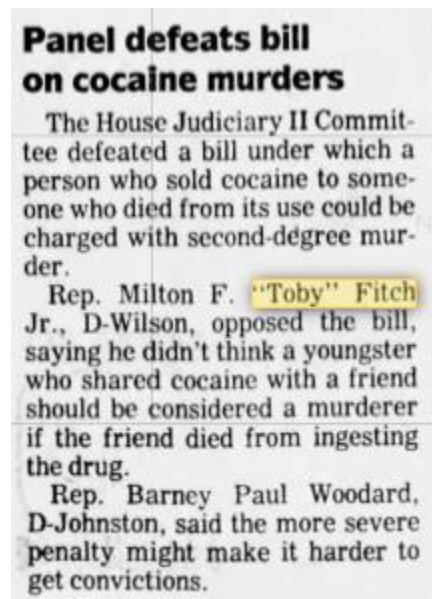
In 1985, Fitch Was One Of Only Three House Members To Vote Against Legislation Letting The State And Crime Victims Recover Profits From Drug Trafficking And White Collar Crime. (*Herald Sun*, 6/29/85)



(*Herald Sun*, 6/29/85)

Fitch Opposed A Bill "Under Which A Person Who Sold Cocaine To Someone Who Died From Its Use Could Be Charged With Second Degree Murder"

In 1987, Fitch Opposed A Bill "Under Which A Person Who Sold Cocaine To Someone Who Died From Its Use Could Be Charged With Second Degree Murder." (*The News And Observer*, 5/15/87)



(*The News And Observer*, 5/15/87)

Fitch Was Among Only Six Members Of The House To Vote Against A Bill Setting Mandatory Prison Terms For Selling Drugs On School Grounds

In 1989, Fitch Was Among Only Six Members To Vote Against A Bill Setting Mandatory Prison Terms For Selling Drugs On School Grounds. (Herald Sun, 4/29/89)

House Votes To Crack Down On

RALEIGH (AP) — A bill to establish mandatory prison terms for selling illegal drugs on school grounds was approved on an 81-6 vote in the state House Friday, despite questions about inconsistencies in handling drug dealers.

Rep. John McLaughlin, D-Mecklenburg, said his bill, which now goes to the Senate, will send a message to drug dealers to stay away from schools.

Under the bill, anyone 20 or older who sells drugs to someone under 18 on school grounds or within 1,000 feet of school grounds would face a mandatory two-year prison term. Anyone 20 or older who sells drugs to someone under 18 anywhere else would face a mandatory one-year term.

Rep. H.M. "Mickey" Michaux, D-Durham, found some holes in the bill.

"This ... is a larger sentence than imposed under the regular statute," he said. "So if the individual who is 20 years old sells to someone under 18, he'll get more punishment than if someone 19 years old sells to that same 18-year-old."

But McLaughlin said that wouldn't necessarily be true.

"The sentence may not be any different but it will be a mandatory one," he said.

Michaux remained dissatisfied, joining Reps. **Toby Fitch**, D-Wilson, Joe Hackney, D-Orange, Thomas Hardaway, D-Halifax, Howard Hunter, D-Hertford and Sharon Thompson, D-Durham, in voting against the bill.

Forsyth County Wants Engineering Research Center

WINSTON-SALEM (AP) — When 75 members of the General Assembly visit Forsyth County this weekend, they will see many schools, museums and cultural programs that state money helps pay for. They won't see an engineering school, however, and local leaders want to change that.

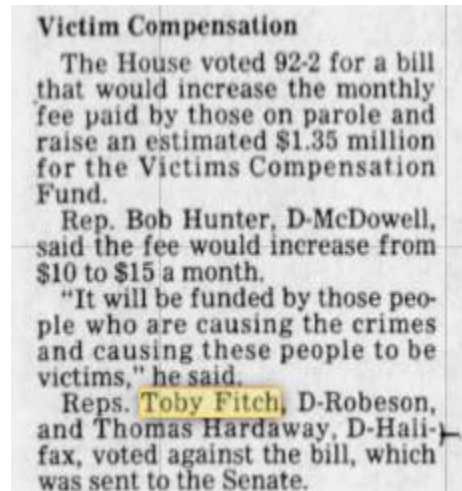
Officials in Forsyth County will push this weekend for support of a bill that would create an engineering research center at Winston-Salem State University.

The bill was filed this week by Sens. Marvin M. Ward and Ted Kaplan, both Forsyth Democrats. It seeks \$1.75 million from the state over the next two years to establish the "Northern Piedmont Engineering Research Center."

(Herald Sun, 4/29/89)

Fitch Was One Of Only Two House Members To Vote Against A Bill Increasing The Monthly Fee Paid By Those On Parole And Raise \$1.35 Million For The Victims Compensation Fund

In 1987, Fitch Was One Of Only Two House Members To Vote Against A Bill Increasing The Monthly Fee Paid By Those On Parole And Raise \$1.35 Million For The Victims Compensation Fund. (Herald Sun, 5/16/87)



(Herald Sun, 5/16/87)

In 1993, A Victims Rights Amendment Languished In Fitch's Committee Where He Eventually Assigned It To A Subcommittee Where It Was Killed

In 1993, A Victims Rights Amendment Languished In Fitch's Committee Where He Eventually Assigned It To A Subcommittee Where It Was Killed. (News And Observer, 6/16/93)



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In 1994, Victims Rights Advocates Criticized Fitch For Delaying Reporting Of An Amendment Preventing Offenders From Choosing Probation Over Prison Time; Fitch Defended His Actions As Part Of The Political Process

In 1994, Victims Rights Advocates Criticized Fitch For Delaying Reporting Of An Amendment Preventing Offenders From Choosing Probation Over Prison Time; Fitch Defended His Actions As Part Of The Political Process. (The Associated Press, 7/15/94)

RALEIGH (AP) — As legislators near an agreement on the state budget, lawmakers such as Rep. **Toby Fitch** are turning up the pressure to get their bills passed or to block bills they oppose.

Fitch recently threatened to drop a \$12 million item out of the budget because of the way the Senate is treating one of his bills. He also has pocketed a Senate bill that was approved by the committee he leads. And he has been asking the House every day to delay a vote on a controversial bill that would change the way North Carolina's public schools are governed.

Fitch, D-Wilson, makes no apologies for the late-session strategies.

"Not at all. I'm playing politics," Fitch said in an interview Thursday. "It's a part of the game. It's part of the act of doing business."

"It's no different than a district attorney putting a hard deal on the table in order to try to get something that he thinks is a little more reasonable."

Fitch's committee, the House Constitutional Amendments and Referenda Committee, passed a bill two weeks ago that would amend the state constitution so that criminals no longer could choose probation over prison time.

The bill's sponsor, Sen. Charlie Albertson, said he's been waiting ever since for Fitch to report the bill to the House clerk so the full House can consider it.

"I'm concerned about it. I don't know what his strategy is," said Albertson, D-Duplin.

Advocates for victims' rights are furious with **Fitch**.

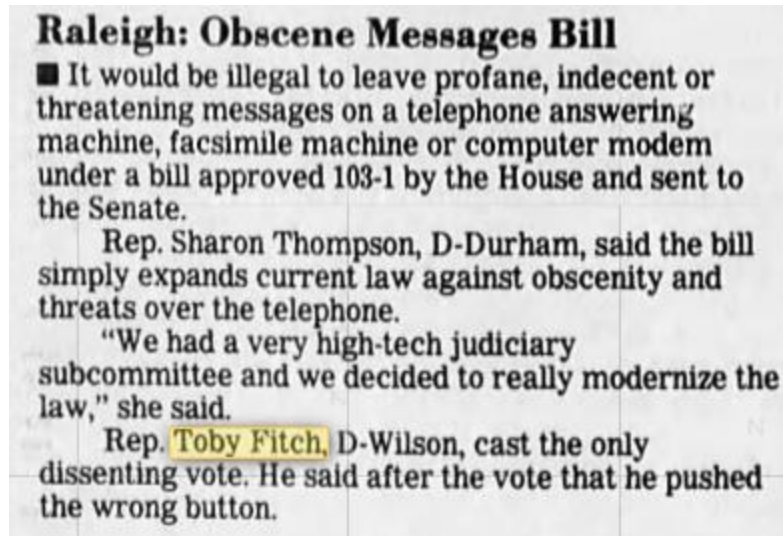
"**Toby** is like a 250-pound kid stomping his foot and saying, 'I'm going home and I'm taking all my marbles with me,'" said Catherine Gallagher-Smith of the North Carolina Victim Assistance Network. "Toby is still trying to flex his muscle, which is wrong. It's a major control issue."

"I don't have to report it in. There's no requirement for me to take action on a Senate bill. I abide by House rules," Fitch said.

(The Associated Press, 7/15/94)

Fitch Was The Only House Member (By A Vote Of 103-1) To Vote Against A Bill Making It Illegal To Leave Profane, Indecent, Or Threatening Messages On An Answering Machine, Fax, Or Modem; Fitch Claimed He Pressed The Wrong Button

In 1989, Fitch Was The Only House Member (By A Vote Of 103-1) To Vote Against A Bill Making It Illegal To Leave Profane, Indecent, Or Threatening Messages On An Answering Machine, Fax, Or Modem; Fitch Claimed He Pressed The Wrong Button. (Asheville Citizen Times, 4/21/89)



(Asheville Citizen Times, 4/21/89)

Fitch Proposed An Unsuccessful Amendment That “Would Have Freed People Winning An Insanity Verdict After They Had Proven They Were No Longer Dangerous To Themselves Or Others”; The Bill Instead Automatically Committed People Until They No Longer Had A Mental Illness

In 1991, Fitch Proposed An Unsuccessful Amendment That “Would Have Freed People Winning An Insanity Verdict After They Had Proven They Were No Longer Dangerous To Themselves Or Others”; The Bill Instead Automatically Committed People Until They No Longer Had A Mental Illness. (Charlotte Observer, 4/3/91)

Committee OKs bill on insanity acquittals

People found not guilty by reason of insanity would be held in an institution until they no longer are dangerous or need treatment under a bill approved Tuesday by a House committee.

Approval of the bill came after the panel rejected an amendment that would have released people held only because of concerns that they would become violent again if they did not continue to take medication.

"How does that individual ever get out if they have that history?" of not taking medication once released, asked Rep. **Toby Fitch**, D-Wilson. "...I think you will find that person confined to prison forever and a day."

But the committee voted 8-4 to reject Fitch's amendment that would have freed people winning an insanity verdict after they had proven they were no longer dangerous to themselves or others.

But the committee voted 8-4 to reject Fitch's amendment that would have freed people winning an insanity verdict after they had proven they were no longer dangerous to themselves or others.

The panel then approved the measure, which has already passed the Senate, with Fitch as the only dissenter.

Under the bill, anyone found not guilty by reason of insanity would automatically be committed to a mental hospital. Release hearings, now held in secret, would be open to the public under the measure.

At those hearings, patients would have to prove first that they are no longer dangerous to others, then that they are no longer dangerous to themselves. Then they would have to prove they no longer have a mental illness or that continued treatment in the hospital will not help their condition. If all those conditions are met, the patients would be released.

(Charlotte Observer, 4/3/91)

FITCH SUPPORTS DECRIMINALIZATION OF MARIJUANA USE

In 2018, Fitch Sponsored SB 791 To Legalize Possession Of Up To 4 Ounces Of Marijuana For Personal Use

In June 2018, Fitch Sponsored SB 791 To Legalize Possession Of Up To 4 Ounces Of Marijuana For Personal Use. "A Forsyth County legislator is sponsoring a Senate bill that would make it legal to possess up to four ounces of marijuana for personal use. Senate Bill 791, and companion House Bill 994, would allow for an increase from the current limit of one-half of an ounce to four ounces before the amount qualifies as a Class 1 misdemeanor. Sen. Paul Lowe (D-Forsyth), the bill's primary sponsor, said he introduced the bill in an effort "to decriminalize small amounts of marijuana. This is heading in the right direction." Currently, possession of one-half of an ounce or less of a controlled substance is a Class 3 misdemeanor. That is punishable by up to 20 days of an active jail sentence — which typically is suspended — or a requirement of community service. The bills would exempt up to four ounces of marijuana from being considered as a controlled substance. By contrast, a Class 1 misdemeanor is punishable by up to 120 days of an active sentence. The bills also would raise the weight of marijuana an individual can possess from 1.5 ounces to a pound before it qualifies as a Class 1 felony, which is

punishable by up to five months' active sentence period. Jim O'Neill, district attorney for Forsyth County, said the bills should be "thoroughly vetted, and must include and consider the scientific community's evidence of the damage caused to the developing adolescent brain caused by marijuana smoking." O'Neill said he considers Lowe "as a friend and someone I truly respect, but to characterize four ounces of marijuana as a user amount would be absurd." "Conservatively speaking, four ounces of marijuana has a street value of \$1,000 and can be broken down into about 120 marijuana cigarettes." The bills would leave the amount of hashish unchanged at no more than one-twentieth of an ounce to avoid a Class 1 misdemeanor, and no more than three-twentieths of an ounce to avoid a Class 1 felony. Joining Lowe in sponsoring SB791 is Sens. Milton "Toby" Fitch Jr., D-Nash, and Valerie Foushee, D-Orange. Fitch, who was appointed to the Senate on March 23, is a retired Superior Court judge. The bill, introduced Thursday, was sent to the Senate rules committee." (*Mooreville Tribune*, 6/4/18)

In 2022, Fitch Continued His Sponsorship Of Marijuana Legalization Legislation

In 2022, Fitch Continued His Sponsorship Of Marijuana Legalization Legislation. "A comprehensive marijuana legalization and regulation bill was introduced in the N.C. Senate on Monday that would allow for individuals age 21 and older to legally possess a small amount of the drug. Senate Bill 765 was submitted by Sen. Toby Fitch, D-Wilson. At 69 pages, it is more in-depth than a similar cannabis-legalization proposal from 2021, House Bill 617, That 19-page bill was introduced in April 2021 with Rep. Pricey Harrison, D-Guilford, as one of four primary sponsors and Rep. Amber Baker, D-Forsyth, as one of 13 co-sponsors. HB617 was sent to the House Rules and Operations committee, where it was shelved for the 2021 session. The latest bid by lawmakers to legalize cannabis is likely to face a similar fate given stiff Republican leadership opposition in North Carolina. North Carolina is one of six states where all uses of marijuana are illegal, along with Idaho, Kansas, Nebraska, South Carolina and Wyoming. That includes prohibiting the use of medical marijuana." (*News Herald*, 5/24/22)

FITCH QUESTIONED THE AMOUNT OF MONEY NORTH CAROLINA SPENT ON PRISONS IN 1994

In 1994, Fitch Questioned Whether North Carolina Was Spending Too Much On Prisons And Not Enough On Crime Prevention

In February 1994, Fitch Questioned Whether North Carolina Was Spending Too Much On Prisons And Not Enough On Crime Prevention. "NORTHEASTERN North Carolina's legislative delegation is similarly divided over how to spend the state's crime-fighting resources. Some favor adopting stricter punishment measures such as Nichols' bill. Many have said they will support most of Hunt's proposals. Some, including members of the state's Legislative Black Caucus who toured eastern North Carolina last week, have questioned whether too much money is being proposed for prison construction and not enough for crime prevention. "We will never be able to build enough prisons," said Rep. Toby Fitch, D-Wilson, at a town meeting last week in Greenville. "We will never be able to put enough police on the streets until we restore hope to people. There are some things wrong in North Carolina, but the solution cannot be a Band-Aid approach if the problems are going to be solved." But others, like Basnight, are confident that

state legislators can tackle crime and can come up with some solutions in the special session.”
(The Virginian-Pilot, 2/6/94)

**FITCH WAS ONE OF ONLY SEVEN HOUSE MEMBERS (109-7) TO
AGAINST ELIMINATING “THE CAP ON THE STATE'S PRISON
POPULATION”**

In 1995, The North Carolina House Voted “To Eliminate The Cap On The State's Prison Population On Jan. 1, 1996. That Limit Forces The State To Continually Free Prison Space By Releasing Criminals Early On Parole. Final Approval Is Expected Today”

In 1995, The North Carolina House Voted “To Eliminate The Cap On The State's Prison Population On Jan. 1, 1996. That Limit Forces The State To Continually Free Prison Space By Releasing Criminals Early On Parole. Final Approval Is Expected Today.” “North Carolina will soon begin keeping thousands more criminals behind bars. The only question is how soon. In the second of three votes on the bill, the state House agreed Tuesday to eliminate the cap on the state's prison population on Jan. 1, 1996. That limit forces the state to continually free prison space by releasing criminals early on parole. Final approval is expected today. The House plan would cost \$14 million the first year, \$42 million over two years to build private prisons and rent out-of-state space for an estimated 4,500 extra prisoners. The Senate also has voted to eliminate the prison cap. But it wants to wait until Sept. 1, 1996, to do it. By then, several prison construction projects will be completed and the state should have enough beds for 28,500 inmates. The bottom line: The House plan keeps more inmates behind bars for most of 1996 - but the Senate plan won't cost taxpayers any extra money.” (Charlotte Observer, 3/15/95)

Fitch Was One Of Only Seven House Members To Vote Against Eliminating The Cap; The Final Vote Was 109-7

Fitch Was One Of Only Seven House Members To Vote Against Eliminating The Cap; The Final Vote Was 109-7. “The vote was 109-7 on the second reading. After the final vote in the House, the Senate and House bills head to a conference committee, where leaders in both chambers will try to hash out a compromise. Rep. Toby Fitch, D-Wilson, one of the seven naysayers, questioned the rush to get rid of the cap. The state has been releasing criminals for years, he said, and now Republicans are arguing that a few months more will create a crime crisis. “If we're that serious about safety, we ought to just do it now,” Fitch said. Many legislators view the prison cap as a severe public relations problem at a time when constituents repeatedly list crime as their No. 1 concern. The state legislature created the cap in 1987 to combat worsening overcrowding and avoid a threatened federal takeover of state prisons.” (Charlotte Observer, 3/15/95)

FITCH FLIP-FLOPPED ON BANNING CHILD MARRIAGE FOR CHILDREN UNDER AGE 14

By A Vote Of 110-5, The North Carolina House Passed Legislation Banning Children Under Age 14 From Getting Married And Giving More Judicial Discretion To Determine Which Teens Can Marry

By A Vote Of 110-5, The North Carolina House Passed Legislation Banning Children Under Age 14 From Getting Married And Giving More Judicial Discretion To Determine Which Teens Can Marry. “Children under 14 years of age could no longer get married and judges would have more authority to determine which teens can marry under legislation tentatively approved in the state House on Wednesday. The bill overhauls much of the state's marriage law. Changes include amending statutes that effectively bar some prisoners from marrying and others that fail to recognize American Indian and Islamic wedding ceremonies. But the measures dealing with the marriage of teens received the most attention, both in committee debate and on the House floor. Rep. Ronnie Sutton, D-Robeson, the bill's sponsor, said the legislation, in its latest form, is the best solution in dealing with often complex problem involving troubled families. Current law allows 12- and 13-year-old mothers or expectant mothers to get married but is vague on minimum ages that children - especially males under 16 - can obtain a marriage license. A mother or expectant mother can be married if she receives permission from one parent. The bill would instead give a District Court judge authority in determining whether 14- and 15-year-olds can marry. The law for 16- and 17-year-olds wouldn't change significantly. Although the bill says the views of the parents of 14- and 15-year-olds should be considered, Rep. Jeff Barnhart, R-Cabarrus, questioned whether it gives too much power to judges. "It sounds like we're just removing something else from the parents' discretion in something where I feel like they should be very involved," Barnhart said. Rep. Toby Fitch, D-Wilson, said the state could also run into problems in recognizing the marriages of teens under the age limit who come from other states. Despite the concerns, lawmakers voted 110-5 in favor of the legislation. It is expected to receive final House approval on Thursday.” (*The Associated Press*, 3/28/01)

Fitch Was The Only Democrat Among The Five Legislators To Vote Against The Child Marriage Restriction Bill, HB 142, During Its Second Reading

Fitch Was The Only Democrat Among The Five Legislators To Vote Against The Child Marriage Restriction Bill, HB 142, During Its Second Reading. ([North Carolina General Assembly](#), Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #112

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: SECOND READING

Roll Call #112

Outcome: PASSED

Sponsor: SUTTON

Time: 3/28/2001 4:52 p.m.

Total votes: 115

Noes: 5

Excused Absence: 1

Ayes: 110

Not Voting: 4

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Blue; Bonner; Boyd-McIntyre; Coates; Cole; Cox; Crawford, J.; Culpepper; Cunningham; Dedmon; Earle; Easterling; Fox; Gibson; Goodwin; Hackney; Haire; Hall; Hensley; Hill; Holliman; Hunter; Hurley; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Tucker; Underhill; Wainwright; Warner; Warren; Warwick; Weiss; Womble; Wright; Yongue

Noes (Democrat)

Fitch

Not Voting (Democrat)

Church; Edwards; SPEAKER

Excused Absence (Democrat)

None

Ayes (Republican)

Allred; Arnold; Baker; Blust; Bowie; Brubaker; Buchanan; Cansler; Capps; Creech; Culp; Daughtry; Davis; Decker; Dockham; Eddins; Ellis; Esposito; Gillespie; Grady; Gulley; Harrington; Hiatt; Hilton; Holmes; Howard; Johnson; Justus; Kiser; McCombs; McMahan; Miner; Mitchell; Morgan; Morris; Pope; Preston; Rayfield; Russell; Setzer; Sexton; Sherrill; Shubert; Starnes; Teague; Thompson; Walend; Walker; Weatherly; West; Wilson, C.; Wilson, G.

Noes (Republican)

Barnhart; Carpenter; Clary; McComas

Not Voting (Republican)

Gray

Excused Absence (Republican)

Barbee

(North Carolina General Assembly, Accessed 6/20/22)

Fitch Again Voted Against HB 142 On Its Third Reading In The House But Ultimately Voted To Concur With The Senate Version Of The Bill

Fitch Again Voted Against HB 142 On Its Third Reading In The House But Ultimately Voted To Concur With The Senate Version Of The Bill. (North Carolina General Assembly, Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #125

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: Third Reading

Roll Call #125

Outcome: PASSED

Sponsor: SUTTON

Time: 3/29/2001 3:32 p.m.

Total votes: 103

Noes: 17

Excused Absence: 10

Ayes: 86

Not Voting: 7

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Blue; Boyd-McIntyre; Cole; Cox; Crawford, J.; Culpepper; Cunningham; Dedmon; Earle; Easterling; Fox; Goodwin; Hackney; Haire; Hall; Hensley; Hill; Holliman; Hurley; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Underhill; Wainwright; Warner; Warren; Warwick; Weiss; Wright; Yongue

Noes (Democrat)

Fitch

Not Voting (Democrat)

Church; Coates; Hunter; SPEAKER

Excused Absence (Democrat)

Bonner; Edwards; Gibson; Tucker; Womble

Ayes (Republican)

Allred; Baker; Blust; Bowie; Buchanan; Cansler; Capps; Culp; Davis; Decker; Dockham; Ellis; Gillespie; Gulley; Harrington; Hiatt; Howard; Johnson; Justus; Kiser; McCombs; Miner; Morgan; Morris; Preston; Russell; Sexton; Shubert; Starnes; Walend; Walker; West; Wilson, C.; Wilson, G.

Noes (Republican)

Barnhart; Brubaker; Carpenter; Clary; Creech; Eddins; Esposito; Grady; Hilton; Holmes; McComas; Mitchell; Pope; Rayfield; Setzer; Sherrill

Not Voting (Republican)

Arnold; Daughtry; Weatherly

Excused Absence (Republican)

Barbee; Gray; McMahan; Teague; Thompson

(North Carolina General Assembly, Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #515

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: M11 CONCUR IN/SCS #2

Roll Call #515

Outcome: PASSED

Sponsor: SUTTON

Time: 5/1/2001 3:15 p.m.

Total votes: 103

Noes: 11

Excused Absence: 9

Ayes: 92

Not Voting: 8

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Bonner; Boyd-McIntyre; Church; Coates; Cole; Cox; Culpepper; Cunningham; Dedmon; Earle; Easterling; Edwards; Fitch; Fox; Gibson; Goodwin; Hackney; Haire; Hill; Holliman; Hunter; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Tucker; Underhill; Wainwright; Warner; Warren; Weiss; Womble; Yongue

Ayes (Republican)

Barbee; Blust; Bowie; Brubaker; Buchanan; Clary; Crawford, M.; Culp; Decker; Ellis; Gillespie; Gray; Gulley; Harrington; Hiatt; Hilton; Howard; Johnson; Kiser; McComas; McCombs; McMahan; Miner; Mitchell; Morris; Setzer; Sexton; Sherrill; Shubert; Starnes; Teague; Thompson; Walend; Walker; Weatherly; West; Wilson, C.; Wilson, G.

Noes (Democrat)

Blue; Hensley

Noes (Republican)

Baker; Barnhart; Capps; Carpenter; Daughtry; Eddins; Grady; Pope; Rayfield

Not Voting (Democrat)

Crawford, J.; Hall; SPEAKER; Wright

Not Voting (Republican)

Allred; Creech; Justus; Morgan

Excused Absence (Democrat)

Hurley; Warwick

Excused Absence (Republican)

Arnold; Davis; Dockham; Esposito; Holmes; Preston; Russell

(North Carolina General Assembly, Accessed 6/20/22)

Of Note, Fitch Worked In 2021 On Legislation To Ban Child Marriage For 14 And 15 Year Olds

Of Note, Fitch Worked In 2021 On Legislation To Ban Child Marriage For 14 And 15 Year Olds. “Ending some forms of child marriage in North Carolina is now up to Gov. Roy Cooper after the state Senate unanimously passed the final version of a child marriage bill that bans 14- and 15-year-olds from marrying. North Carolina is one of two states that specifies children as young as 14 can marry if they become pregnant. Lawmakers in both the House and Senate made a bipartisan effort to end child marriage in North Carolina altogether but couldn't get their colleagues to support it. Instead, the senators found a compromise that allows 16- and 17-year-olds to continue marrying as long as their spouse is 4 years older or less. Cooper is expected to sign the bill. “While the legislation falls short of raising the age of marriage to 18, the Governor supports this step toward ending child marriage in North Carolina and more protections for children,” said Mary Scott Winstead, a spokeswoman for the governor. Sen. Valerie Foushee, an Orange County Democrat, thanked Sen. Vickie Sawyer, an Iredell County Republican and Sen. Danny Britt, a Robeson County Republican, for their “tenacious work on the bill.” Foushee said she, Sawyer and Sen. Toby Fitch began discussions on ending child marriages in 2019 and she was happy to see it come to fruition.” (*The News And Observer*, 8/17/21)

FITCH PUSHED TO ELIMINATE ALIENATION OF AFFECTION LAWSUITS

In 1999, Fitch Proposed An Unsuccessful Bill To Eliminate Alienation Of Affection Laws In North Carolina And Revoke “The Ability Of Husbands And Wives To Sue Their Spouses' Lovers”

In 1999, Fitch Proposed An Unsuccessful Bill To Eliminate Alienation Of Affection Laws In North Carolina And Revoke “The Ability Of Husbands And Wives To Sue Their Spouses' Lovers.” “The state House on Tuesday endorsed the ability of husbands and wives to sue their spouses' lovers, rejecting a bill that would have abolished alienation-of-affection lawsuits. Opponents of the bill declared the 55-58 vote against it a victory for marriage. But an attempt to prevent the measure from being brought back to the House for reconsideration also failed in a close vote, 52-59. The bill's sponsors, Reps. Mickey Michaux of Durham and Toby Fitch of Wilson, both Democrats, would not talk about the reasons the bill failed. But Michaux left open the possibility that they would try again to get it passed. “The door hasn't been completely closed yet,” he said. Fitch and Michaux argued that alienation-of-affection lawsuits, based in common law, rest on the archaic notion that a wife is property and that any man taking her from her husband is liable for damages. Michaux said courts or legislatures in 40 states have abolished the suits. “Let's do away with archaic standards and move into modern times,” he said.” (*News And Observer*, 4/14/99)

“The Bill's Opponents Argued That The Lawsuits Hold People Who Break Up Marriages Responsible For Their Actions And Are An Antidote To No-Fault Divorce”

“The Bill's Opponents Argued That The Lawsuits Hold People Who Break Up Marriages Responsible For Their Actions And Are An Antidote To No-Fault Divorce.” “But the bill's opponents argued that the lawsuits hold people who break up marriages responsible for their actions and are an antidote to no-fault divorce. Rep. Russell Capps of Raleigh, a Republican, read a list of North Carolina court cases in which juries took the side of spurned spouses, awarding them money to compensate for their lost loves. It is clear from the jury verdicts that citizens don't want the suits outlawed, Capps said. “It's a good law; the people in verdicts have said they want to keep it.” The ability to sue a third party for alienation of affection and the breakup of a marriage “brings justice back into the divorce settlement,” he said.” (*News And Observer*, 4/14/99)

FITCH OPPOSED A PROVISION REQUIRING AUTO INSURANCE FOR DRIVERS LICENSE REGISTRATIONS OR RENEWALS

In 1987, Fitch Opposed A Provision In A Bill To Require Proof Of Insurance Before Issuing Or Renewing Driver's Licenses

In 1987, Fitch Opposed A Provision In A Bill To Require Proof Of Insurance Before Issuing Or Renewing Driver's Licenses. (*The Associated Press*, 7/24/87)



(The Associated Press, 7/24/87)

FITCH WAS THE ONLY MEMBER (111-1) TO OPPOSE A BILL ALLOWING LOCAL GOVERNMENTS TO CREATE ORDINANCES TO CONTROL ADULT BUSINESSES

In 1998, The NC House Approved "A Bill That Would Allow Local Governments To Pass Ordinances Governing Adult-Entertainment Establishments. The Bill, Supported By Charlotte City And Police Officials, Is Expected To Receive Final House Approval Today, Then Move To The Senate"

In 1998, The NC House Approved "A Bill That Would Allow Local Governments To Pass Ordinances Governing Adult-Entertainment Establishments. The Bill, Supported By Charlotte City And Police Officials, Is Expected To Receive Final House Approval Today, Then Move To The Senate." "Local officials may soon be getting a new tool to help regulate adult book stores, topless bars and peep show parlors. The House gave all but final approval Tuesday to a bill that would allow local governments to pass ordinances governing adult-entertainment establishments. The bill, supported by Charlotte city and police officials, is expected to receive final House approval today, then move to the Senate. Sponsored by Sen. Roy Cooper, D-Nash, the bill was introduced in 1997 after several municipalities complained that state laws prevented them from enacting their own regulations to control adult establishments. Cooper's bill clarifies that state law does not "pre-empt" - invalidate - local ordinances covering such businesses. The bill gives municipalities the ability to crack down on sexually oriented

businesses through local zoning laws, licensing requirements, fees, clothing restrictions and nuisance ordinances.” (*Charlotte Observer*, 7/1/98)

“The House Vote Was 111-1, With Rep. Toby Fitch, D-Wilson, Casting The Sole No Vote”

“The House Vote Was 111-1, With Rep. Toby Fitch, D-Wilson, Casting The Sole No Vote.”
 “The House vote was 111-1, with Rep. Toby Fitch, D-Wilson, casting the sole no vote. Fitch said he is opposed to the bill because, “Regulation of adult entertainment is a local issue, not a state issue, and I don't think the state has pre-empted it.” If approved by the House today, the proposal goes back to the Senate, which already has passed it. A technical change by the House requires Senate concurrence.” (*Charlotte Observer*, 7/1/98)

FITCH WAS THE ONLY MEMBER (112-1) TO VOTE AGAINST A BILL THAT COULD REVERSE DURHAM'S LIMITS ON LARGE AMERICAN FLAGS

In 1998, The NC House Voted Overwhelmingly “To Allow A Bill To Be Introduced That Could Reverse The Durham City Council's Limits On Large American Flags”

“The Resolution Passed 112-1 With Only Rep. Toby Fitch, A Wilson County Democrat, Voting Against The Resolution. The Entire Durham Delegation Voted In Favor Of The Resolution”

In 1998, The NC House Voted Overwhelmingly “To Allow A Bill To Be Introduced That Could Reverse The Durham City Council's Limits On Large American Flags.” “After a legislator invoked National Anthem author Francis Scott Key and tales of the War of 1812, the state House voted overwhelmingly Wednesday to allow a bill to be introduced that could reverse the Durham City Council's limits on large American flags. Republican Rep. Russell Capps needs both chambers to suspend a rule that prohibits bills from being introduced past a certain deadline. Capps said he is confident the Democratic-led Senate will follow the House's lead “if it is presented the right way.” If his bill seeking to suspend the rule passes both chambers, the Wake County Republican, who also represents a slice of Durham County, would then introduce a second bill. That bill would prohibit local governments from passing laws that restrict the flying of the flag as long as personal property rights are respected and the suggested congressional code of etiquette for flying flags is followed.” (*The Herald Sun*, 7/2/98)

- **“The Resolution Passed 112-1 With Only Rep. Toby Fitch, A Wilson County Democrat, Voting Against The Resolution. The Entire Durham Delegation Voted In Favor Of The Resolution.”** (*The Herald Sun*, 7/2/98)

“The Lone Dissenter In The Vote, Fitch, Said He Voted Against The Resolution Because The Controlling House Republicans Made Up The Rules For The Session, Set The Bill Deadlines And Have Had Plenty Of Time To Introduce A Flag Bill”

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Deadlines And Have Had Plenty Of Time To Introduce A Flag Bill.” “The lone dissenter in the vote, Fitch, said he voted against the resolution because the controlling House Republicans made up the rules for the session, set the bill deadlines and have had plenty of time to introduce a flag bill. “The rules say what can be introduced. I don't see the urgency," Fitch said. “They're in control.”” (*The Herald Sun*, 7/2/98)

FITCH'S POLITICAL MISSTEPS, PERSONAL FOIBLES AND ETHICAL CONCERNS

Fitch's decades in public service have featured several missteps and ethical issues.

Perhaps most notably, in April 2020, a fellow Democrat, Sen. Erica Smith, filed an ethics complaint accusing Fitch of "sexual harassment" and requested he be expelled from the legislature. Smith accused Fitch of having "made sexual comments to her on multiple occasions." Specifically, Smith alleged that Fitch "suggested she perform oral sex on him as 'practice' before visiting her ex-husband in jail."

It has been well documented that Fitch has faced additional ethical concerns. In 1985, Fitch was criticized for earmarking \$35,000 in taxpayer funding for a masonic lodge where his father was a member. In 1993, Fitch filed legislation in an attempt to intimidate a judge with whom he disagreed about the apparent treatment of his clients. Fitch complained that the judge was not granting postponements and was jailing his clients. Fitch has been criticized for his lack of transparency at times. Specifically, in 1996, Fitch was criticized by the Nashville Graphic Editorial Board for convening a meeting of government officials to discuss an area merger issue without informing the press. Unsurprisingly, Fitch opposed stronger corruption and ethics reform efforts in 2021. Additionally, Fitch has opposed legislation seeking stronger government transparency and public access.

As a legislator, Fitch's constituents could consider him to have slacked off at times. Throughout several sessions, Fitch has been near or at the top of members that have missed votes.

Fitch's personal and professional behavior has at times appeared to be unbecoming of a public official. In 2007, Fitch intervened in a state BAR disciplinary measure, protecting attorney Willie Gilbert who was accused of mishandling clients' money. In 1995, Fitch is known to have attended the Million Man March hosted by Nation of Islam Head Louis Farrakhan. In 1968, while participating in a protest in which students hung and set on fire an effigy of Governor Dan Moore, "Fitch said he was arrested for destruction of property, went to trial and was placed on probation".

On social media, Fitch has expressed support for progressive politicians and has expressed partisan views against Republicans.

FITCH WAS ACCUSED OF SEXUAL HARASSMENT AND MAKING EXTREMELY LEWD COMMENTS BY A FELLOW DEMOCRATIC FEMALE STATE SENATOR

In An April 2020 Ethics Complaint, Democratic State Sen. Erica Smith Accused "Sen. Milton F. 'Toby' Fitch Jr. Of Wilson And Sen. Mike Woodard Of Durham Of Sexual Harassment"

In An April 2020 Ethics Complaint, Democratic State Sen. Erica Smith Accused "Sen. Milton F. "Toby" Fitch Jr. Of Wilson And Sen. Mike Woodard Of Durham Of Sexual

Harassment. “In the same April ethics complaint that complains of Lowe's behavior, Smith accuses Sen. Milton F. "Toby" Fitch Jr. of Wilson and Sen. Mike Woodard of Durham of sexual harassment. Lowe, Fitch and Woodard serve on the Legislative Ethics Committee. They recused themselves from hearing the complaint. Later, the committee dismissed the complaint as it relates to all three, according to phone interviews with Fitch and Woodard and Lowe's dismissal letter obtained by The N&O. Fitch said in the phone interview he recused himself to avoid appearance of impropriety. "At this time I have nothing else to say about it," Fitch said.” (*News & Observer*, 5/28/20)

“The Complaint Includes A February 2019 Unlawful Workplace Harassment Complaint That Makes Allegations Of Two Instances Of Sexual Harassment In April And May 2018 By A Senator -- Who Smith Said In Interviews With The N&O And ProPublica Is Fitch”

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“The complaint includes a February 2019 Unlawful Workplace Harassment Complaint that makes allegations of two instances of sexual harassment in April and May 2018 by a senator -- who Smith said in interviews with the N&O and ProPublica is Fitch. The same harassment complaint includes a sexual harassment allegation in December 2018, which she said in interviews with the N&O and ProPublica involved Woodard. That same complaint alleges bullying and verbal insults, which Smith said was Lowe. That February 2019 complaint was filed after she met with Senate Minority Leader Dan Blue, Senate leader Phil Berger and other staff in January 2019, when they discussed different paths to resolution, according to documents obtained by the N&O. Other proposed remedies included legislation. In a recent interview, Smith said the April 2020 ethics complaint was the result of that process. Smith said the timing of this recent ethics complaint reflects how long it has taken to follow the process.” (*News & Observer*, 5/28/20)

“Smith's Complaint Asked That Fitch And Lowe Be Expelled From The Senate”

“Smith's Complaint Asked That Fitch And Lowe Be Expelled From The Senate.” “Smith's complaint asked that Fitch and Lowe be expelled from the Senate. It asked for the censure of Woodard as well as Republican Sen. Jerry Tillman of Archdale "for their conduct including sexual harassment, verbal insults and assaults, creating a hostile work environment." In an interview, Smith said she was not accusing Tillman of sexual harassment, but rather bullying.” (*News & Observer*, 5/28/20)

“Smith Accused Sen. Toby Fitch, A Wilson Democrat, And Sen. Mike Woodard, A Durham Democrat, Of Sexually Harassing Comments. She Said Fitch Made Sexual Comments To Her On Multiple Occasions”

“‘Once I Denied His Advances, He Started Turning Up The Volume,’ She Said During Her Forum”

“Smith Accused Sen. Toby Fitch, A Wilson Democrat, And Sen. Mike Woodard, A Durham Democrat, Of Sexually Harassing Comments. She Said Fitch Made Sexual Comments To Her On Multiple Occasions. "Once I Denied His Advances, He Started

Turning Up The Volume," She Said During Her Forum. "In the dismissed complaint, Smith accused Sen. Toby Fitch, a Wilson Democrat, and Sen. Mike Woodard, a Durham Democrat, of sexually harassing comments. She said Fitch made sexual comments to her on multiple occasions. "Once I denied his advances, he started turning up the volume," she said during her forum. In the complaint released by Blue's office, Smith said Fitch told her to "get off my knees and stop begging Republicans; that he only wanted to see a woman doing one thing on her knees." Fitch has denied the allegations. The complaint document alleges a profane comment from Woodard, who also has denied making the comment." (*News & Observer*, 6/3/20)

Smith Alleged That Fitch Had Made A Comment To Smith Saying "I Only Want To See A Woman Doing One Thing On Her Knees"

Smith Alleged That Fitch Had Made A Comment To Smith Saying "I Only Want To See A Woman Doing One Thing On Her Knees." "Smith's statement focused primarily on her disappointment in how her accusations have been handled by Democratic and Republican legislative leaders and the Legislative Ethics committee. However, in the comments section of her Facebook page, Smith was more graphic and explicit in how she described the sexual harassment she said she faced from "fellow members" of the NCGA. "Get off your knees and stop begging Republicans (in response to you writing a letter of request for discretionary funding for Hurricane Matthew recovery) ... I only want to see a woman doing one thing on her knees ... 'F- - you and F- - Cooper, too' ... and "Whose d--ks are y'all going to suck to get that office." Smith told WRAL that Lowe made the "F- - you" comments during a legislative meeting in May 2019, and that Fitch was the speaker of the woman of her knees comment, and Woodall the office comment. Fitch and Woodall told WRAL they denied making those remarks." (*Winston-Salem Journal*, 6/2/20)

Smith Alleged That Fitch "Suggested She Perform Oral Sex On Him As 'Practice' Before Visiting Her Ex-Husband In Jail"

Smith Alleged That Fitch "Suggested She Perform Oral Sex On Him As "Practice" Before Visiting Her Ex-Husband In Jail." "A North Carolina state senator said Wednesday that a Senate colleague suggested she perform oral sex on him as "practice" before visiting her ex-husband in jail. The allegation against state Sen. Toby Fitch, D-Wilson, adds to accusations state Sen. Erica Smith laid out last week. Smith accused Fitch and other senators of abusive behavior, targeting a system at the General Assembly that she said tried to sweep her concerns under the rug. Senate leaders from both sides of the aisle have denied that, saying they took her allegations seriously. Those allegations were largely set aside two weeks ago by the Senate Ethics Committee, which dismissed her complaint. A spokeswoman for Gov. Roy Cooper, in response to WRAL News questions, said Thursday that Smith's claims "deserve a serious and thorough investigation." The state Democratic Party's leadership wouldn't address the veracity of Smith's allegations, but said in a statement that her legislative effort to change the reporting process on General Assembly harassment claims should move forward." ([WRAL](#), 6/3/20)

- **"According To Smith, Fitch Said There's "Nothing Wrong With Getting Your **** Sucked ... Maybe You're Not Doing It Right." Smith Said Fitch Then Told Her, "I'm Here For You To Practice On."** "Smith said during the video call that, in May

2018, Fitch asked why she wasn't visiting her ex-husband, who is incarcerated. She said Fitch told her "you know you still love him" and that she should be like Hillary Clinton. "Hillary stood by her man," Smith quoted Fitch as saying, a reference to Clinton staying with President Bill Clinton after it became clear he had an affair with a White House intern. "I said 'I'm no Hillary and he's no Bill,'" Smith said Wednesday. That's when, according to Smith, Fitch said there's "nothing wrong with getting your ***** sucked ... maybe you're not doing it right." Smith said Fitch then told her, "I'm here for you to practice on." After that encounter, Smith said, Fitch "started turning up the volume" on his harassment." ([WRAL](#), 6/3/20)

Smith Stood By Her Allegations In December 2020 And Noted "I Have Been Sexually And Verbally Harassed By Toby Fitch. He Has A Pattern Of This Kind Of Behavior And Not Just Towards Me. Toby Fitch Has No Place In The Democratic Party Or In The NCGA"

Smith Stood By Her Allegations In December 2020 And Noted "I Have Been Sexually And Verbally Harassed By Toby Fitch. He Has A Pattern Of This Kind Of Behavior And Not Just Towards Me. Toby Fitch Has No Place In The Democratic Party Or In The NCGA."

"I have been sexually and verbally harassed by Toby Fitch. He has a pattern of this kind of behavior and not just towards me. Toby Fitch has no place in the Democratic Party or in the NCGA. I was also physically and verbally assaulted by Senator Paul Lowe several times prior to and over the course of the year leading up to the March 3rd Democratic Primary. There is a Raleigh Capitol police report that concludes that I was physically assaulted by Senator Paul Lowe on September 11, 2019. There is a Legislative Services Workplace Harassment complaint with victim statements (plural) against both senate colleagues, predating my USSenate run. Reports were made by multiple women victims to in-house counsel, NCGA Ethics Committee Joint Co-Chairs and NC Senate Majority and Minority Leadership. I have been attacked more for an endorsement I didn't make (Sonja Nichols) than I have been supported in lieu of the very real harassment and abuse I suffered." (Erica Smith, [Daily Kos](#), 12/28/20)

FITCH WAS CRITICIZED FOR EARMARKING \$35,000 IN TAXPAYER FUNDING FOR A MASONIC LODGE WHERE HIS FATHER WAS A MEMBER

In 1985, Fitch Earmarked \$35,000 In Pork Barrel Funds To Assist The Mount Hebron Lodge, A Lodge Where His Father Was A Member

In 1985, Fitch Earmarked \$35,000 In Pork Barrel Funds To Assist The Mount Hebron Lodge, A Lodge Where His Father Was A Member. (Nashville Graphic, 8/13/85)

Fitch's 'pork barrel' funds assist lodge

By WHITNEY CHRISTIAN
Graphic news editor

Rep. Milton F. "Toby" Fitch, Jr., (D-72nd) earmarked \$35,000 in so-called "pork barrel" funds to assist Mount Hebron Lodge, a Masonic lodge of which his father is a member.

In a telephone interview with The Graphic Monday Rep. Fitch said he did not know the address of the lodge, other than it is located in Wilson, and did not know in detail what the funds would be used for. Asked if any of the money was for renovation of the building, he said he did not know.

The member of the state House of Representatives said that the lodge is active in children's programs, senior citizen programs, and civic organizations in the community.

The purpose of the \$35,000 is to "aid the community," he said. "It was my decision (to seek the funds) based on things they are doing and are about to do." Asked to give some examples of what the lodge was about to do, he said he was not sure.

He told The Graphic that the lodge was "over 100 years old." Asked if the building was that old he said it was not.

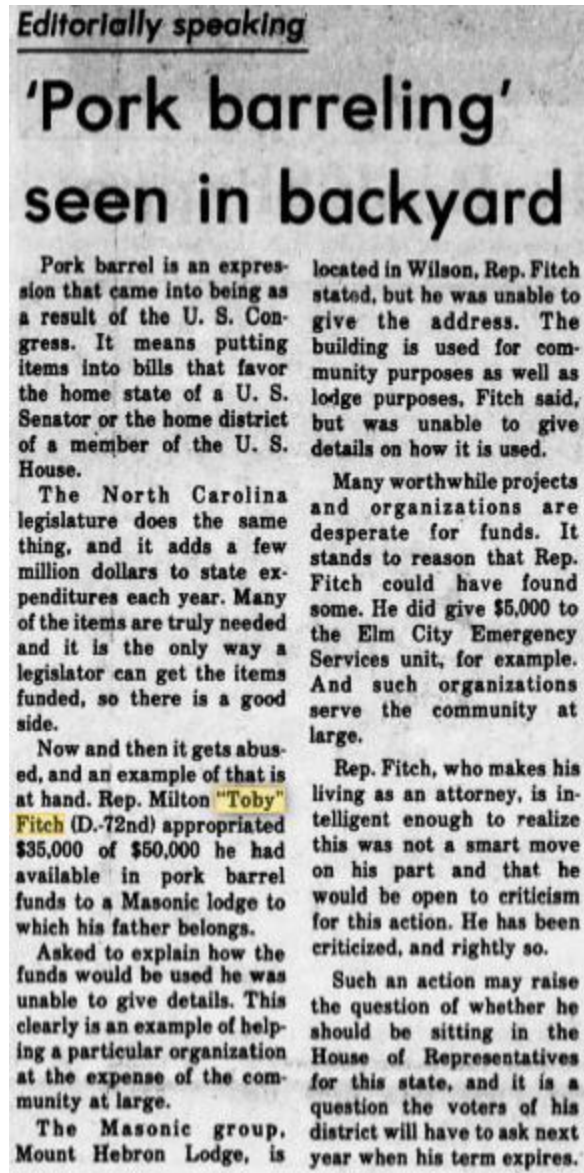
The Graphic received several inquiries from constituents of Fitch about the appropriation. In general they said using \$35,000 for the lodge of which his father is a member is not a proper use of state funds.



(Nashville Graphic, 8/13/85)

The Nashville Graphic Editorial Board Agreed With Criticism Of Fitch's \$35,000 Earmark For The Lodge

The Nashville Graphic Editorial Board Agreed With Criticism Of Fitch's \$35,000 Earmark For The Lodge. (Nashville Graphic, 8/15/85)



(Nashville Graphic, 8/15/85)

FITCH FILED LEGISLATION IN AN ATTEMPT TO INTIMIDATE A JUDGE WITH WHOM HE DISAGREED ABOUT THE APPARENT TREATMENT OF HIS CLIENTS

In 1993, Fitch Is Known To Have Introduced Legislation To Eliminate The Job Of A District Court Judge With Whom He Had A Run In

In 1993, Fitch Is Known To Have Introduced Legislation To Eliminate The Job Of A District Court Judge With Whom He Had A Run In. (The Associated Press, 5/24/93)



(The Associated Press, 5/24/93)

“Fitch’s Case Is The Story Of A Powerful Legislator Who Used His Clout To Get The Attention Of A Judge”

“Fitch’s Case Is The Story Of A Powerful Legislator Who Used His Clout To Get The Attention Of A Judge.” (The Herald Sun, 5/24/92)

Fitch's case is the story of a powerful legislator who used his clout to get the attention of a judge.

On April 19, he introduced a bill to abolish one of the six District Court seats in Judicial District 7, which consists of Wilson, Edgecombe and Nash counties.

On the back page of the four-page bill was this sentence: "The district court judgeship in Judicial District 7 abolished by this act is that currently held by Sarah F. Patterson."

Though **Fitch**, a Wilson lawyer, says the move would benefit all of his constituents, a personal grievance apparently prompted it.

(The Herald Sun, 5/24/92)

Fitch Complained That The Judge Patterson In Judicial District 7 Was Not Granting Postponements And Was Jailing His Clients; Fitch Defended His Actions Saying "I Think She Will Probably Be A Better Judge Because Of It"

Fitch Complained That The Judge Patterson In Judicial District 7 Was Not Granting Postponements And Was Jailing His Clients; Fitch Defended His Actions Saying "I Think She Will Probably Be A Better Judge Because Of It." (The Associated Press, 5/24/93)

Lawmakers sometimes push bills for own benefit		
THE ASSOCIATED PRESS		
<p>RALEIGH – Legislators have been known to mingle their personal interests with the public business they're supposed to be conducting in the General Assembly.</p> <p>Three cases from the current session amplify the point.</p> <p>In one, House Majority Leader Toby Fitch introduced a bill to eliminate the job of a District Court judge with whom he had a run-in.</p> <p>Sen. George Daniel, a Caswell County lawyer, wants to establish a new judicial district back home. Opponents say the bill would build a legal fiefdom for Daniel and his Yanceyville law firm. Court records indicate that Daniel's bill would result in one of the state's least busy, least efficient judicial districts.</p> <p>Sen. J.K. Sherron, a Raleigh real-estate broker who chairs the Ways and Means Committee, is pushing a bill that could cut the cost of doing business for himself and a lot of other brokers. His bill would allow real estate companies to shift the cost of workers' compensation insurance onto their employees.</p> <p>In some states, being a legislator is a year-round, full-time job. But among North Carolina's 170 part-time lawmakers are lawyers who</p>	<p>vote on laws that will bring them more clients, educators who vote on pay raises for teachers and farmers who set agricultural policies.</p> <p>"This is a good reason why we need a state ethics commission," says Patricia Watts, executive director of Common Cause, a citizens' lobbying group. "Legislators and other public employees need to think how what they are doing is going to be perceived by the public. Is it going to be perceived as private gain for themselves?"</p> <p>Fitch's case is the story of a powerful legislator who used his clout to get the attention of a judge. On April 19, he introduced a bill to abolish one of the six District Court seats in Judicial District 7, which consists of Wilson, Edgecombe and Nash counties.</p> <p>On the back page of the four-page bill was this sentence: "The district court judgeship in Judicial District 7 abolished by this act is that currently held by Sarah F. Patterson."</p> <p>Though Fitch, a Wilson lawyer, says the</p>	<p>move would benefit all of his constituents, a personal grievance apparently prompted it.</p> <p>Under state law, lawyer-legislators are entitled to have their cases rescheduled when state business prevents them from appearing in court. But Fitch complained in a letter to Chief District Court Judge George Britt in August that Patterson was not granting postponements and was jailing his clients.</p> <p>"She insists on putting order of arrests out on my clients and trying my clients' cases without my presence," Fitch wrote. "Her consistency has caused problems between my clients and myself as well as my business."</p> <p>The judge says her run-in with Fitch dated from Aug. 10, two weeks after the 1992 General Assembly adjourned. Fitch was attending a legislators' conference in Miami. No one from his law firm showed up in court to request a delay in a pending case, Patterson says, so she issued arrest warrants for Fitch's clients. Fitch says he only learned about it when his clients called him from jail.</p> <p>While Patterson says the incident has left her shaken, Fitch is pleased with the outcome. "I think she will probably be a better judge because of it," he said.</p>
	 <p>Toby Fitch</p>	

(The Associated Press, 5/24/93)

Patterson Claimed Fitch Was Attempting To Intimidate Her In A Bid To Attempt To Control “A Judge Who Imposes Sentences Which Appear Too Severe To Him”

Patterson Claimed Fitch Was Attempting To Intimidate Her In A Bid To Attempt To Control “A Judge Who Imposes Sentences Which Appear Too Severe To Him.” (Sarah Patterson, LTE, *News And Observer*, 5/28/93)

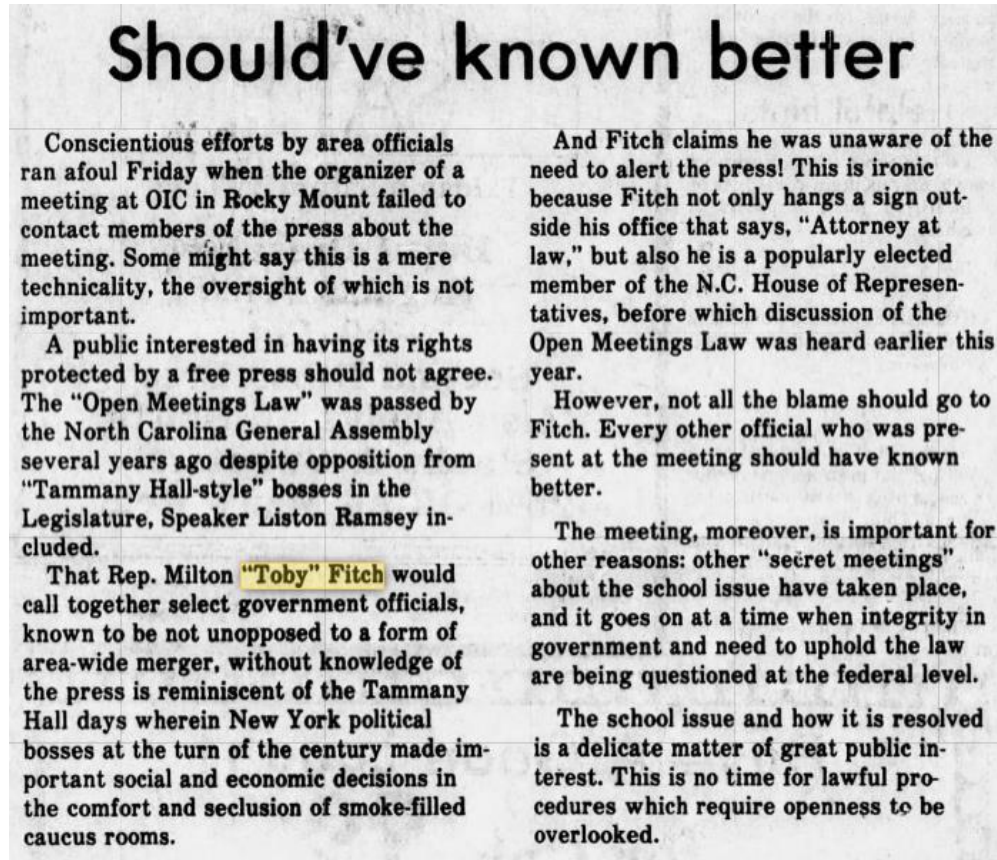


(Sarah Patterson, LTE, *News And Observer*, 5/28/93)

FITCH HAS BEEN CRITICIZED FOR HIS LACK OF TRANSPARENCY AT TIMES

In December 1996, Fitch Was Criticized By The Nashville Graphic Editorial Board For Convening A Meeting Of Government Officials To Discuss An Area Merger Issue Without Informing The Press

In December 1996, Fitch Was Criticized By The Nashville Graphic Editorial Board For Convening A Meeting Of Government Officials To Discuss An Area Merger Issue Without Informing The Press. (*Nashville Graphic*, 12/24/86)



(Nashville Graphic, 12/24/86)

FITCH OPPOSED STRONGER CORRUPTION AND ETHICS REFORM EFFORTS IN 2021

In 2021, Fitch Spoke Against A Bill "To Increase Government Transparency And The Penalty For Corruption" (SB 473)

In May 2021, The "The North Carolina Senate Approved A Bill Thursday To Increase Government Transparency And The Penalty For Corruption. Senate Bill 473 Creates A New Felony Offense For Public Officials Who Personally Benefit Financially From Their Position. It Requires Local Governments To Garnish A Public Official's Wages If The Official Owes Money For Unpaid County And City Services." "The North Carolina Senate approved a bill Thursday to increase government transparency and the penalty for corruption. Senate Bill 473 creates a new felony offense for public officials who personally benefit financially from their position. It requires local governments to garnish a public official's wages if the official owes money for unpaid county and city services. The measure also strengthens conflict-of-interest laws, and it allows the Local Government Commission (LGC) to select an independent auditor in certain circumstances. "I can confidently say that most of our local leaders are honest, hard-working public servants," said Sen. Lisa Barnes, R-Johnston, who introduced the bill. "It's very alarming, however, when local elected officials receive special treatment because of their likely position, or they fail to follow proper procedures and

established policies, and this often results in waste of taxpayer resources and also [erodes] the public's trust." A May 2020 report by the state auditor revealed Rocky Mount city officials blocked the city from collecting more than \$47,700 in utility bills owed by a city council member. The city manager violated the city's travel policy, resulting in more than \$1,500 in unapproved travel expenses. The audit also found mismanagement and overspending in the city's programs, costing taxpayers more than \$60,000. The bill requires the state auditor to notify the LGC when an audit report results from an investigation involving local governments. It allows the LGC to be involved in that local government's audit process for up to three years after the release of an investigative report. SB 473 would create a Class H felony for an elected official "that solicits or receives personal financial gain from the political subdivision for which he or she serves by means of intimidation, undue influence, or misuse of the employees of that subdivision." An elected official convicted under the measure could face four to 25 months in prison. The bill also clarifies that public officials, employees or their spouses with leadership roles in nonprofit organizations cannot be involved in the approval process of a contract for the organization and must recuse themselves from the vote." (*The Examiner*, 5/7/21)

- **“Sen. Milton Fitch Jr., D-Wilson, Spoke In Opposition Of The Bill.”** “Sen. Milton Fitch Jr., D-Wilson, spoke in opposition of the bill. He took issue with the legislation resulting from the Rocky Mount audit. Fitch reminded the Senate the audit did not result in criminal charges. He believes Barnes, whose district, like his, includes Rocky Mount, filed the legislation because she was dissatisfied with the audit's outcome, he said. "All of us expect our elected officials to be good stewards of taxpayer dollars. I'm not gonna bore you with what alleged to have occurred," Fitch said. "But it just seems like what is happening in this particular bill is somebody did not like the results of the audit report by the state auditor." The Senate approved SB 473, 42-6, on Thursday. It now heads to the House for consideration.” (*The Examiner*, 5/7/21)

In 2021, Fitch Voted Against The Legislation Seeking To “Strengthen Government Integrity Through Multiple Provisions Designed To Ensure That Public Officials Do Not Abuse Their Positions”

Fitch Voted No On SB 473, To ‘Enhance Local Gov’t Transparency.’ ([SB 473](#), Bill Passed - Senate (42 – 6), North Carolina State Senate, 5/6/21, Fitch Voted No)

ACU: “This Bill Strengthens Government Integrity Through Multiple Provisions Designed To Ensure That Public Officials Do Not Abuse Their Positions.” “This bill strengthens government integrity through multiple provisions designed to ensure that public officials do not abuse their positions. Most notably, the bill prevents public officials from participating in contracts benefiting nonprofits with which they are associated as well enhances the auditing of local governments. ACU supports efforts to strengthen government integrity and protect taxpayer funds from abuse and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Most Notably, The Bill Prevents Public Officials From Participating In Contracts Benefiting Nonprofits With Which They Are Associated As Well Enhances The Auditing Of Local Governments.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Strengthen Government Integrity And Protect Taxpayer Funds From Abuse And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH OPPOSED LEGISLATION SEEKING STRONGER GOVERNMENT TRANSPARENCY AND PUBLIC ACCESS

In 2021, Fitch Opposed Legislation That Sought To “Strengthen Government Transparency By Making Public Employee Performance And Disciplinary Records Public”

Fitch Voted No On HB 64, The Government Transparency Act Of 2021. ([HB 64](#), Bill Passed - Senate (28 - 19), North Carolina State Senate, 6/14/21, Fitch Voted No)

- NOTE: “An act to strengthen confidence in government by increasing accessibility to certain public personnel performance and dismissal records.” ([HB 64](#))

ACU: “The Senate Version Of This Bill Strengthens Government Transparency By Making Public Employee Performance And Disciplinary Records Public.” “The Senate version of this bill strengthens government transparency by making public employee performance and disciplinary records public. Under the bill, certain information such as the history of promotion, demotion, transfer, suspension, separation, or dismissal are made public. Additionally, the bill publishes the disciplinary reasons taken by public agencies for each dismissal. ACU supports strengthening government transparency and accountability, including unelected bureaucrats and union bosses and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- “Under The Bill, Certain Information Such As The History Of Promotion, Demotion, Transfer, Suspension, Separation, Or Dismissal Are Made Public.” ([American Conservative Union Legislative Ratings](#), 2021)
- “Additionally, The Bill Publishes The Disciplinary Reasons Taken By Public Agencies For Each Dismissal.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Strengthening Government Transparency And Accountability, Including Unelected Bureaucrats And Union Bosses And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH HAS OPPOSED STRENGTHENING ELECTION INTEGRITY

In 2021, Fitch Voted Against Legislation That “Strengthens Election Integrity” Through Reforming Absentee Voting

Fitch Voted No On S 325, ‘Election Day Integrity Act.’ ([S 325](#), Bill Passed - Senate (28 - 21), North Carolina State Senate, 6/16/21, Fitch Voted No)

- NOTE: “An act to amend the date by which mail-in absentee ballots must be received by the county board of elections in order to be counted, to require publishing of the date

absentee ballots are available and the deadline for requesting an absentee ballot, and to provide for the reporting of ballots by the county boards of elections.” ([S 325](#))

ACU: “This Bill Strengthens Election Integrity By Establishing A Deadline That All Absentee Ballots Must Be Received By 7:30pm On The Night Of Election Day.” “This bill strengthens election integrity by establishing a deadline that all absentee ballots must be received by 7:30pm on the night of election day. Under previous law, ballots could be received up to three days after the election and still be counted, providing an avenue for vote fraud. ACU supports efforts to strengthen election integrity and ensure that all legal ballots are counted, and that no illegal ballot is counted, which disenfranchises eligible voters, and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Strengthen Election Integrity And Ensure That All Legal Ballots Are Counted, And That No Illegal Ballot Is Counted, Which Disenfranchises Eligible Voters, And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

FITCH INTERVENED IN AN NC BAR DISCIPLINARY MEASURE, PROTECTING ATTORNEY WILLIE GILBERT WHO WAS ACCUSED OF MISHANDLING CLIENTS' MONEY

In December 2007, The NC State Bar Argued That Fitch Did Not Have The Jurisdiction To Block The Bar From Prosecuting A Case Against Lawyer Willie Gilbert

In December 2007, The NC State Bar Argued That Fitch Did Not Have The Jurisdiction To Block The Bar From Prosecuting A Case Against Lawyer Willie Gilbert. “The N.C. State Bar defended its turf Tuesday as the enforcer of lawyers' ethics in North Carolina. Bar lawyers argued at the N.C. Supreme Court that Superior Court judges can't preempt bar prosecutions against attorneys. Several years ago, Wilson lawyer Willie Gilbert successfully persuaded a Superior Court judge in his home district to block a pending bar prosecution against him. Wilson Superior Court Judge Milton "Toby" Fitch Jr., once a powerful state legislator, prohibited the bar from prosecuting Gilbert, who claimed the bar was harassing him. The bar appealed Fitch's order to the state Supreme Court. Superior Court judges and the N.C. State Bar can discipline lawyers for misconduct. The bar wants Fitch's order overturned so it can continue with its prosecution against Gilbert. "When a defendant decides he doesn't like the way things are going, he decides to get the Superior Court to enjoin it," Root Edmonson, a lawyer with the N.C. State Bar said Tuesday in court. "[Fitch] didn't have jurisdiction." The case stems from a complaint the bar filed against Gilbert in 2003. The complaint alleged that Gilbert mishandled clients' money.” (*The News & Observer*, 12/12/07)

- **“The Case Stems From A Complaint The Bar Filed Against Gilbert In 2003. The Complaint Alleged That Gilbert Mishandled Clients’ Money.”** “The case stems from a complaint the bar filed against Gilbert in 2003. The complaint alleged that Gilbert mishandled clients’ money. Gilbert’s attorney, Eric Michaux, has been defending him against the bar for nearly 10 years. Michaux, whose brother is state Rep. Mickey

Michaux of Durham, said that the bar has violated Gilbert's due process during its prosecution of him." ([States Newsroom](#), 12/23/21)

- “Between February 2000 And September 2003, The State Bar Filed Three Actions Against Gilbert.”** “Between February 2000 and September 2003, the State Bar filed three actions against Gilbert. First, on February 15, 2000, the State Bar brought an administrative action before the State Bar's Disciplinary Hearing Commission ("DHC"), alleging that Gilbert violated the North Carolina Revised Rules of Professional Conduct ("RRPC") while representing three clients between 1997 and 1999 (" Gilbert I"). See *Gilbert v. N.C. State Bar*, 363 N.C. 70, 72, 678 S.E.2d 602, 603 (2009). The DHC held a four-day hearing and, at the conclusion, entered a disciplinary order, concluding that plaintiff had violated Rules 1.5, 1.7, 1.15-2(h), 8.4(b), 8.4(c), 8.4(d), and 8.4(g) of the RRPC. See *id.* at 72, 678 S.E.2d at 603-04. The DHC suspended Gilbert's license to practice law for five years, but stayed the last three years of the suspension upon enumerated conditions. See *id.* at 72, 678 S.E.2d at 604. On July 16, 2002, the North Carolina Court of Appeals affirmed the DHC order. *N.C. State Bar v. Gilbert*, 151 N.C.App. 299, 566 S.E.2d 685 (2002). On October 2, 2003, the North Carolina Supreme Court affirmed the North Carolina Court of Appeals. *N.C. State Bar v. Gilbert*, 357 N.C. 502, 586 S.E.2d 89 (2003) (per curiam). Second, on April 18, 2002, while the Gilbert I appeal was pending, the State Bar, on behalf of its Client Security Fund ("CSF"), brought a civil action in Wake County District Court to recover \$4,627.43 from Gilbert that the CSF paid one of Gilbert's clients (" Gilbert II"). See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. The Wake County District Court held a bench trial in January 2004, found Gilbert liable, and awarded the State Bar double damages pursuant to N.C. Gen. Stat. § 84-13, totaling \$9,254.86 plus interest. See *id.* On appeal, the North Carolina Court of Appeals affirmed the trial court's judgment in part, but remanded the action for additional findings as to Gilbert's affirmative defenses. *N.C. State Bar v. Gilbert*, 176 N.C.App. 408, 626 S.E.2d 877 (2006). On remand, the Wake County District Court entered judgment in favor of the State Bar. See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. On the second appeal of Gilbert II, the North Carolina Court of Appeals affirmed the Wake County District Court's judgment in part, but remanded with instructions to recalculate the interest pursuant to N.C. Gen. Stat. § 24-5(b). *N.C. State Bar v. Gilbert*, 189 N.C.App. 320, 663 S.E.2d 1 (2008). Third, on September 12, 2003, the State Bar filed a second disciplinary action against Gilbert, alleging that, in April 1998, Gilbert had misappropriated funds from his trust account and failed to pay client funds promptly to third parties (" Gilbert III"). See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. In response, on November 18, 2003, Gilbert filed a motion to dismiss, moved for sanctions, answered the complaint, and asserted counterclaims. Among Gilbert's defenses in Gilbert III are that the DHC lacks jurisdiction over the subject matter, that the State Bar has been unconstitutionally designated, and that the prosecution is vindictive and in bad faith in violation of the United States Constitution and the North Carolina Constitution. See *Mot. to Dismiss*, *Mot. for Sanctions*, *Answer to Compl. Counterclaims*, *N.C. State Bar v. Gilbert*, 03 DHC 16 (Disciplinary Hearing Comm'n Nov. 18, 2003), available at http://www.ncbar.gov/discipline/DHC_File_DHC_file_filename_bv.asp?DHC_file_doc=130 (last visited Sept. 14, 2009). Gilbert's counterclaims include vindictive prosecution/enforcement, deprivation of procedural due process, and deprivation of

substantive due process, in violation of the United States Constitution and the North Carolina Constitution.” (Gilbert v. North Carolina State Bar, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

- **“On September 12, 2005, The Wilson County Superior Court Granted Gilbert's Motion For Partial Summary Judgment And Permanently Enjoined The State Bar From Prosecuting Gilbert III.”** “On August 3, 2004, the State Bar filed a motion in the Wilson County Superior Court to dismiss Gilbert's complaint. See id. On October 13, 2004, Gilbert moved for partial summary judgment on the issue of liability for violations of his procedural and substantive due process rights. See id. at 74, 678 S.E.2d at 604-05. The Wilson County Superior Court converted the State Bar's motion to dismiss to one for summary judgment. At oral argument on the motion for partial summary judgment, the Honorable Toby Fitch of the Wilson County Superior Court stated: [I]t smacks in the face of fairness when you have a man that you take a period of time, you go in and you find three people, you prosecute him on those three, and there were six people there at the same time, and instead of prosecuting him on six and doing whatever you want to do to him, you choose to do three of them, have a time of suspension to run, and then come back when that time of suspension runs and says, oh, yes, I got three more that I didn't prosecute you on so I want to now prosecute you on those matters. And that, right or wrong, in my mind is where I have the problem, because — and that's why I used the terms that the State Bar knew or should have known, having done the investigation of the trust account, that those violations were there. Id., 678 S.E.2d at 604-05 (quotation omitted). On September 12, 2005, the Wilson County Superior Court granted Gilbert's motion for partial summary judgment and permanently enjoined the State Bar from prosecuting Gilbert III. See Gilbert, 363 N.C. at 74, 678 S.E.2d at 605. The court also expressly retained jurisdiction over the action to enforce the injunction, calculate compensatory damages, and award attorney's fees. See id.” (Gilbert v. North Carolina State Bar, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

The NC Supreme Court Eventually Ruled In Favor Of The NC Bar, Allowing For Disciplinary Measures Against Gilbert To Proceed

In 2009, “The North Carolina Supreme Court Vacated The North Carolina Court Of Appeals' Gilbert III Decision And Remanded To The Court Of Appeals For Further Remand To Wilson County Superior Court With Instructions To Dissolve The Permanent Injunction, Dismiss Gilbert's Substantive Due Process Claim With Prejudice, And Dismiss Gilbert's Procedural Due Process Claim Without Prejudice.” “On March 20, 2009, the North Carolina Supreme Court reversed the North Carolina Court of Appeals. Id. at 86, 678 S.E.2d at 612. As to the first issue, the North Carolina Supreme Court held that the State Bar had a substantial right in prosecuting its disciplinary action against Gilbert, and, therefore, the order was appealable. See id. at 75-77, 678 S.E.2d at 605-06. As to the second issue, the North Carolina Supreme Court held that Gilbert failed to state a claim under section 1983 “because (1) substantive due process does not provide an individual right to be free from either vindictive or malicious prosecution of an administrative action, and (2) a plaintiff's right to procedural due process under the Fourteenth Amendment is not violated by the tortious conduct of a state actor until and unless the State fails to provide an adequate remedy.” Id. at 72, 678 S.E.2d at 603 (emphasis omitted). Thus, because a “plaintiff must allow the State an opportunity to remedy the alleged deprivation of a protected right before he can state a viable [section] 1983 claim based on

an alleged violation of his right to procedural due process, the [Wilson County Superior Court] should not have imposed a permanent injunction." Id. Accordingly, the North Carolina Supreme Court vacated the North Carolina Court of Appeals' Gilbert III decision and remanded to the Court of Appeals for further remand to Wilson County Superior Court with instructions to dissolve the permanent injunction, dismiss Gilbert's substantive due process claim with prejudice, and dismiss Gilbert's procedural due process claim without prejudice. See id." (Gilbert v. North Carolina State Bar, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

- **“On July 28, 2009, The State Bar Reconvened Its Prosecution Of Gilbert Regarding The Complaint Originally Filed In September 2003.”** “On July 28, 2009, the State Bar reconvened its prosecution of Gilbert regarding the complaint originally filed in September 2003. See N.C. State Bar, Upcoming Disciplinary Hearing Information, <http://www.ncbar.gov/discipline/DHCview.asp?DHCpkey=103> (last visited Sept. 14, 2009). The State Bar continues to assert that Gilbert misappropriated funds from his client trust account and was tardy in paying client funds owed to a third party. See Compl., N.C. State Bar v. Gilbert, 03 DHC 16 (Disciplinary Hearing Comm’n Sept. 12, 2003), available at http://www.ncbar.gov/discipline/DHC_File_DHC_file_filename_bv.asp?DHC_file_doc=129 (last visited Sept. 14, 2009).” (Gilbert v. North Carolina State Bar, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

THROUGHOUT SEVERAL SESSIONS, FITCH HAS BEEN NEAR OR AT THE TOP OF MEMBERS SEEN TO HAVE MISSED VOTES

A 1995 Charlotte Observer Analysis Found That Fitch Had Missed Over 30 Percent Of Votes In The Most Recent General Assembly Session

A 1995 Charlotte Observer Analysis Found That Fitch Had Missed Over 30 Percent Of Votes In The Most Recent General Assembly Session. “Depending on where you live, you may not be getting all the decibels you deserve out of your elected voice in the state capital. Some House and Senate members were talking or eating or working elsewhere when asked to carry out their basic duty to constituents - voting on bills. Not counting lawmakers pulled away for illnesses or family emergencies, a half-dozen elected leaders missed as many as one in four floor votes in the session that ended Saturday. The General Assembly as a class brought home an average grade of A-minus on voting consistency, according to the state's computerized legislative vote-reporting system. The average senator voted in 92 percent of the 1,208 votes; the average representative's score was 91 percent of 1,584 votes. "It's what they're there to do - vote," said Betty Seizinger, president of the Charlotte-Mecklenburg League of Women Voters. "They're the only ones there to represent us. If they don't do it, who will?" In the House, the "D" and "C" students included: Rep. Larry Shaw, D-Cumberland, who missed 496 out of 1,584 votes - a score of 68.7 percent; Rep. Toby Fitch, D-Wilson, with a tally of 69.9 percent; Rep. William Wainright, D-Craven, with 70.2 percent; and Rep. Dan Blue, the Durham Democrat who was speaker of the House in 1994, with 72.3 percent. None could be located for comment on Wednesday; many were out of town.” (*Charlotte Observer*, 8/3/95)

A 1997 Charlotte Observer Analysis Found Fitch Had Among The “Worst” Voting Records In The House – Missing Over 20 Percent Of Votes In The Most Recent General Assembly Session

A 1997 Charlotte Observer Analysis Found Fitch Had Among The “Worst” Voting Records In The House – Missing Over 20 Percent Of Votes In The Most Recent General Assembly Session. “The worst House: John Gamble, D-Lincoln 66.5 percent Pete Cunningham, D-Mecklenburg 75.0 percent Dan Blue, D-Wake 77.2 percent Martin Nesbitt, D-Buncombe 78.0 percent Jerry Braswell, D-Wayne 78.8 percent Toby Fitch, D-Wilson 79.7 percent Thomas Hardaway, D-Halifax 79.8 percent.” (*Charlotte Observer*, 9/21/97)

A 2002 Analysis Found “Toby Fitch, A Former Democratic House Member And New Superior Court Judge, Had The Lowest House Voting Percentage, At 73.2 Percent, Among Rank-And-File House Members” In 2001

A 2002 Analysis Found “Toby Fitch, A Former Democratic House Member And New Superior Court Judge, Had The Lowest House Voting Percentage, At 73.2 Percent, Among Rank-And-File House Members” In 2001. “State Sen. Jeanne Lucas, a Durham Democrat, was unique among her Senate colleagues last year. She voted on every bill and amendment that came before her chamber. The lowest voting score percentage in the state Senate went to state Sen. Larry Shaw, a Fayetteville Democrat, who cast votes 89.2 percent of the time, according to statistics published on the General Assembly's Web site. In the state House, the voting champ was state Rep. Mitch Gillespie, a Republican from McDowell County, who was the only House member at 100 percent. Toby Fitch, a former Democratic House member and new Superior Court judge, had the lowest House voting percentage, at 73.2 percent, among rank-and-file House members.” (*News And Observer*, 1/3/02)

HOUSE MEMBER VOTE STATISTICS

2001-2002 Session

<div> Print CSV PDF </div> <div>Showing 1 to 122 of 122 members</div> <div>Search: <input type="text"/></div>									
District ↑↓	Name ↑↓	Total Votes ↑↓	Eligible Votes ↑↓	Actual Votes ↑↓	Vote % ↑↓	With Majority ↑↓	With Majority % ↑↓	Against Majority ↑↓	Against Majority % ↑↓
36	SPEAKER (D)	1927	1894	184	9.71%	175	95.11%	9	4.89%
70	Fitch (D)	1927	1369	1002	73.19%	862	86.03%	140	13.97%
5	Hunter (D)	1927	1454	1124	77.30%	1036	92.17%	88	7.83%
62	Miner (R)	1927	1627	1370	84.20%	1257	91.75%	113	8.25%
47	Church (D)	1927	1838	1589	86.45%	1523	95.85%	66	4.15%

([North Carolina General Assembly](#), Accessed 6/20/22)

Analysis Of Recent Sessions Show That Fitch Has Been In The Top 10 Of All State Senators For Missed Vote Totals

For The 2017 – 2018 Session, Fitch Ranked 10th In The Senate For The Number Of Eligible Votes He Missed. ([North Carolina General Assembly](#), Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS									
2017-2018 Session									
Print CSV PDF		Showing 1 to 53 of 53 members				Search:			
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
35	Tucker (R)	823	782	752	96.16%	737	98.01%	15	1.99%
15	Alexander (R)	823	710	695	97.89%	688	98.99%	7	1.01%
36	Newton (R)	823	818	802	98.04%	799	99.63%	3	0.37%
20	McKissick (D)	823	779	768	98.59%	607	79.04%	161	20.96%
13	Britt (R)	823	752	742	98.67%	735	99.06%	7	0.94%
39	Bishop (R)	823	771	761	98.70%	747	98.16%	14	1.84%
38	Ford (D)	823	314	310	98.73%	239	77.10%	71	22.90%
14	Blue (D)	823	703	695	98.86%	525	75.54%	170	24.46%
24	Gunn (R)	823	800	791	98.88%	790	99.87%	1	0.13%
4	Fitch (D)	823	230	228	99.13%	156	68.42%	72	31.58%

([North Carolina General Assembly](#), Accessed 6/20/22)

For The 2019 – 2020 Session, Fitch Ranked 6th In The Senate For The Number Of Eligible Votes He Missed. ([North Carolina General Assembly](#), Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS									
2019-2020 Session									
Print CSV PDF		Showing 1 to 56 of 56 members				Search:			
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
7	Pate (R)	905	0	0	0%	0	0%	0	0%
20	McKissick (D)	905	645	631	97.83%	544	86.21%	87	13.79%
3	Smith (D)	905	766	752	98.17%	618	82.18%	134	17.82%
14	Blue (D)	905	801	790	98.63%	658	83.29%	132	16.71%
39	Bishop (R)	905	299	295	98.66%	292	98.98%	3	1.02%
32	Lowe (D)	905	829	818	98.67%	712	87.04%	106	12.96%
4	Fitch (D)	905	848	838	98.82%	696	83.05%	142	16.95%

([North Carolina General Assembly](#), Accessed 6/20/22)

For The 2021 – 2022 Session So Far, Fitch Ranked 2nd In The Senate For The Number Of Eligible Votes He Has Missed. ([North Carolina General Assembly](#), Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS

2021-2022 Session

Print CSV PDF		Showing 1 to 51 of 51 members		Search:					
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
17	Searcy (D)	609	0	0	0%	0	0%	0	0%
3	Bazemore (D)	609	307	296	96.42%	239	80.74%	57	19.26%
4	Fitch (D)	609	589	583	98.98%	471	80.79%	112	19.21%
50	Corbin (R)	609	555	550	99.10%	549	99.82%	1	0.18%
32	Lowe (D)	609	509	506	99.41%	419	82.81%	87	17.19%

([North Carolina General Assembly](#), Accessed 6/20/22)

FITCH LED COUPS AGAINST DEMOCRATIC LEADERSHIP IN BIDS TO INCREASE HIS OWN STATURE

In 1999, Fitch Engineered An Unsuccessful Coup Attempt Against Leading House Democrat Jim Black By Working With Republicans To Nominate Rep. Dan Blue For Speaker; Fitch Claimed Democratic Leaders Failed To Show Appreciation For Black Voters

In 1999, Fitch Engineered An Unsuccessful Coup Attempt Against Leading House Democrat Jim Black By Working With Republicans To Nominate Rep. Dan Blue For Speaker; Fitch Claimed Democratic Leaders Failed To Show Appreciation For Black Voters. “Since November, Democrats have relished being back in control of the North Carolina House. But before they could exercise any power Wednesday, that had to quash an opening day revolt from within the family. It nearly cost Rep. Jim Black, the Charlotte Democrat who was considered a shoo-in for House speaker, the job he has coveted for years. Legislators, lobbyists and observers were stunned when a secret alliance between Republicans and a handful of black Democrats almost succeeded. The plan began to reveal itself when Rep. Harold Brubaker, the Asheboro Republican who was speaker last session, nominated Rep. Dan Blue for speaker. After the roll was called, Blue, a Raleigh Democrat, had 59 votes. Black, unanimously chosen by Democrats as their speaker candidate in November, squeaked by with 60. Black said he had heard a rumor that he would be challenged for the leadership, but walked into the House chamber shortly before noon thinking he had Blue's support. "I was surprised that it went the way it did ..." Black said. "It was my belief when I went into the chamber that Dan was going to vote for me." So it seemed after the November election, when an effort to make Blue the Democrats' nominee failed. Black Democrats and members of the caucus then put on a public show of unity. But Rep. Toby Fitch, a black Democrat from Wilson who engineered

Wednesday's attempted coup, remained angry over what he characterized as Democratic leaders' failure to show enough appreciation for the role black voters played in returning Democrats to power. "That's the genesis of all of this," Fitch said. "I don't control how my colleagues who look like me think ... but as for me, that's the genesis. Black citizens are not pawns to be handed out." House Minority Leader Leo Daughtry became Fitch's ally, he said, to show that the GOP is willing to reach out to black voters." (*News And Observer*, 1/28/99)

- **Fitch Vowed To Potentially Work With Republicans After Feeling That Democratic Leaders Had Taken Black Voters For Granted.** "Rep. Toby Fitch, D-Wilson, who orchestrated the alliance with Republicans, said he believes healing can only come if African Americans discuss the vote and issues surrounding it. "I think until people know it completely, they can't heal it," Fitch said. "Black folks ought to talk about it for a while. They ought to be able to put this on the table." For Fitch, aligning with white Republicans was the means toward installing a black legislator in one of the most powerful positions in the state. His move, he said, was an attempt to grab some of the power he felt black Democrats had been denied after the 1998 election. Fitch and others say they believe the Democratic Party had taken for granted the black votes that helped sweep party candidates into office in the last election. Fitch was following a new motto the NAACP and other organizations have given voice: "No permanent friends. No permanent enemies. Only permanent issues.'" (*Charlotte Observer*, 2/20/99)

In 2001, "In The Final Days Before The Session, Rep. Toby Fitch, D-Wilson, Solicited Republican Support In An Effort" To Become House Speaker

In 2001, "In The Final Days Before The Session, Rep. Toby Fitch, D-Wilson, Solicited Republican Support In An Effort" To Become House Speaker. "In the final days before the session, Rep. Toby Fitch, D-Wilson, solicited Republican support in an effort to take the post. He was not nominated Wednesday. Fitch was believed to be interested in heading the House so that he could carve out a congressional district in this year's redistricting that would help him get elected to Congress. Rep. George Holmes, R-Yadkin, nominated Minority Leader Leo Daughtry, R-Johnston, who then declined in a choreographed move that signaled Republicans would make no concerted effort to challenge Black." (*The Associated Press*, 1/24/01)

FITCH ATTENDED THE MILLION MAN MARCH HOSTED BY NATION OF ISLAM HEAD LOUIS FARRAKHAN

In 1995, Nation Of Islam Leader Louis Farrakhan Held His Million Man March In Washington DC

Fitch Attended The Million Man March

In 1995, Nation Of Islam Leader Louis Farrakhan Held His Million Man March In Washington DC. "Nation of Islam leader Louis Farrakhan marched past the Rev. Jesse Jackson to the throne of black political leadership, prominent blacks said yesterday, but they questioned whether he can retain this pre-eminence. Mr. Farrakhan not only organized and peacefully brought off the Million Man March, the largest gathering of black men in U.S. history, but his 2 1/2-hour speech riveted the attention of much of the nation and brought religion to Washington's

Mall in a way not seen in recent years. There was agreement not only that Mr. Farrakhan had eclipsed Mr. Jackson, at least for now, but also, and perhaps more surprising, that Mr. Jackson was never the leader he is portrayed to be in the mainstream media. "It's clear Farrakhan elevated himself," said Glen C. Loury, a conservative black economist at Boston University. "You had only to look at 'Larry King Live' [Monday] night: Farrakhan appeared alone with King, while Jackson was on a panel with what might be called 'other, lesser black leaders.' " Those appearing with Mr. Jackson on the CNN program included Rep. Gary A. Franks, Connecticut Republican, and Myrlie Evers Jackson, chairman of the NAACP and widow of the slain civil rights leader Medgar Evers." (*Washington Times*, 10/18/95)

- **Fitch Attended The Million Man March.** "Rep. Toby Fitch, a black state legislator from North Carolina who attended Monday's march, was loath to see the event as enhancing one leader's importance over the other. "I don't necessarily see it as a competition between Minister Farrakhan and Jesse Jackson, but as their moving an agenda together," said Mr. Fitch, a Democrat." (*Washington Times*, 10/18/95)

"Farrakhan Is An Antisemite Who Routinely Accuses Jews Of Manipulating The U.S. Government And Controlling The Levers Of World Power"

"Farrakhan Is An Antisemite Who Routinely Accuses Jews Of Manipulating The U.S. Government And Controlling The Levers Of World Power." "Louis Farrakhan heads the Nation of Islam, a group he has led since 1977 and that is based on a somewhat bizarre and fundamentally anti-white theology. Farrakhan is an antisemite who routinely accuses Jews of manipulating the U.S. government and controlling the levers of world power." ([Southern Poverty Law Center](#), Accessed 5/31/22)

"Farrakhan Blames Jews For The Slave Trade, Plantation Slavery, Jim Crow, Sharecropping And General Black Oppression"

"Farrakhan Blames Jews For The Slave Trade, Plantation Slavery, Jim Crow, Sharecropping And General Black Oppression." "Farrakhan blames Jews for the slave trade, plantation slavery, Jim Crow, sharecropping and general black oppression. Farrakhan's tone grew more belligerent in June 2010, when he sent letters to several leaders of the Jewish community as well as the Southern Poverty Law Center demanding that they acknowledge the evils they have perpetrated and that they work to further Farrakhan's goals. The letter ended with a threat to "ruin and destroy your power and influence here and throughout the world" if his terms were not met." ([Southern Poverty Law Center](#), Accessed 5/31/22)

IN 1968, WHILE PARTICIPATING IN A PROTEST IN WHICH STUDENTS HUNG AND SET ON FIRE AN EFFIGY OF GOVERNOR DAN MOORE, "FITCH SAID HE WAS ARRESTED FOR DESTRUCTION OF PROPERTY, WENT TO TRIAL AND WAS PLACED ON PROBATION"

In 1968, While Participating In A Protest In Which Students Hung And Set On Fire An Effigy Of Governor Dan Moore, "Fitch Said He Was Arrested For Destruction Of Property, Went To Trial And Was Placed On Probation." "Fitch and Butterfield participated in demonstrations and struggles in the South. Fitch said those who participated in the civil rights

movement not only watched what happened in their state, but in other Southern states. He said the 1968 Orangeburg Massacre in South Carolina moved North Carolina students to join them in protest. In the Orangeburg protest, students at South Carolina State University protested on their campus because they wanted the only bowling alley to be desegregated. South Carolina Highway Patrol officers opened fire on protesting students, killing three and wounding 27 others. Fitch participated in a demonstration in Durham because he said he and other students thought the governor should have stepped in to say the killing and shooting of the students by law enforcement was wrong. "So we had gone downtown and hung the governor in effigy at Five Points Park," Fitch said. "They set the dummy on fire and the fire trucks came and turned hoses on us. So kids were running back down Main Street and some windows of some shops started falling and cops started arresting people for it." Fitch said he was arrested for destruction of property, went to trial and was placed on probation. Since it was also an election year, students went to the polls to vote. "When G.K. was coming home to cast a ballot, I couldn't walk home," Fitch said. "That was a form of demonstration to be walking home with a bunch of college kids to cast their first ballot." Those events helped to shape Fitch and set him on a path toward law." (Wilson Daily Times, 9/15/14)

IN 1979, FITCH TESTIFIED AS A CHARACTER WITNESS FOR WILSON COUNTY CHIEF DEPUTY TONY OWENS, WHO WAS CHARGED WITH CONSPIRING TO OBSTRUCT THE ENFORCEMENT OF STATE LAWS BY TAKING BRIBES

In 1979, Fitch Testified As A Character Witness For Wilson County Chief Deputy Tony Owens, Who Was Charged With Conspiring To Obstruct The Enforcement Of State Laws By Taking Bribes. (News And Observer, 2/24/79)

<p>By NADINE COHODAS Staff Writer</p> <p>Wilson County Chief Deputy Tony M. Owens testified Friday that he had never accepted money or gifts from anyone to prevent enforcement of state gambling laws in the county.</p> <p>"My badge is clean," Owens said in the second day of his corruption trial in federal court in Raleigh.</p> <p>Owens, chief deputy since 1975, also said he never had refused to take action when he heard of gambling operations in the county.</p> <p>Owens is charged with conspiring to obstruct the enforcement of state laws by taking bribes from the operator of The Clubhouse, a gambling house on U.S. 301 south of Wilson.</p>	<p>19 people</p> <p>After Jack B. Crawley Jr., an assistant U.S. attorney, rested the government's case, Martin presented 19 people who testified to Owens' character. Then Owens testified.</p> <p>Among the character witnesses were W. A. Boone Jr., clerk of Wilson Court; Malcolm McLoud, a special agent with the SBI; David Williams, an assistant district attorney in Wilson; Milton F. "Toby" Fitch Jr., a Wilson defense lawyer; Dr. Hugh Bass, a veterinarian; and Dr. Thomas J. Horton, a dentist.</p> <p>Horton said he is married to Owens' sister-in-law.</p> <p>After both sides rested their cases at 5:45 p.m., Judge Dupree denied a routine defense motion to dismiss the charge against Owens.</p>
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(News And Observer, 2/24/79)

- **NOTE:** *Owens appears to have eventually been acquitted.*

FITCH HAS NOTED HIS BELIEF IN A CONSPIRACY BEHIND THE ASSASSINATION OF MARTIN LUTHER KING JR. AND EXPRESSED DOUBTS IN THE WARREN COMMISSION'S EXPLANATION OF THE JFK ASSASSINATION

In 2008, Fitch Noted His Belief In A Conspiracy Behind The Assassination Of Martin Luther King Jr. And Expressed Doubts In The Warren Commission's Explanation Of The JFK Assassination. "Milton F. "Toby" Fitch Jr. was a student at N.C. Central University in Durham and a civil rights activist. His father was instrumental in bringing King to Wilson and was likely the person who made the anonymous calls to Shreve. G.K. Butterfield Jr. was also a student at NCCU, a close friend of Toby Fitch and a civil rights activist. His father, who had been elected to Wilson City Council in the 1950s, was a member of the Good Neighbor Council. Unlike the assassinations of John F. Kennedy and Bobby Kennedy, a suspect was not apprehended right away in the King assassination. James Earl Ray, who eventually pleaded guilty to the murder, was not arrested until two months later in England. Butterfield and Fitch described the conspiracy fears that surrounded the King funeral in Atlanta. Sensible people worried about a conspiracy to eliminate all black leaders -- a fear that seemed rational enough at the time. Ray's guilty plea did not end the fears and speculation. Dexter King, MLK's son, met with Ray before he died and said he didn't think Ray killed his father. Both Jesse Jackson and Andrew Young, aides to King at the time of his death, have said they think a conspiracy was behind the assassination. Fitch agrees. "My position still is that I don't think this deranged man with this inaccurate weapon did this on his own," Fitch told me. "He may have been involved." He also has his doubts about the Warren Commission's conclusions about the Kennedy assassination. Shreve shares Fitch's doubts about Ray's role. "It didn't make much sense to me that he would do something like that without somebody sponsoring him," he said. In 1993, the House Select Committee on Assassinations concluded that James Earl Ray fired one bullet and killed King. However, the committee did not have complete access to FBI files, and it could not rule out the possibility that others might have been involved." (*Wilson Daily Times*, 4/5/08)

FITCH WAS "INSTALLED AS MOST WORSHIPFUL GRAND MASTER OF THE PRINCE HALL GRAND LODGE OF FREE & ACCEPTED MASONS OF NORTH CAROLINA, THE STATE'S BLACK MASONIC GROUP"

In 2003, Fitch Was "Installed As Most Worshipful Grand Master Of The Prince Hall Grand Lodge Of Free & Accepted Masons Of North Carolina, The State's Black Masonic Group." "On a warm Saturday in November, before a crowd of 800 packed into the pews of the L.N. Forbes Tabernacle Baptist Church in Wilson, two men -- one black, the other white -- stood face to face for the first time. "What you see here now is what some of you never thought you would see," said Milton "Toby" Fitch Jr., a Superior Court judge who had just been installed as Most Worshipful Grand Master of the Prince Hall Grand Lodge of Free & Accepted Masons of North Carolina, the state's black Masonic group. Fitch then grasped the hand of Leonard Safrit

Jr., a Beaufort businessman who will soon lead the state's white Masons, and held it aloft.” (*The News & Observer*, 12/7/03)

ON SOCIAL MEDIA, FITCH HAS EXPRESSED SUPPORT FOR PROGRESSIVE POLITICIANS AND HAS EXPRESSED PARTISAN VIEWS AGAINST REPUBLICANS

In January 2021, Fitch Posted On Facebook Expressing His Support For Biden’s Presidency

In January 2021, Fitch Posted On Facebook Expressing His Support For Biden’s Presidency. (Fitch Profile, [Facebook](#), 1/20/21)



(Fitch Profile, [Facebook](#), 1/20/21)

In October 2020, Fitch Posted On Facebook Calling For People To Vote For Joe Biden And Kamala Harris

In October 2020, Fitch Posted On Facebook Calling For People To Vote For Joe Biden And Kamala Harris. (Fitch Profile, [Facebook](#), 10/13/20)



(Fitch Profile, [Facebook](#), 10/13/20)

In April 2022, Fitch Posted On Facebook Expressing His Support For Ketanji Brown Jackson's Confirmation To The Supreme Court

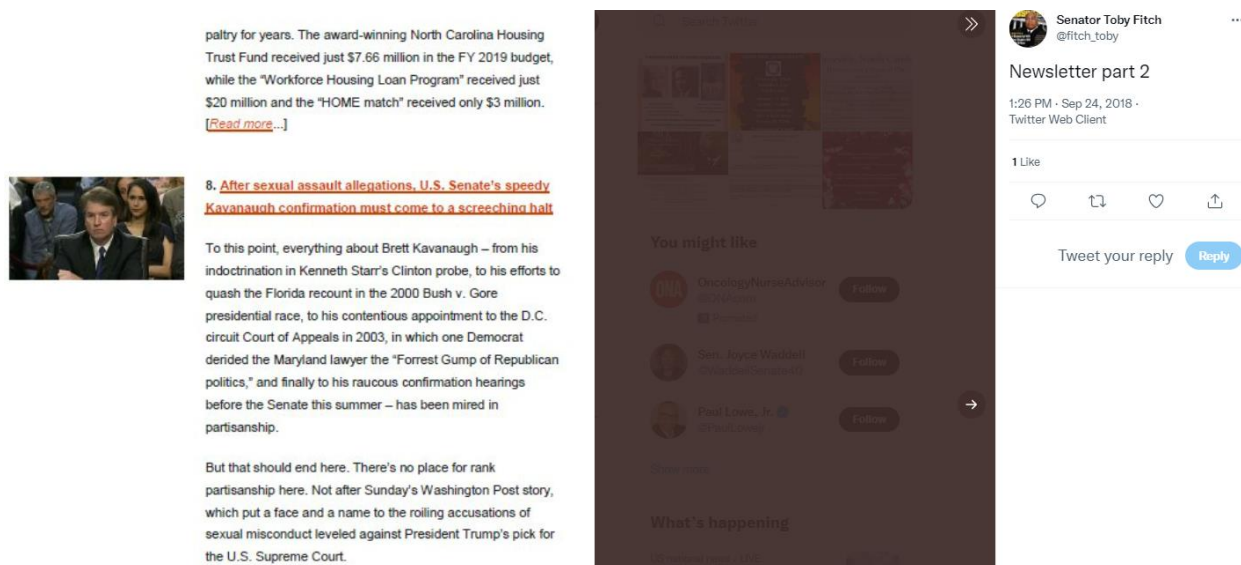
In April 2022, Fitch Posted On Facebook Expressing His Support For Ketanji Brown Jackson's Confirmation To The Supreme Court. (Fitch Profile, [Facebook](#), 4/8/22)



(Fitch Profile, [Facebook](#), 4/8/22)

In September 2018, Fitch Shared A Tweet Containing His Newsletter That Called For Kavanaugh's Confirmation To 'Come To A Screeching Halt' Due To The "Sexual Assault Allegations"

In September 2018, Fitch Shared A Tweet Containing His Newsletter That Called For Kavanaugh's Confirmation To 'Come To A Screeching Halt' Due To The "Sexual Assault Allegations". (Fitch Profile, [Twitter](#), 9/24/18)



(Fitch Profile, [Twitter](#), 9/24/18)

In July 2019, Fitch Promoted A Tweet Stating "85% OF Trump's Base Doesn't Even Know What Socialism Means."

In July 2019, Fitch 'Liked' A Tweet Stating "85% OF Trump's Base Doesn't Even Know What Socialism Means." (Fitch Profile, [Twitter](#), 7/31/19)



(Fitch Profile, [Twitter](#), 7/31/19)

APPENDIX A: ISSUES OF NOTE (BY SUBJECT AREA)

Below is a non-comprehensive reference section pertaining to Toby Fitch's issues and policy positions of note. Any actionable material from this section has been incorporated into the prior narrative sections.

FISCAL AND ECONOMIC

Taxes

Income Tax

In April 1995, North Carolina Legislators Passed A \$362 Million Tax Cut Package That Included A Reduction In Income Taxes, "Crafted So That Most Of It - 72 Percent - Would Go To Those With An Income Of \$ 50,000 Or Less." "The General Assembly is finished with its major tax-reduction bills for the 1995 session. Disgusted at the amount you pay in North Carolina taxes? Well, chill out because the General Assembly is funneling relief your way: Lawmakers Monday night completed work on a \$ 362 million tax-cut package. The package mixes a reduction in state income taxes - if you make less than \$ 100,000 - with the total repeal of North Carolina's intangibles tax on stocks, bonds and other investments in out-of-state corporations. But before visions of a fattened wallet get the best of you, consider that the income tax cut probably will net you less than \$ 1 per day. A married couple earning \$ 50,000 annually would net an extra \$ 260 under the tax-cut plan - about 71 cents per day. "This is tax relief for Mr. and Mrs. Middle Class in North Carolina," said House Speaker Harold Brubaker, an Asheboro Republican. "This sets the right tone, the right direction for North Carolina." Speaking after the vote, Brubaker was flanked by Senate President Pro Tem Marc Basnight, a Manteo Democrat, as well as dozens of ebullient Republican lawmakers, many sporting fluorescent yellow buttons emblazoned with the phrase "Tax Freedom Day." Here are the highlights of the tax-cut plan, which will take effect for the 1995 tax year: Personal exemptions would increase from the current \$ 2,000 to \$ 2,250 in 1995, then to \$ 2,500 in 1996. A \$ 60 per-child tax credit would be established. The House gave its final OK to the Senate bill that eliminates the intangibles tax on stocks, bonds and other investments. The majority of that tax is paid by wealthy North Carolinians. However, the income tax cut was crafted so that most of it - 72 percent - would go to those with an income of \$ 50,000 or less." (*News & Record*, 4/18/95)

- **"The Personal Income Tax Cut Will Go To Married Couples With Incomes Of Less Than \$100,000, Single Filers Making Less Than \$60,000 And Heads Of Households With Incomes Under \$80,000. For Married Couples Filing Separately, The Income Cap Will Be \$50,000. The Measure Will Increase The Personal Exemption From \$2,000 To \$2,250 For This Tax Year And To \$2,500 For 1996."** "Lawmakers put the finishing touches on a tax cut package that will save the typical family of four about \$260 when they file taxes next year. The \$360 million package includes a reduction in the personal income tax for most taxpayers and a repeal of the intangibles tax on stocks and bonds. About 240,000 individuals and some businesses pay the intangibles tax. An income tax cut of at least \$200 million was a key component of a ``contract" that many Republican candidates signed last fall. ``The people of North Carolina have something to

cheer about because they now have tax relief from North Carolina," House Speaker Harold Brubaker, R-Randolph, said after the Monday night session. Joining Brubaker and jubilant Republicans wearing "Tax Freedom Day" buttons was Senate President Pro Tem Marc Basnight, D-Dare. Senate Democrats were the key players in crafting the final version of the tax cut package. "Working together, you can move mountains," Basnight said. House members passed the bill on a vote of 108-1. Rep. Toby Fitch, D-Wilson, cast the lone dissenting vote. The personal income tax cut will go to married couples with incomes of less than \$100,000, single filers making less than \$60,000 and heads of households with incomes under \$80,000. For married couples filing separately, the income cap will be \$50,000. The measure will increase the personal exemption from \$2,000 to \$2,250 for this tax year and to \$2,500 for 1996. It also includes a tax credit of \$60 for each child. For a family of four making \$20,000, the tax cut will be \$240 next year. Families with incomes between \$35,000 and \$100,000 will save \$260 in state income taxes. Married couples with no children will get a tax cut ranging from \$60 to \$70, while a single parent with one child will pay between \$120 and \$130 less. Single taxpayers will save \$35. The House originally passed a similar income tax cut with no income limits. All taxpayers would have received some tax relief under that measure." (*Herald Sun*, 4/18/95)

- **In Total, The Plan "Cuts Income Taxes By \$240 Million A Year" – "The State's Largest Tax Cut Ever."** "North Carolinians were handed a surprise on tax filing day - the state's largest tax cut ever. N.C. lawmakers gave it to them Monday night, slicing income taxes for most families and killing the intangibles tax for investors. The state House voted 108-1 to go along with a Senate plan that cuts income taxes by \$240 million a year, but that won't apply to the state's 284,000 wealthiest taxpayers. By a 99-16 vote, the House also gave the final approval to ending the intangibles tax on stocks and bonds at a cost of \$125 million a year to the state treasury. "The people of North Carolina now have something to cheer about," said House Speaker Harold Brubaker, R-Randolph, surrounded by fellow Republicans sporting "Tax Freedom Day" buttons." (*Charlotte Observer*, 4/18/95)
- **The Income Tax Cut Was Passed 108-1; Fitch Was The Only House Member To Vote Against The Income Tax Cut.** "For Republicans who control the North Carolina House for the first time this century, Monday night's quick vote on the income tax cut was long on symbolism. Voting on the final day that tax returns could be filed, the 108-1 approval of the Senate-crafted income tax reduction fulfilled a key part of the Republican contract with North Carolina voters. "Today is Tax Day for all Americans. But we can send to the people of North Carolina the largest tax reduction in state history," said state Rep. Leo Daughtry of Smithfield, the House Republican leader. Lawmakers are able to dole out a tax cut because of continued growth in North Carolina's economy. The cut will be paid for with a reduction in state spending along with a better than expected growth in state revenue. Rep. Toby Fitch, a Wilson Democrat, cast the only vote against the income tax cut. All Guilford legislators voted for the bill, except for state Rep. Steve Wood of High Point, who had an excused absence Monday night." (*News & Record*, 4/18/95)

Intangibles Tax

In 1995, Fitch Criticized Repeal Of The “Intangibles Tax On Stocks And Bonds At A Cost Of \$125 Million A Year” Contending It Was Just A Tax Cut For Millionaires. “Also Tuesday, about 75 members of N.C. Fair Share, a statewide coalition of advocacy groups for the poor, rallied at the Legislative Building for the food tax repeal as part of a “people’s contract” of health care, affordable housing and other wishes. A recent Observer/WSOC-TV poll showed that eliminating the food tax is by far the most popular tax cut - 71 percent favored it. Still, there has been little public pressure on legislators to do it. “A murder occurred in this building . . . and that victim was repeal of the state sales tax on food,” said Fair Share member Barbara Earls, who wore a black dress to mark the occasion. “Our silence is what allowed that to happen.” Monday night, lawmakers gave final approval to this year’s tax cut: a \$240 million reduction in income taxes for families, and a repeal of the intangibles tax on stocks and bonds at a cost of \$125 million a year. “People can try to justify all they want, but we just cut taxes for millionaires,” Fitch said. Legislative leaders say there’s no money left for any other major tax cuts. And there’s little interest in a pledge to look at the food tax next year.” (*Charlotte Observer*, 4/19/95)

Food Tax

In 1995, Fitch Suggested That His Proposal To End The Food Tax Could Be Balanced By Paring Back Certain Corporate Tax Breaks. “Fitch suggested one place to look: corporate taxes. One example is a tax break for multistate corporations approved in 1988 to land a \$600 million bakery. The bakery never came, but the break is costing the state \$52 million a year. Another is a provision that allows N.C. banks to deduct interest paid on deposits from their taxable income. That costs the state \$30 million a year. Fitch argued that studies done for Hunt and for the state’s leading business group show that corporations don’t need tax relief. Working families do, he said. The food tax is regressive – poorer families pay a bigger share of their income in the tax than wealthier families. “No one can choose not to eat,” Fitch said. “It is immoral to tax items that people must have for their very survival.” He claims the bill has support from 67 of the 120 House members. That’s enough to pass the bill – if it ever comes up for a vote before the full House.” (*Charlotte Observer*, 3/9/95)

- ***Herald Sun* Editorial Board: “For This Session, Fitch’s Bill Is Neither Politically Feasible Nor Economically Responsible.”** “That said, the Legislature should be wary of eliminating the tax all at once. For reasons of fiscal responsibility, the measure that Luebke has put on the table is the one most worthy of the Legislature’s consideration. Luebke wants to reduce the tax a penny beginning July 1. Another measure that Rep. Toby Fitch of Wilson filed would eliminate the tax this year. For this session, Fitch’s bill is neither politically feasible nor economically responsible. The momentum for middle-class tax relief has a head start on Fitch’s plan. The Republican-controlled House already has passed a \$237.5 million income tax cut intended to benefit the middle class. The governor’s tax-cut package also leans heavily in favor of middle-class relief. House members also are looking at an intangibles tax repeal. Both tax cuts combined would cost about \$360 million. But complete repeal of the food tax would eat up an estimated \$490 million. House Speaker Harold Brubaker is right to caution against doing too much in

one year. The lean economic times of 1991 can always return, and the Legislature needs to ensure some reasonable cushion.” (Editorial, *Herald Sun*, 3/10/95)

In 1996, By A Vote Of 113-3, The North Carolina House Moved To Phase Out The 4 Percent Sales Tax On Food. “The Republican-controlled state House voted overwhelmingly Wednesday to phase out the state's 4 percent sales tax on food during the next four years, embracing an election-year plan drafted by their party's gubernatorial nominee. By a 113-3 margin, the House gave tentative approval to state Rep. Robin Hayes' plan to start cutting a 35-year-old tax that the Republican leadership balked at reducing last summer when several Democrats pushed the issue. "Now's the time to do this for everyone," said Hayes, who touted his "4 No More" plan throughout his GOP primary campaign. "It's time for tax freedom." After the House gives final approval to Hayes' plan, which is expected today, the measure will move to the Democratic-controlled Senate, where its fate is less certain. While many Democrats support a reduction in the food tax - which hits the poor the hardest - President Pro Tem Marc Basnight has said repeatedly that he doesn't think the state can afford it this year. "I don't think we will act quickly on it," John Kerr, chairman of the Senate Finance Committee, said after the House vote. "If this is the Robin Hayes' agenda, it is interesting that we didn't have this last year." Under Hayes' plan, a typical family of four with an income of \$ 30,000 would save about \$ 140 a year by the year 2000, once the tax is completely phased out.” (News And Observer, 5/16/96)

- **“The Measure Would Cost The State \$ 36.7 Million In Revenue Next Year - And Well Over \$ 300 Million Annually Four Years From Now.”** (News And Observer, 5/16/96)
- **“The Only Lawmakers To Oppose The Bill Were Democratic Reps. Toby Fitch Of Wilson County, Jack Hunt Of Cleveland County And Bill Owens Of Pasquotank County.”** “Hensley, a Wake County Democrat, later said that Hayes' bill "is like a three-day-old mackerel by moonlight. It shines but it stinks." But in the end, Hensley, Miller and almost every other Democrat who spoke out against Hayes' bill wound up voting for it. The only lawmakers to oppose the bill were Democratic Reps. Toby Fitch of Wilson County, Jack Hunt of Cleveland County and Bill Owens of Pasquotank County.” (News And Observer, 5/16/96)
- **The *Herald Sun* Editorial Board Noted Fitch Voted Against The Food Tax Repeal Bill Despite Having Sponsored A Similar Proposal In 1995.** “Two years ago, House Democrats decided to spend the money instead on pay raises and prisons and other items instead of repealing the food tax. Democrats even had a bill to begin rolling back the tax in 1994. Then-Majority Leader Toby Fitch, a Democrat from Wilson who introduced the bill, said repeal of the food tax would be “the fairest tax relief for all." Fitch also said the state “sends a devastating message to our working people by taxing the necessities of life. No one can choose not to eat. It is immoral to tax items that people must have for their very survival." Last week, Fitch voted against Hayes' bill. Like Fitch's 1994 measure, it would phase out the 4 percent state tax on food over four years.” (Editorial, *The Herald Sun*, 5/19/96)

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which Repealed The Estate Tax And Finalized The Phase Out Of The Food Tax. “It took more than four months of bickering, but

state lawmakers agreed Tuesday that it was time to end the longest legislative session in North Carolina history, giving preliminary approval to a \$ 12.6 billion spending plan for this fiscal year. The plan repeals the tax heirs pay on estates and knocks the final 2 cents off the state's portion of the food tax - both effective in 1999. It launches a \$ 17.3 million overhaul of the juvenile justice system, raises teacher pay and expands Smart Start, Gov. Jim Hunt's early childhood education initiative, to all 100 counties. In the end, Senate Democrats got their clean-water initiatives and improvements in school technology and universities, while House Republicans got a package of tax cuts to take before voters. But with one week remaining before the election Nov. 3, neither side will have much time to tout the spending plan on the campaign trail. And problems in the plan may show up later, said Dan Gerlach, fiscal analyst with the nonprofit N.C. Budget & Tax Center in Raleigh. "This is a big-spending budget," Gerlach said. "There are spending increases of almost \$ 1 billion. The cost of the tax cuts approved this year will go from \$ 35 million to \$ 290 million, and then you've got teacher pay increases. You've got Smart Start. When you put them together and you look at them all you say, 'Next year, even if we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby Fitch in dissent. Both houses are set to convene at 8 a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week." (*News And Observer*, 10/28/98)

- **"In All, Tax Cuts Will Cost The State \$ 531.6 Million In 2000."** (*News And Observer*, 10/28/98)

Inheritance Tax

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which Repealed The Inheritance Tax And Finalized The Phase Out Of The Food Tax. "It took more than four months of bickering, but state lawmakers agreed Tuesday that it was time to end the longest legislative session in North Carolina history, giving preliminary approval to a \$ 12.6 billion spending plan for this fiscal year. The plan repeals the tax heirs pay on estates and knocks the final 2 cents off the state's portion of the food tax - both effective in 1999. It launches a \$ 17.3 million overhaul of the juvenile justice system, raises teacher pay and expands Smart Start, Gov. Jim Hunt's early childhood education initiative, to all 100 counties. In the end, Senate Democrats got their clean-water initiatives and improvements in school technology and universities, while House Republicans got a package of tax cuts to take before voters. But with one week remaining before the election Nov. 3, neither side will have much time to tout the spending plan on the campaign trail. And problems in the plan may show up later, said Dan Gerlach, fiscal analyst with the nonprofit N.C. Budget & Tax Center in Raleigh. "This is a big-spending budget," Gerlach said. "There are spending increases of almost \$ 1 billion. The cost of the tax cuts approved this year will go from \$ 35 million to \$ 290 million, and then you've got teacher pay increases. You've got Smart Start. When you put them together and you look at them all you say, 'Next year, even if we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby Fitch in dissent. Both houses are set to convene at 8

a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week.” (*News And Observer*, 10/28/98)

- **“In All, Tax Cuts Will Cost The State \$ 531.6 Million In 2000.”** (*News And Observer*, 10/28/98)

2001 Tax Increase Proposal

In August 2001, The House Finance Committee Approved A Tax Plan Containing “A Smaller Half-Cent Increase In The Sales Tax And A Larger Increase In The Income-Tax Rate On The Wealthiest Taxpayers.” “House Democratic leaders, stymied by opposition from Republicans and dissident Democrats, scrapped a \$ 1 billion tax package Tuesday and plan to try to win approval of a new tax plan today that puts more of the burden on the wealthy. The new plan, which the House Finance Committee approved 20-13 late Tuesday, has a smaller half-cent increase in the sales tax and a larger increase in the income-tax rate on the wealthiest taxpayers.” (*News And Observer*, 8/29/01)

- **“The Package Would Produce About \$ 706 Million In Revenue Over Two Years -- About \$ 300 Million Less Than The Previous Plan.”** “The package would produce about \$ 706 million in revenue over two years -- about \$ 300 million less than the previous plan. “The sense is the third time is the charm,” said state Rep. Paul Luebke, a Durham Democrat and co-chairman of the House Finance Committee. “It’s probably a little short on revenue, but the consensus is to find 61 votes to get the bill out of the House.” House and Senate budget writers have struggled to agree on new taxes to balance the 2001-02 state budget in a slowing economy. Once they agree on how much money they’ll have, budget writers can finish work on the budget.” (*News And Observer*, 8/29/01)
 - **“The Tax Plan Endorsed By The House Finance Committee Includes A Half-Cent Local Option Sales Tax -- The Same As The Original House Proposal -- Rather Than A One-Cent Increase Favored By The Senate And The Governor.”** (*News And Observer*, 8/29/01)
 - **“It Proposes A Half Percent Increase In The State Income Tax On Individuals With More Than \$ 120,000 Of Net Taxable Income And Families With More Than \$ 200,000 In Net Taxable Income, Raising The Rate From 7.75 Percent To 8.25 Percent.”** (*News And Observer*, 8/29/01)
 - **“The Plan Includes A 6 Percent Sales Tax On Liquor, Effective Dec. 1.”** (*News And Observer*, 8/29/01)
 - **“It Would Remove The \$ 1,500 Cap On Taxes On Luxury Vehicles, Effective Oct. 1.”** (*News And Observer*, 8/29/01)
 - **“And It Would Require HMOs To Pay A 1 Percent Insurance Premiums Tax, Effective 2002.”** (*News And Observer*, 8/29/01)
- **Fitch “Voted For The New Package In The Committee And Praised The Changes.”** “One of the dissident Democrats, state Rep. Toby Fitch of Wilson, voted for the new package in the committee and praised the changes. “This bill has come a long way,” said Fitch. “It is not where it ought to be. We have not closed the type of loopholes we should.

"This bill needs to move. This bill has gotten better and can still continue to get better. It does not balance what is needed on the backs of a few." The tax plan endorsed by the House Finance Committee includes a half-cent local option sales tax -- the same as the original House proposal -- rather than a one-cent increase favored by the Senate and the governor." (*News And Observer*, 8/29/01)

In August 2001, Fitch And His Fellow Seven Democratic Dissidents Voted To Pass The House Committee-Passed Version Of The Democratic Tax Plan. "After several aborted attempts, the state House gave preliminary approval Wednesday to higher taxes on sales and affluent North Carolinians, thawing an extended budget impasse in the General Assembly. "It was tough to get to this point," House Speaker Jim Black, D-Mecklenburg, said after his chamber backed the measure 63-56, almost along party lines. Security at the Legislative Building was stepped up as House members considered the revenue package. Several Highway Patrol troopers roamed the hallways just days after a bomb threat had emptied the downtown Raleigh complex. During deliberations on the House floor, Republicans stuck with the message that wasteful spending must be cut before going after taxpayers. "The people back home have told us consistently ... that they do not want you to raise their taxes," said House Minority Leader Leo Daughtry, R-Johnston. "We are absolutely doing what the people don't want us to do." Democrats have pushed higher taxes as the best way to cover projected budget shortfalls, maintain and expand programs in education and human services, and rebuild the state's emergency cash reserves as North Carolina goes through its worst fiscal crisis in a decade. "It's a fair package," said House Majority Leader Phil Baddour, D-Wayne. "It is one to enable the state to move forward." The lone Republican voting for the bill was state Rep. Monroe Buchanan of Mitchell County, who was kicked out of the GOP caucus a few weeks ago for supporting a tax hike. All House Democrats, including eight dissidents who blocked two previous revenue packages party leaders had crafted, backed the latest bill. The rogue Democrats were upset with earlier plans to raise the sales tax rate a full penny. They charged doing so would place an undue burden on lower-income people." (*News & Record*, 8/30/01)

In September 2001, Fitch And His Fellow Dissidents Declined To Support A \$850 Million Compromise Tax Package And Urged Acceptance Of The House Passed Version. "A dissident group of eight House Democrats again derailed a tax increase plan Thursday, rebuffing Gov. Mike Easley and frustrating their own party leaders. House and Senate leaders had reached a compromise \$850 million tax increase package Wednesday, legislation that varied so slightly from a tax hike the House passed last month that one Democratic leader characterized it as a done deal. Then the group of eight balked, insisting on sticking with the original House legislation. That's likely to delay a budget agreement, dashing hopes of ending the state's longest legislative session in the coming days. "We sent (the Senate) a good package," said Rep. Toby Fitch, of Wilson County, one of the renegade Democrats. The House passed a 1/2-cent local option sales tax hike and a 1/2-percentage point income tax boost on upper income earners. Under that plan, the state would withhold \$333 million in annual tax reimbursements to localities, and each county could then replace that money by voting to impose the sales tax increase. The legislation raised \$700 million over two years. The Senate compromise proposed Wednesday changed the sales tax hike from a local option to a statewide increase. The state would continue providing the reimbursements. That arrangement netted an additional \$150

million. The eight Democrats exert tremendous leverage because their party holds a slim 62-58 majority and cannot pass legislation without the independent group on board.” (*Charlotte Observer*, 9/14/01)

By The End Of The 2001 Session, Fitch And His Fellow Dissident Democrats Agreed To Pass A \$620 Million Tax Hike With A Half-Penny Sales Tax Increase And A Temporary Income Tax Increase For High Earners. “During stop-and-go final-hour debate, lawmakers also approved legislation to toughen stalking laws and correct errors in earlier bills. And they reached a deal on a bill to require non-farmers to pay 6 percent sales tax on seed and fertilizer. Senate leaders suggested they should have spent the time approving legislation to limit the length of session, something that body has done for several years only to see its attempts rejected by the House. The long session was largely the result of a debate on taxes that lasted for weeks as lawmakers tried to cope with slowing tax collections in a softening economy. They eventually agreed to a \$620 million tax hike funded with a half-penny sales tax increase - passed despite near-unanimous Republican opposition - and temporary rise in the income tax for wealthy payers. The agreement was reached only after Black placated Rep. Toby Fitch, D-Wilson, who had sought to replace him as speaker, and seven dissident Democrats who joined him. Even after a budget was passed, legislators still had to redraw legislative and congressional maps to correspond to new census data, a task that only comes around once a decade.” (*The Associated Press*, 12/6/01)

- **“It Included The House Proposal For A Half-Cent Sales Tax Increase And A Temporary Two-Year Increase In The Income Tax On The Wealthy.”** (*The Associated Press*, 12/6/01)
- **“Sales Tax Hikes On Liquor And Some Other Items Were Included To Boost Revenue To Meet Senate Demands.”** (*The Associated Press*, 12/6/01)

Corporate Tax

In 2021, Fitch Criticized The 2021 Budget For Including A Phase Out Of The Corporate Tax Rate. “No state makes a ton of money from corporate income taxes, but it does take some of the burden off everyday people. “The [elimination of] corporate income tax creates a structural deficit, which means you know there's going to come a time that you're going to need money that you're cutting off,” Senator Toby Fitch (D-4) says. “The taxpayer is the only way to pay for the goods and services that we have.” North Carolina's decision to eliminate corporate income taxes means people, not faceless entities, will bear the burden of keeping the state from falling apart. There's already a divide in North Carolina's urban areas versus rural areas based on municipal taxes. Towns and cities in North Carolina fall into disrepair, since there's no money in schools or infrastructure. Fitch sees this too; he reminded me that some students will go to poor schools, get good grades, and go to college only to realize they haven't had a proper education. I'm one of those people.” (*The News & Observer*, 11/18/21)

Business and Income Tax Rates (Vote To Reduce June 2021)

In June 2021, Fitch Voted No On H 334, Which Was A Version Of Legislation That Sought To Reduce Tax Rates. ([HB 334](#), Bill Passed - Senate (34 - 13), North Carolina State Senate, 6/10/21, Fitch Voted No)

ACU: “This Bill Would Foster Economic Growth By Making Numerous Changes To The State Tax Code, Including Tax Cuts For Individuals And Businesses.” “This bill would foster economic growth by making numerous changes to the state tax code, including tax cuts for individuals and businesses. First, this bill phases out the corporate income tax over seven years by lowering the rate every year by a half a percent until it is eliminated in 2028. Second, this bill reduces the state’s flat personal income tax rate from 5.25 percent to 4.99 percent. Third, this bill increases the standard deduction from \$21,500 to \$25,500 for married taxpayers filing jointly (\$10,750 to \$12,750 for single filers). ACU supports fostering economic growth through broad-based tax cuts for all taxpayers and supported this bill. The Senate passed the bill on June 10, 2021 by a vote of 34-13.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“First, This Bill Phases Out The Corporate Income Tax Over Seven Years By Lowering The Rate Every Year By A Half A Percent Until It Is Eliminated In 2028.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Second, This Bill Reduces The State’s Flat Personal Income Tax Rate From 5.25 Percent To 4.99 Percent.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Third, This Bill Increases The Standard Deduction From \$21,500 To \$25,500 For Married Taxpayers Filing Jointly (\$10,750 To \$12,750 For Single Filers).”** ([American Conservative Union Legislative Ratings](#), 2021)

Welfare

Reform

In 1995, A North Carolina Bill Proposed Making It More Difficult For Families To Qualify For The AFDC Cash Welfare Program By Requiring “To Count The Value Of Both The Family's Food Stamps And Housing Subsidy As Income When Determining If They Qualified For AFDC - Something No Other State In The Country Does.” “A last-minute change in a House welfare reform plan would gut the state's cash welfare program - terminating or slashing the benefits of more than two-thirds of the people now receiving it. If this little-noticed provision becomes law, supporters and critics agree, North Carolina will have one of the strictest welfare reform plans in the country. "We said we wanted to change welfare as we know it, right?" said Rep. Cherie Killian Berry, R-Catawba, the bill sponsor and chairman of the Republican-controlled House welfare reform committee. The change, presented Tuesday morning as a last-minute addition to a bill and approved the same night at a hastily scheduled meeting, reads like another dull, bureaucratic rule. But its impact is enormous. The provision would essentially make it more difficult to qualify for Aid to Families with Dependent Children, the primary welfare program which helps poor families with cash to pay their living expenses. Under the provision, caseworkers would be required to count the value of both the family's food stamps and housing subsidy as income when determining if they qualified for AFDC - something no other state in the country does.” (*Charlotte Observer*, 4/20/95)

- **“Rep. Toby Fitch, D-Wilson, Said The Bill Picks On People Who "Can't Protect Themselves.”** “The bill says that 100 percent of food stamp and housing subsidy value will be counted as income. Federal law allows states to count those things when

determining eligibility - but not at full value. "What they're proposing is not permitted under current law," Greenberg said. "They'd need a waiver, and I'm not sure they could get it." Hinting at her welfare reform plan a few weeks ago, Berry said she was "really going to reach out and touch people." Rep. Toby Fitch, D-Wilson, said the bill picks on people who "can't protect themselves." He echoed the predictions that benefit-slashing would lead to more poverty and hunger, more house burglaries and gas station stick-ups. "The plague these people sent upon their brethren today may very well be the plague that visits their own tomorrow," he said." (*Charlotte Observer*, 4/20/95)

Unemployment Compensation

Fitch Voted No On H 128, ‘An Act To Reemploy NC’s Workforce.’ ([HB 128](#), Bill Passed - Senate (35 - 10), North Carolina State Senate, 6/1/21, Fitch Voted No)

"§ 96-14.9. Weekly certification.

(a) Requirements. – An individual's eligibility for a weekly benefit amount is determined on a week-to-week basis. An individual must meet all of the requirements of this section for each weekly benefit period. An individual who fails to meet one or more of the requirements is ineligible to receive benefits until the condition causing the ineligibility ceases to exist:

- (1) File a claim for benefits.
- (2) Report as requested by the Division and present valid photo identification meeting the requirements of subsection (k) of this section.



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- (3) Meet the work search requirements of subsection (b) of this section.
- (b) Work Search Requirements. – The Division must find that the individual meets all of the following work search requirements:
 - (1) The individual is able to work.
 - (2) The individual is available to work.

([H 128](#))

ACU: “The Senate Version Of This Bill Increases The Integrity Of The Unemployment Compensation System By Strengthening Unemployment Work Search Requirements.”

“The Senate version of this bill increases the integrity of the unemployment compensation system by strengthening unemployment work search requirements. Specifically, the bill requires individuals to respond to employer requests if receiving unemployment insurance benefits. If claimants fail to satisfy requirements three or more times during a benefit year, they are disqualified for any remaining unemployment benefits. ACU supports increasing the integrity of the unemployment system, especially at a time when coupled with federal benefits recipients are receiving payouts greater than their previous salaries and supported this bill as a step in the right direction.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Increasing The Integrity Of The Unemployment System, Especially At A Time When Coupled With Federal Benefits

Recipients Are Receiving Payouts Greater Than Their Previous Salaries And Supported This Bill As A Step In The Right Direction.” ([American Conservative Union Legislative Ratings](#), 2021)

Food Stamps

In 1995, Fitch Criticized Imposing Non-Profit Or Public Agency Work Requirements For Food Stamp Recipients Comparing Them To Community Service Requirements For Convicted Criminals. “Under Rep. Howard's bill, an estimated 20,000 food stamp recipients would have to work an average of 37 hours each month at public or nonprofit agencies in exchange for their stamps. She said that would "introduce individuals to the work experience," return something of value to the communities that feed them and possibly stem abuse of the food stamp system "by those people who can work but choose not to." But Rep. Toby Fitch, D-Wilson, asked what would be the difference between work forced on food stamp recipients and community service jobs performed by convicted criminals as part of their sentences. "I understand having people to work," Rep. Fitch said. "But these folks haven't committed any crime. They're just poor." "In all sincerity, I want to help them," Rep. Howard responded. "We're not penalizing them. We're encouraging them." The program would not cost the state anything. But it would cost the counties, which would have to pay an estimated \$ 3.5 million next year and \$ 3.6 million in 1996-97.” (*Wilmington Star-News*, 3/1/95)

Regulations

Agriculture

In 1995, Fitch Sponsored Legislation In Which “Hog Farmers Would Have To Meet More Stringent Controls On Animal Waste Or Face Large Fines.” “Hog farmers would have to meet more stringent controls on animal waste or face large fines under a bill two state House Democrats introduced Tuesday. The bill, sponsored by Rep. Howard Hunter, D-Northampton, and Rep. Toby Fitch, D-Wilson, would require the state's Department of Environment, Health and Natural Resources to issue permits for farms with 200 or more hogs. That accounts for roughly 98 percent of the state's hog operations. The measure, identical to a failed bill the two lawmakers sponsored two years ago, would require that hog waste be stored and applied to land so that it does not pollute surface water or groundwater. The bill's sponsors argue that current rules do not protect the environment or public health. Southeastern North Carolina has seen explosive growth in hog farms - many run under contract with production companies - over the past several years. The expansion has prompted complaints about odor and fears that waste from the large farms will pollute streams and groundwater.” (*Wilmington Star News*, 3/23/95)

- **“The Bill Calls For Stiff Penalties For Anyone Who Negligently Dumps Hog Waste Into State Waters. The Penalty Would Be A Fine Of Up To \$ 25,000 A Day, A Year In Prison Or Both. Anyone Who Knowingly Dumps Could Be Fined Up To \$ 50,000 A Day Or Jailed For Two Years.”** (*Wilmington Star News*, 3/23/95)

Affordable Housing

In 2021, “HB 401 And SB 349 Advertise That The Legislation's Primary Goal Is To Provide Affordable Housing Options In All Residential Zones In North Carolina. The

Proposed Legislation Achieves This By Mandating That Every Local Government In North Carolina Must Allow All "Middle Housing" Types In Areas Zoned For Residential Use, Including Those Residential Zoning Areas Currently Defined As For Single-Family Homes."

"If early feedback is any indication of broader interest, North Carolina homeowners will want to take note of proposed legislation that was filed on March 25, 2021, as House Bill 401 and Senate Bill 349, according to local officials. In their introductory language, HB 401 and SB 349 advertise that the legislation's primary goal is to provide affordable housing options in all residential zones in North Carolina. The proposed legislation achieves this by mandating that every local government in North Carolina must allow all "middle housing" types in areas zoned for residential use, including those residential zoning areas currently defined as for single-family homes. Middle housing types are defined as duplexes, triplexes, quadplexes and townhouses in the proposed legislation. There are other proposed changes to the General Statutes governing development of real estate in North Carolina that are included in HB 401 and SB349, and the legalese is difficult to wade through, but the consequences and implications of allowing all types of middle housing in all zones defined as residential has raised concerns. "Especially in a tight real estate market with low inventory and home prices and rental rates rising, the idea of promoting the concept of affordable housing is laudable. I'm just not sure this is the right way to go about it," said Blowing Rock commissioner Albert Yount, questioning the proposed legislation's dilution of local control." (*The Blowing Rocket*, 4/1/21)

- **"The Sponsors Of SB 349 Are Sen. Milton "Toby" Fitch, Jr. (Democrat, Representing Edgecombe, Halifax And Wilson Counties), Sen. Chuck Edwards (Republican, Representing Buncombe, Henderson, And Transylvania Counties), Sen. Paul Newton (Republican, Representing Cabarrus And Union Counties), And Sen. Valerie Foushee (Democrat, Representing Chatham And Orange Counties)."**
(*The Blowing Rocket*, 4/1/21)

Employers

In December 1987, Fitch Noted His Criticism Of Measures Allowing Businesses To Require Employees Undergo Mandatory Drug Testing.

"A panel of North Carolina lawmakers is pondering the validity of laws that allow businesses to require employees to undergo mandatory drug tests or be fired. Critics maintain the tests violate workers' rights and are inaccurate. Employers say they have a right to ensure workers, especially in sensitive or difficult jobs, are sober and drug free. State Sen. Frank Block said last week he believes the panel will find it necessary to ask for some sort of regulations. To do nothing would leave the issue, and the complaints of both sides, in legal limbo, waiting for future courts to hand down opinions that could be used as guidelines. "The chances are that we're going to come down on some kind of controls to protect the confidentiality of the employees being tested and the credibility of the outcome of the tests," Block, co-chairman of the study commission, told Sunday's News and Observer of Raleigh. State Rep. Toby Fitch introduced last summer's legislation and co-chairs the commission. "If I had my way, there would not be any testing," Fitch said. "But if some people are going to do it, we have to look at it closely and make sure those people are protected." (*United Press International*, 12/13/87)

Adult Businesses

In 1998, The NC House Approved “A Bill That Would Allow Local Governments To Pass Ordinances Governing Adult-Entertainment Establishments. The Bill, Supported By Charlotte City And Police Officials, Is Expected To Receive Final House Approval Today, Then Move To The Senate.” “Local officials may soon be getting a new tool to help regulate adult book stores, topless bars and peep show parlors. The House gave all but final approval Tuesday to a bill that would allow local governments to pass ordinances governing adult-entertainment establishments. The bill, supported by Charlotte city and police officials, is expected to receive final House approval today, then move to the Senate. Sponsored by Sen. Roy Cooper, D-Nash, the bill was introduced in 1997 after several municipalities complained that state laws prevented them from enacting their own regulations to control adult establishments. Cooper's bill clarifies that state law does not "pre-empt" - invalidate - local ordinances covering such businesses. The bill gives municipalities the ability to crack down on sexually oriented businesses through local zoning laws, licensing requirements, fees, clothing restrictions and nuisance ordinances.” (*Charlotte Observer*, 7/1/98)

- **“The House Vote Was 111-1, With Rep. Toby Fitch, D-Wilson, Casting The Sole No Vote.”** “The House vote was 111-1, with Rep. Toby Fitch, D-Wilson, casting the sole no vote. Fitch said he is opposed to the bill because, "Regulation of adult entertainment is a local issue, not a state issue, and I don't think the state has pre-empted it." If approved by the House today, the proposal goes back to the Senate, which already has passed it. A technical change by the House requires Senate concurrence.” (*Charlotte Observer*, 7/1/98)

U.S. Flags

In 1998, The NC House Voted Overwhelmingly “To Allow A Bill To Be Introduced That Could Reverse The Durham City Council's Limits On Large American Flags.” “After a legislator invoked National Anthem author Francis Scott Key and tales of the War of 1812, the state House voted overwhelmingly Wednesday to allow a bill to be introduced that could reverse the Durham City Council's limits on large American flags. Republican Rep. Russell Capps needs both chambers to suspend a rule that prohibits bills from being introduced past a certain deadline. Capps said he is confident the Democratic-led Senate will follow the House's lead “if it is presented the right way.” If his bill seeking to suspend the rule passes both chambers, the Wake County Republican, who also represents a slice of Durham County, would then introduce a second bill. That bill would prohibit local governments from passing laws that restrict the flying of the flag as long as personal property rights are respected and the suggested congressional code of etiquette for flying flags is followed.” (*The Herald Sun*, 7/2/98)

- **“The Resolution Passed 112-1 With Only Rep. Toby Fitch, A Wilson County Democrat, Voting Against The Resolution. The Entire Durham Delegation Voted In Favor Of The Resolution.”** (*The Herald Sun*, 7/2/98)
- **“The Lone Dissenter In The Vote, Fitch, Said He Voted Against The Resolution Because The Controlling House Republicans Made Up The Rules For The Session, Set The Bill Deadlines And Have Had Plenty Of Time To Introduce A Flag Bill.”** “The lone dissenter in the vote, Fitch, said he voted against the resolution because the

controlling House Republicans made up the rules for the session, set the bill deadlines and have had plenty of time to introduce a flag bill. ``The rules say what can be introduced. I don't see the urgency," Fitch said. ``They're in control.''" (*The Herald Sun*, 7/2/98)

Labor

Unions

In 2018, "State Sen. Milton F. "Toby" Fitch Jr., D-Wilson, Has Earned The North Carolina Association Of Educators' Endorsement." "State Sen. Milton F. "Toby" Fitch Jr., D-Wilson, has earned the North Carolina Association of Educators' endorsement in November's general election. Fitch a retired Wilson County Superior Court judge who was appointed in March to serve the remainder of Angela Bryant's current state Senate term representing District 4, faces Republican Richard Scott and Libertarian candidate Jesse Shearin in the fall. The NCAE, North Carolina's largest advocacy group for teachers and public school employees, gave Fitch its formal backing in a Friday news release. "Toby Fitch has proven to be a friend of public education for many years," association President Mark Jewell said. "He is 100 percent committed to our students and educators. He understands that in order for our state to remain progressive, we must have a strong public education system. Throughout his career, he has worked to make that happen; he has no plans to stop now!" Fitch previously served nine N.C. House terms representing Wilson and Edgecombe counties. He was a founding member of the N.C. Legislative Black Caucus and was the first African-American representative to be elected House majority leader, the NCAE noted." (*Wilson Daily Times*, 8/14/18)

Fitch Was Endorsed By The NCAE In August 2020. "The North Carolina Association of Educators is endorsing state Sen. Milton F. "Toby" Fitch, D-Wilson, in his Senate District 4 reelection bid. NCAE leaders announced the endorsement on Wednesday, citing the Fitch campaign's focus on public education in addition to economic development and infrastructure improvements. "Toby Fitch understands that in order for our state to remain progressive, we must have a strong public education system. Throughout his career, he has worked to make that happen," said Tonya Harris-Ellis, president of the Wilson County Association of Educators. "He is 100% committed to our students and educators." Fitch retired as Wilson County's senior resident Superior Court judge in February 2018 and was appointed to fill the remainder of former Sen. Angela Bryant's 2017-18 term. He defeated Republican Richard Scott and Libertarian Jesse Shearin nine months later to win a full term. Born and raised in Wilson, Fitch served nine terms in the N.C. House before becoming a judge. A founding member of the N.C. Legislative Black Caucus, he was North Carolina's first African American legislator to serve as House majority whip and later as majority leader." (*Wilson Daily Times*, 8/19/20)

Miscellaneous

2020 Budget Flip-Flop

In January 2020, Fitch Indicated He Would Vote To Sustain The Governor's Veto Of The Senate-Passed Version Of The Budget Despite Having Voted For It In June 2019. "With a potential vote on the governor's state budget veto looming in the state Senate on Tuesday, none

of the four Democratic senators who initially voted for the budget in June are planning to support an override of the veto. That means Republicans likely won't get the one vote they need to pass the budget over Gov. Roy Cooper's objections if all senators are present. One of the four "yes" votes in June -- Sen. Floyd McKissick, D-Durham -- has resigned to take another government position, and the other three told the NC Insider last week that they expect to stand with the governor. "I'll vote to sustain the governor's veto," said Sen. Ben Clark, D-Hoke. "I filed a bill to expand Medicaid in North Carolina; that is one of my top priorities and a priority of the governor as well. Until we sit down and negotiate that, I see no reason to vote to override the veto." Sen. Don Davis, D-Pitt, said that "my position, as of right now, would (be) sustaining the veto." He said there's still a need to negotiate on teacher pay, school construction and franchise tax cuts. Sen. Toby Fitch, D-Wilson, had previously voiced uncertainty about how he'd vote, but last week said "I see no reason to change my position on the override. At this point in time, I would side with the governor." (News & Observer, 1/13/20)

HEALTHCARE AND PUBLIC HEALTH

Overall

In April 2022, Fitch Noted His Support For Increasing Taxes In Order To Expand Health Care. "Having health care for everyone is another issue for Fitch. "Health care is paramount," he said. "Everybody, in my opinion, in this United States of America, should have decent, affordable health care. We can ill afford to take the position, don't tax me. Tax the guy behind the tree. Everybody deserves health care." Granted, there will be some who have put in more, Fitch said. But he said he doesn't know anyone who doesn't want their mother or father to have the best health care. Decent affordable housing is another thing Fitch says is on his list of important issues to help people with. "We can achieve a lot. When I was a kid, we used to sing a song the more we get together the happier we will be," Fitch said. "Now we can paraphrase and say the same things adding your jobs and my jobs, your education and my education, your health care and my health care, the happier we will be." (News Argus, 4/26/22)

Medicaid

Expansion

In 2019, Fitch Sponsored Legislation To Expand Medicaid. "North Carolina is among 14 states that have yet to expand Medicaid coverage. But last week, Democrats in both the state Senate and House unveiled identical bills at the start of the new legislative session in hopes of changing that. Rep. Jean Farmer-Butterfield, a primary sponsor of House Bill 5, said she is optimistic that by reaching across the aisle, Medicaid expansion can be accomplished. "Hopefully, we can come up with a win, win situation," said Farmer-Butterfield, D-Wilson, who is serving her ninth term in office. She said Medicaid expansion would cover more than 500,000 residents in North Carolina and would include more than 3,200 residents in Wilson County. "That's a lot of people in Wilson County alone," Farmer-Butterfield said. Sen. Milton F. "Toby" Fitch Jr. is also a sponsor of the Senate version of the expansion bill. Fitch, a Democrat, represents Wilson, Edgecombe and Halifax counties. Across the country, 37 states, including the District of Columbia, have already expanded Medicaid." (Wilson Daily Times, 2/5/19)

In May 2019, Fitch ‘Liked’ A Tweet Expressing His Support For Medicaid Expansion.

(Fitch Profile, [Twitter](#), 5/30/19)



(Fitch Profile, [Twitter](#), 5/30/19)

Smoking

In 1997, Fitch Defended Lawmakers Being Able To Smoke In Legislative Buildings, Noting He Smoked “Wherever I Feel Like Lighting Up.” “North Carolina lawmakers smoke whenever and wherever they want -- in the chambers, corridors and hundreds of small rooms and offices that wind through the Legislative Building and adjacent office complex. Visitors can't smoke in galleries. State Rep. Toby Fitch, D-Wilson, said he smokes “whenever I feel like lighting up.” Fitch is unapologetic. “I think smokers should accommodate nonsmokers, but I also think nonsmokers should accommodate smokers,” said Fitch, whose desk on the House floor includes an ashtray of cigarette butts. Nonsmoker Sen. Wib Gulley, D-Durham, said lawmakers should set a healthy example for visitors, but there's reluctance to limit behavior of legislative colleagues.” (*Herald Sun*, 6/7/97)

Covid**State Of Emergency Orders**

Fitch Voted No On HB 264, ‘Emergency Powers Accountability Act.’ ([HB 264](#), Bill Passed - Senate (27 - 15), North Carolina State Senate, 9/8/21, Fitch Voted No)

- NOTE: “An act to clarify the expiration of a statewide state of emergency and the exercise of certain powers under a statewide state of emergency, to clarify the abatement of statewide imminent hazards, and to clarify statewide quarantines.” ([HB 264](#))

ACU: “This Bill, Known As The Emergency Powers Accountability Act, Helps Protect Against Overreach Taken By The Executive Branch Concerning Issuance Of Executive Orders Relating To States Of Emergency.” “This bill, known as the Emergency Powers Accountability Act, helps protect against overreach taken by the executive branch concerning issuance of executive orders relating to states of emergency. Under the bill, a “Council of State” is established which is made up of the Lt. Governor, Secretary of State, Attorney General, and six other public officials. Under the bill, any state-wide emergency declaration issued by the governor shall expire 7 days after issuance unless the Council of State approves. If the Council of State approves, the order must then be approved by the General Assembly to be implemented for more than 45 days. ACU supports this legislative check on executive branch power and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Under The Bill, A ‘Council Of State’ Is Established Which Is Made Up Of The Lt. Governor, Secretary Of State, Attorney General, And Six Other Public Officials.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Under The Bill, Any State-Wide Emergency Declaration Issued By The Governor Shall Expire 7 Days After Issuance Unless The Council Of State Approves.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports This Legislative Check On Executive Branch Power And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Fitch Voted No SB 105, Which Clarifies Emergency Powers. ([SB 105](#), Bill Passed - Senate (26 – 17), North Carolina State Senate, 6/26/20, Fitch Voted No)

- NOTE: “An act to clarify the expiration of a state of emergency and the exercise of certain powers under a state of emergency and to clarify the abatement of statewide imminent hazards.” ([SB 105](#))

ACU: “This Bill Provides A Critical Check On Executive Branch Powers Concerning State Of Emergency Declarations, Which Have Been Abused By Governor Roy Cooper During The COVID-19 Outbreak.” “This bill provides a critical check on executive branch powers concerning state of emergency declarations, which have been abused by Governor Roy Cooper during the COVID-19 outbreak. Under the bill, any statewide state of emergency declared by the governor must be approved in concurrence of the majority of the Council of State (Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney

General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance) or be rescinded 48 hours after issuance. ACU supports this check on executive authority and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

Businesses Reopening

Fitch Voted No SB 599, Concerning Skating Rinks And Bowling Alleys. ([SB 599](#), Bill Passed - Senate (32 – 15), North Carolina State Senate, 6/18/20, Fitch Voted No)

- NOTE: “An act to authorize skating rinks and bowling alleys to resume operations and to modify the capacity of temporary outdoor seating for food and drink establishments.” ([SB 599](#))

ACU: “This Bill Combats Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Skating Rinks And Bowling Alleys Can Safely Reopen.” “This bill combats Governor Roy Coopers abuse of power during the COVID-19 outbreak by ensuring skating rinks and bowling alleys can safely reopen. At the time of this vote, these types of establishments had been shut down for months due to emergency orders issued by the governor and other local officials even as other businesses were permitted to reopen. The bill sets a capacity restriction of 50 percent and requires the establishments that reopen to comply with guidelines set by the Centers for Disease Control and Prevention. ACU supports protecting constitutional rights, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government’s reactions to COVID-19 have done more harm than good and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

Fitch Voted No HB 806, Concerning Exercise And Fitness Facilities. ([HB 806](#), Bill Passed - Senate (33 – 13), North Carolina State Senate, 6/25/20, Fitch Voted No)

- NOTE: “An act to authorize indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to resume operations.” ([HB 806](#))

ACU: “This Bill Combats Governor Roy Coopers Abuse Of Power During The COVID-19 Outbreak By Ensuring Gyms, Health Clubs And Fitness Centers Can Safely Reopen.” “This bill combats Governor Roy Coopers abuse of power during the COVID-19 outbreak by ensuring gyms, health clubs and fitness centers can safely reopen. At the time of this vote, these types of establishments had been shut down for months due to emergency orders issued by the governor and other local officials even as other businesses were permitted to reopen. The bill sets a capacity restriction of between 40 and 50 percent and requires the establishments that reopen to comply with guidelines set by the Centers for Disease Control and Prevention. ACU supports protecting constitutional rights, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government’s reactions to COVID-19 have done more harm than good and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

July 4th / Shutdown Orders

Fitch Voted No On HB 686, ‘Freedom To Celebrate The Fourth Of July.’ ([HB 686](#), Bill Passed - Senate (29 – 21), North Carolina State Senate, 6/19/20, Fitch Voted No)

- NOTE: “An Act To Protect The Right To Celebrate The Fourth Of July, In Commemoration Of The Declaration Of Independence Of The United States.” ([HB 686](#))

ACU: “This Bill Ensures Individuals Are Able To Celebrate Our Nation’s Founding And Participate In Fourth Of July Festivities By Overriding The Governor’s COVID-19 Shutdown Order.” “This bill ensures individuals are able to celebrate our nation’s founding and participate in Fourth of July festivities by overriding the Governor’s COVID-19 shutdown order. Under the bill, the Governor nor localities may enact any restriction that forbids parades or firework displays from July 1st through the 10th of 2020. Additionally, this bill protects organizations that hold festivities by establishing civil liability protections for alleged exposure to COVID-19. ACU believes individuals possess reason, which gives them the ability to assess risk and choose how they celebrate the founding of the United States and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2020)

- **“Under The Bill, The Governor Nor Localities May Enact Any Restriction That Forbids Parades Or Firework Displays From July 1st Through The 10th Of 2020.”** ([American Conservative Union Legislative Ratings](#), 2020)
- **“Additionally, This Bill Protects Organizations That Hold Festivities By Establishing Civil Liability Protections For Alleged Exposure To COVID-19.”** ([American Conservative Union Legislative Ratings](#), 2020)

The American Conservative Union “Believes Individuals Possess Reason, Which Gives Them The Ability To Assess Risk And Choose How They Celebrate The Founding Of The United States And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2020)

Schools Reopening

Fitch Voted No On SB 37, ‘In-Person Learning Choice For Families.’ ([SB 37](#), Veto Override Failed - Senate (29 - 20), North Carolina State Senate, 3/1/21, Fitch Voted No; [SB 37](#), Bill Passed - Senate (31 - 16), North Carolina State Senate, 2/16/21, Fitch Voted No)

- NOTE: “An act to provide access to in-person learning for students in grades kindergarten through twelve.” ([SB 37](#))

ACU: “This Bill Helps Return Students To The Classroom For The Remainder Of The 2020-2021 School Year By Requiring All Local School Administrative Units To Provide The Option Of In-Person Instruction To Students In Grades.” “This bill helps return students to the classroom for the remainder of the 2020-2021 school year by requiring all local school administrative units to provide the option of in-person instruction to students in grades K-12. The bill provides appropriate guidance to promote social distancing for in-person instruction and leaves student participation up to the student’s parent or guardian for the remainder of the school year. ACU supports improving educational outcomes by returning students to the classrooms and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Improving Educational Outcomes By Returning Students To The Classrooms And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

EDUCATION

Funding

1998 State Budget

In October 1998, Fitch Was The Only Member In Both House Of The North Carolina Legislature To Vote Against The State Budget Plan, Which “Raises Teacher Pay And Expands Smart Start, Gov. Jim Hunt's Early Childhood Education Initiative, To All 100 Counties.” “It took more than four months of bickering, but state lawmakers agreed Tuesday that it was time to end the longest legislative session in North Carolina history, giving preliminary approval to a \$ 12.6 billion spending plan for this fiscal year. The plan repeals the tax heirs pay on estates and knocks the final 2 cents off the state's portion of the food tax - both effective in 1999. It launches a \$ 17.3 million overhaul of the juvenile justice system, raises teacher pay and expands Smart Start, Gov. Jim Hunt's early childhood education initiative, to all 100 counties. In the end, Senate Democrats got their clean-water initiatives and improvements in school technology and universities, while House Republicans got a package of tax cuts to take before voters. But with one week remaining before the election Nov. 3, neither side will have much time to tout the spending plan on the campaign trail. And problems in the plan may show up later, said Dan Gerlach, fiscal analyst with the nonprofit N.C. Budget & Tax Center in Raleigh. "This is a big-spending budget," Gerlach said. "There are spending increases of almost \$ 1 billion. The cost of the tax cuts approved this year will go from \$ 35 million to \$ 290 million, and then you've got teacher pay increases. You've got Smart Start. When you put them together and you look at them all you say, 'Next year, even if we have a great revenue year, all the money's committed.' " Lawmakers in the Democratic-controlled Senate voted unanimously to adopt the budget. The vote in the Republican-led House was 112-1, with Wilson Democrat Toby Fitch in dissent. Both houses are set to convene at 8 a.m. today to grant the measure final passage. They plan to wrap up a few lingering items and head home later this week.” (*News And Observer*, 10/28/98)

Higher Education Bonds

In May 2000, Fitch Was The Only Member Of The North Carolina Legislature To Vote Against A \$3.1 Billion Bond Package For UNC And Community Colleges. “A \$3.1 billion bond package for UNC and community colleges sailed through the House and Senate Wednesday with only one lawmaker voting against the plan. The proposal, which comes up for a final vote Thursday, would appear on the November ballot. Voters would be asked to approve \$2.5 billion in specific projects for University of North Carolina campuses and \$600 million for the 58 community colleges. Last year, the plan was derailed by a standoff between the House and Senate over whether to put the bonds to a public vote. But on Wednesday, the Senate voted 49-0 for the proposal, while the House approved it 112-1. Only Rep. Toby Fitch, D-Wilson, voted against the plan. Lawmakers have spent months refining a list of projects to be financed with bonds from a list of nearly \$7 billion in university needs compiled by an outside consultant. "We have gone back through this list that's in here three or four times, as you all know, to make sure the projects that are in here are the kind the people of North Carolina can support," Sen. Tony

Rand, D-Cumberland, told the Senate. He said the university system is one of the state's crown jewels.” (*The Associated Press*, 5/17/00)

School Choice

Private Scholarship Programs

Fitch Voted No On SB 671, Which Provides ‘Changes To The K-12 Scholarship Programs.’
([SB 671](#), Bill Passed - Senate (29 - 20), North Carolina State Senate, 5/4/21, Fitch Voted No)

ACU: “This Bill Is Designed To Improve Education Outcomes By Responsibility Expanding Opportunities For Students And Their Families To Pursue School Choice.”
“This bill is designed to improve education outcomes by responsibly expanding opportunities for students and their families to pursue school choice. The bill generally expands eligibility and reduces barriers for parents to participate in the state’s school choice programs including the Opportunity Scholarship program and the Personal Education Student Accounts program. ACU supports improving educational outcomes and reducing taxpayer costs by responsibly expanding school choice and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

American Conservative Union “Supports Improving Educational Outcomes And Reducing Taxpayer Costs By Responsibly Expanding School Choice And Supported This Bill.”
([American Conservative Union Legislative Ratings](#), 2021)

Tuition Tax Credits

In 1995, Fitch Criticized Republicans For Trying To Insert \$20 Million In Tuition Tax Credits For Parents Who Send Their Children To Private Schools. “There were several Republican missteps in putting together their first state budget for new programs and construction projects, but none bigger than the sudden appearance of \$ 20 million for tuition tax credits for parents who send their children to private schools. That money was never approved by the House Appropriations Committee and was inserted into the budget before it was printed and distributed to legislators Thursday. Friday, the Republican leadership pushed through an amendment stripping that \$ 20 million out of the budget - something that displeases conservatives from the Christian Coalition wing of the GOP. Democrats didn't buy that the inclusion of the \$ 20 million was a mistake. "Ladies and gentlemen of the House, that \$ 20 million wasn't a mistake. This whole ill-conceived, secretly written, class warfare, anti-education budget itself is a mistake," said state Rep. Toby Fitch, a Wilson Democrat. "This budget sends one message. The leadership of this House wants a campaign issue more than they want to help the people who are struggling in our state," Fitch said.” (*News & Record*, 7/1/95)

Fitch Voted No On A Motion To Table Amendment 11 To Sb 105, Which Adds 1.2 Billion Dollars To The Omnibus To Fund Universal NC Pre-K. ([Amdt 11](#), Motion To Table - (28 - 22), North Carolina State Senate, 6/24/21, Fitch Voted No)

"FUNDS FOR UNIVERSAL NC PRE-K/EXPAND TO 3 YEAR-OLDS

SECTION 9C.1A. Notwithstanding the Committee Report referenced in Section 43.2 of this act or any other provision of law to the contrary, funds appropriated in this act to the Department of Health and Human Services, Division of Child Development and Early Education, are increased by the sum of one billion two hundred thirty-eight million dollars (\$1,238,000,000) in recurring funds for the 2021-2022 fiscal year and the sum of one billion two hundred forty-eight million dollars (\$1,248,000,000) in recurring funds for the 2022-2023 fiscal year. These funds shall be used for all children who are 3 or 4 years of age in this State to participate in the North Carolina Prekindergarten (NC Pre-K) program in accordance with Section 9C.1 of this act."; and

([Amdt 11](#))

ACU: This Amendment “Would Cost Taxpayers An Additional \$1.2 Billion A Year To Socialize The Costs Of A Universal Pre-K And Childcare Program For All Children Who Are 3 To 4 Years Of Age.” “The Nickel (ACUF Lifetime 24%) amendment #11 to the omnibus appropriations bill would cost taxpayers an additional \$1.2 billion a year to socialize the costs of a universal Pre-K and childcare program for all children who are 3 to 4 years of age. ACU supports efforts to help individuals live happier, healthier, more productive lives by encouraging them to become self-sufficient and opposes this enormous expansion of the size and scope of government and opposed this amendment.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Help Individuals Live Happier, Healthier, More Productive Lives By Encouraging Them To Become Self-Sufficient And Opposes This Enormous Expansion Of The Size And Scope Of Government And Opposed This Amendment.” ([American Conservative Union Legislative Ratings](#), 2021)

Critical Race Theory

Fitch Voted No On HB 324, ‘Ensuring Dignity And Nondiscrimination/Schools.’ ([HB 324](#), Bill Passed - Senate (25 - 17), North Carolina State Senate, 8/26/21, Fitch Voted No)

BILL ANALYSIS: The bill would state the General Assembly's intent that students, teachers, administrators, and other school employees employ teaching methods and procedures that do the following:

- Respect the dignity of others.
- Acknowledge the right of others to express differing opinions.
- Foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

Public school units would be prohibited from promoting certain identified concepts. "Promote" would be defined as compelling students, teachers, administrators, or other school employees to affirm or profess belief in the identified concepts. The identified concepts would include the following:

- One race or sex is inherently superior to another race or sex.
- An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
- A meritocracy is inherently racist or sexist.
- The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.

([HB 324](#))

ACU: “This Bill Contains A Number Of Provisions That Are Designed To Ensure Students Receive Instruction On Core Subject Areas And Prevent Classrooms From Being Used To Indoctrinate Students With Leftist Ideals Such As Critical Race Theory (CRT).” “This bill contains a number of provisions that are designed to ensure students receive instruction on core subject areas and prevent classrooms from being used to indoctrinate students with Leftist ideals such as critical race theory (CRT). For example, the bill prohibits public schools from promoting any ideology that one race or sex is inherently superior to another, or that an individual is inherently racist, sexist, or oppressive based solely on their own race or sex. The bill also requires public and charter schools to make instructional materials available to parents. ACU opposes the Left’s quest to advance CRT and other ideals designed to advance division and grow the role of government and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Opposes The Left’s Quest To Advance CRT And Other Ideals Designed To Advance Division And Grow The Role Of Government And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

IMMIGRATION

Illegal Immigrants

Cooperation With Federal Immigration Authorities

Fitch Voted No On SB 101, ‘Require Cooperation With ICE 2.0’. ([SB 101](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 3/11/21, Fitch Voted No)

- NOTE: “An act to require compliance with immigration detainers and administrative warrants and to require certain reports from local law enforcement.” ([SB 101](#))

ACU: “This Bill Requires Local Law Enforcement To Comply With Federal Immigration Detainers And Administrative Warrants, While Also Strengthening The Screening Process For The Immigration Status Of Individuals Charged With Crimes.” “This bill requires local law enforcement to comply with federal immigration detainers and administrative warrants, while also strengthening the screening process for the immigration status of individuals charged with crimes. ACU supports efforts to help the federal government perform its constitutional role in enforcing the nation’s immigration laws and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Help The Federal Government Perform Its Constitutional Role In Enforcing The Nation’s Immigration Laws And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Drivers Licenses

In 2021, Fitch Sponsored A Bill To Issue Drivers Licenses To Illegal Immigrants In North Carolina And Called It A “Winning Solution.” “A bill that would grant driver's licenses to undocumented immigrants in North Carolina is a "winning solution" for everyone in the state, Democratic State Senator Milton "Toby" Fitch Jr. told Efe on Thursday, one of the main drivers of the proposal. Fitch and lawmaker Julie Mayfield, also a Democrat, presented the SB180 initiative, called "Restricted Driver's Licenses for Undocumented Immigrants," in the North Carolina Senate on Wednesday. "The SB180 project I presented in the legislature would give undocumented immigrants who have been in the country, who work and who pay taxes the opportunity to have a restricted driver's license," an official document to handle that would not be "valid for any other purpose," the senator said. For Fitch, it's "a winning solution for all parties involved: workers have the opportunity to drive legally on the streets of the state of North Carolina and go to work, and for North Carolina it means they will no longer have to drive without a license and surely an unsafe vehicle, something that creates all sorts of problems." "There will be financial security and responsibility in the car. And if there's anyone injured in an accident, there'll be insurance to cover it. I hope that my colleagues, both in the House and senate, will see that it is a winning solution for all," the legislator said.” (*CE Noticias Financieras*, 3/4/21)

LAW AND ORDER

Criminal Justice Reform

Juvenile Offenders

In 1998, Fitch Was The Only House Member (114-1) To Vote Against “A Plan To Rewrite The State's Juvenile Crime Laws”; “The Plan Is An Attempt To Update A Juvenile Crime System That Was Not Designed To Deal With Large Numbers Of Violent Teens Found Guilty Of Serious Felonies.” “The state House gave tentative approval Tuesday to its version of a plan to rewrite the state's juvenile crime laws, despite concerns by some lawmakers that the

proposal needs more money to be carried out. The 114-1 vote follows months of debate over a 160-page plan drawn up by a special commission appointed by Gov. Jim Hunt last year. Rep. Toby Fitch, D-Wilson, was the lone House member to vote against the plan. The Senate, which has already approved its version of the plan, is expected to reject the House version and appoint negotiators to work out a compromise. The plan is an attempt to update a juvenile crime system that was not designed to deal with large numbers of violent teens found guilty of serious felonies. "Offenders told the commission that the system doesn't work because they get second chance after second chance after second chance," said Rep. Chuck Neely, R-Wake. Neely cited Gregory Gibson, who killed a 90-year-old Durham woman when he was 13 years old but could not be tried as an adult under state laws at that time. Gibson, who is now 20, was arrested on murder charges last week in the slaying of a convenience store clerk." (*The Associated Press*, 9/1/98)

- **“The Plan Includes Tougher Sentencing Guidelines, Including A Minimum Six-Month Stay For Juveniles Sent To Training Schools.”** (*The Associated Press*, 9/1/98)
- **“It Also Calls For The Expansion Of Training Schools, Building More Youth Detention Centers And Hiring More Juvenile Court Counselors.”** (*The Associated Press*, 9/1/98)

Restitution

In June 1995, “The State House Voted 94-18 To Have N.C. Voters Decide In November 1996 On Amending The State Constitution So That Judges Can Impose Alternative Punishments - Whether The Criminal Agrees Or Not.” “State lawmakers are finally primed to fix one of the court systems most frustrating problems: Criminals who pick prison over probation to avoid paying restitution, doing community service or completing work programs. Many have been doing just that, knowing that crowded prisons probably will let them out after serving just a fraction of their sentence. In one month in 1992, nearly one-fourth of new N.C. inmates admitted they picked prison over probation. Thursday, the state House voted 94-18 to have N.C. voters decide in November 1996 on amending the state constitution so that judges can impose alternative punishments - whether the criminal agrees or not. Now, judges can sentence defendants to community punishments and order restitution as part of probation, but criminals can just say no and go to prison instead. Supporters say the change will stop that ploy and send a strong message to wrongdoers: "Crime will not pay in North Carolina," said Rep. Fern Shubert, R-Union. "Restitution will be required. While you may steal it today, you'll pay it back and more tomorrow." The Senate already has passed the proposal, though the referendum is set for this November. But the bill's main sponsor said Thursday he'll urge the Senate to go along with the 1996 vote.” (*Charlotte Observer*, 6/16/95)

- **“Opponents Also Said The Change Isn't Needed Since The State Has Added Thousands Of Prison Beds. "It Might Have Been Needed When There Was No Room At The Inn," Said Rep. Toby Fitch, D-Wilson.”** “Hensley and the handful of Democratic opponents said the alternative punishment amendment no longer is needed since the state started its new sentencing system last October. That "structured sentencing" plan keeps violent and repeat offenders in prison for their full sentences and virtually eliminates parole. Opponents also said the change isn't needed since the state

has added thousands of prison beds. "It might have been needed when there was no room at the inn," said Rep. Toby Fitch, D-Wilson." (*Charlotte Observer*, 6/16/95)

Death Penalty

In 1994, Fitch Sponsored Legislation To Restrict The Use Of The Death Penalty For Persons Meeting Certain Conditions Of Mental Retardation. "Easley believes that banning mentally retarded criminals from being executed introduces an arbitrariness to the application of the death penalty - something frowned upon by the U.S. Supreme Court. "If you automatically exclude a class of people from the death penalty, based on an IQ test, that would be arbitrary," Easley said. Excluding any group of people from eligibility for the death penalty is unconstitutional, the Supreme Court has ruled. "I believe if we pass this bill we will be creating many more new avenues of appeal. If you are just simply opposed to the death penalty, this is a good way to cause problems with the death penalty in the future," said state Sen. Roy Cooper, a Rocky Mount Democrat. The compromise bill, according to its sponsor, state Rep. Toby Fitch, D-Wilson, would have several requirements for the defendant before a jury even would to be allowed to consider whether to put a mentally retarded criminal to death: An IQ of 70 or below. The inability to perform adaptive functions, such as managing money or using public transportation. Evidence of retardation must be present before the age of 18. Opponents, including Easley and several in the Senate, argued that the IQ level should be set at 60 or below to determine whether a person is mentally retarded." (*News & Record*, 8/8/94)

In 2001, Fitch Praised The Passage Of Legislation To Ban The Execution Of The Mentally Retarded. "North Carolina became the 18th state to ban executions of the mentally retarded, though the new law requires defendants to meet some fairly high standards to make the claim. Anyone with an IQ of 70 or less recorded before the age of 18 with "significant limitations in adaptive functioning" at the same time would be considered mentally retarded. The legislation allows a defendant to seek a pretrial hearing before a judge, who could determine whether the person is mentally retarded. However, the prosecutor would have to agree to the hearing. If the judge rejects the claim, the accused's attorneys could bring up the issue again in the sentencing phase of the capital murder trial. But all of the jurors would have to agree the defendant is retarded in order to rule out a death sentence for that reason. Rep. Toby Fitch, D-Wilson, said the change was a decade in the making. "Major legislation like that is like turning a battleship. You've got to start turning it 10 miles ahead to get it in the direction you want it to go," said Fitch, the only lawyer in the Legislature who represents capital case defendants. "In essence, we're heading in the right direction." Lawmakers also agreed to give prosecutors more latitude if they decide the death penalty isn't warranted in a murder case." (*The Associated Press*, 12/6/01)

Prescriptions

In 1985, Fitch Opposed Legislation Making It A 10-Year Felony To Steal Blank Prescriptions. (*Herald Sun*, 5/31/85)

Prescriptions

A bill to make it a 10-year felony to steal blank prescriptions won tentative House approval 56-43 but a companion measure to make it a misdemeanor to possess the blanks was killed by a 62-34 vote.

Several lawyers, including Rep. **Toby Fitch**, D-Wilson, argued that the felony bill sponsored by Rep. Charles Woodard, D-Wayne, "serves no useful purpose" because there are plenty of laws against obtaining drugs illegally. Rep. Joe Hackney, D-Orange, said innocent people could be caught.

(Herald Sun, 5/31/85)

RICO

In 1985, Fitch Was One Of Only Three House Members To Vote Against Legislation Letting The State And Crime Victims Recover Profits From Drug Trafficking And White Collar Crime. (Herald Sun, 6/29/85)

RICO

The House voted 88-3 for a bill to let the state and crime victims recover the profits from drug trafficking and white-collar crime.

"I think this would be an effective tool to combat crime," said Rep. Dennis Wicker, D-Lee, who said North Carolina would join 21 states with similar laws. "It takes the profit out of committing these types of crimes."

The bill would allow victims to recover treble damages if the attorney general agrees and would otherwise have crime profits sent to public education in North Carolina.

Rep. H.M. "Mickey" Michaux, D-Durham, a former U.S. attorney, said without the bill a criminal can serve 15 years "and come out of prison being in better shape than most of us who have worked all our lives and not been involved in illegal gain."

Reps. Anne Barnes, D-Orange, Joe Hackney, D-Orange, and **Toby Fitch**, D-Wilson, voted against the bill.

(Herald Sun, 6/29/85)

Drug Dealers

In 1987, Fitch Opposed A Bill "Under Which A Person Who Sold Cocaine To Someone Who Died From Its Use Could Be Charged With Second Degree Murder." (The News And Observer, 5/15/87)

Panel defeats bill on cocaine murders

The House Judiciary II Committee defeated a bill under which a person who sold cocaine to someone who died from its use could be charged with second-degree murder.

Rep. Milton F. "Toby" Fitch Jr., D-Wilson, opposed the bill, saying he didn't think a youngster who shared cocaine with a friend should be considered a murderer if the friend died from ingesting the drug.

Rep. Barney Paul Woodard, D-Johnston, said the more severe penalty might make it harder to get convictions.

(The News And Observer, 5/15/87)

Drug Sales On School Grounds

In 1989, Fitch Was Among Only Six Members To Vote Against A Bill Setting Mandatory Prison Terms For Selling Drugs On School Grounds. (Herald Sun, 4/29/89)

House Votes To Crack Down On

RALEIGH (AP) — A bill to establish mandatory prison terms for selling illegal drugs on school grounds was approved on an 81-6 vote in the state House Friday, despite questions about inconsistencies in handling drug dealers.

Rep. John McLaughlin, D-Mecklenburg, said his bill, which now

goes to the Senate, will send a message to drug dealers to stay away from schools.

Under the bill, anyone 20 or older who sells drugs to someone under 18 on school grounds or within 1,000 feet of school grounds would face a mandatory two-year prison term. Anyone 20 or older who sells drugs to someone under

18 anywhere else would face a mandatory one-year term.

Rep. H.M. "Mickey" Michaux, D-Durham, found some holes in the bill.

"This . . . is a larger sentence than imposed under the regular statute," he said. "So if the individual who is 20 years old sells to someone under 18, he'll get more punishment than if someone 19 years old sells to that same 18-year-old."

But McLaughlin said that wouldn't necessarily be true.

"The sentence may not be any different but it will be a mandatory one," he said.

Michaux remained dissatisfied, joining Reps. Toby Fitch, D-Wilson, Joe Hackney, D-Orange, Thomas Hardaway, D-Halifax, Howard Hunter, D-Hertford and Sharon Thompson, D-Durham, in voting against the bill.

Forsyth County Wants Engineering Research Center

WINSTON-SALEM (AP) — When 75 members of the General Assembly visit Forsyth County this weekend, they will see many schools, museums and cultural programs that state money helps pay for. They won't see an engineering school, however, and local leaders want to change that.

Officials in Forsyth County will push this weekend for support of a

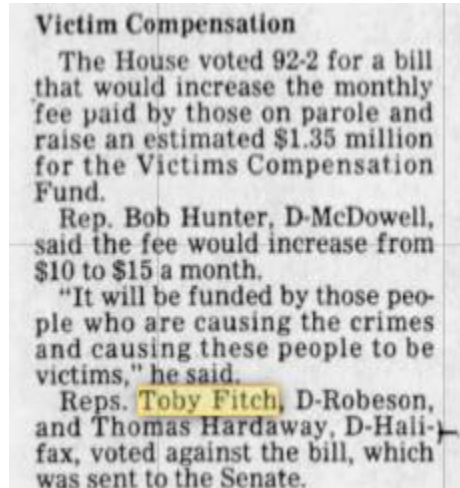
bill that would create an engineering research center at Winston-Salem State University.

The bill was filed this week by Sens. Marvin M. Ward and Ted Kaplan, both Forsyth Democrats. It seeks \$1.75 million from the state over the next two years to establish the "Northern Piedmont Engineering Research Center."

(Herald Sun, 4/29/89)

Victims Compensation

In 1987, Fitch Was One Of Only Two House Members To Vote Against A Bill Increasing The Monthly Fee Paid By Those On Parole And Raise \$1.35 Million For The Victims Compensation Fund. (*Herald Sun*, 5/16/87)



(*Herald Sun*, 5/16/87)

Victims Rights Amendment

In 1993, A Victims Rights Amendment Languished In Fitch's Committee Where He Eventually Assigned It To A Subcommittee Where It Was Killed. (*News And Observer*, 6/16/93)



(News And Observer, 6/16/93)

Probation

In 1994, Victims Rights Advocates Criticized Fitch For Delaying Reporting Of An Amendment Preventing Offenders From Choosing Probation Over Prison Time; Fitch Defended His Actions As Part Of The Political Process. (The Associated Press, 7/15/94)

RALEIGH (AP) — As legislators near an agreement on the state budget, lawmakers such as Rep. **Toby Fitch** are turning up the pressure to get their bills passed or to block bills they oppose.

Fitch recently threatened to drop a \$12 million item out of the budget because of the way the Senate is treating one of his bills. He also has pocketed a Senate bill that was approved by the committee he leads. And he has been asking the House every day to delay a vote on a controversial bill that would change the way North Carolina's public schools are governed.

Fitch, D-Wilson, makes no apologies for the late-session strategies.

"Not at all. I'm playing politics," Fitch said in an interview Thursday. "It's a part of the game. It's part of the act of doing business."

"It's no different than a district attorney putting a hard deal on the table in order to try to get something that he thinks is a little more reasonable."

Fitch's committee, the House Constitutional Amendments and Referenda Committee, passed a bill two weeks ago that would amend the state constitution so that criminals no longer could choose probation over prison time.

The bill's sponsor, Sen. Charlie Albertson, said he's been waiting ever since for Fitch to report the bill to the House clerk so the full House can consider it.

"I'm concerned about it. I don't know what his strategy is," said Albertson, D-Duplin.

Advocates for victims' rights are furious with **Fitch**.

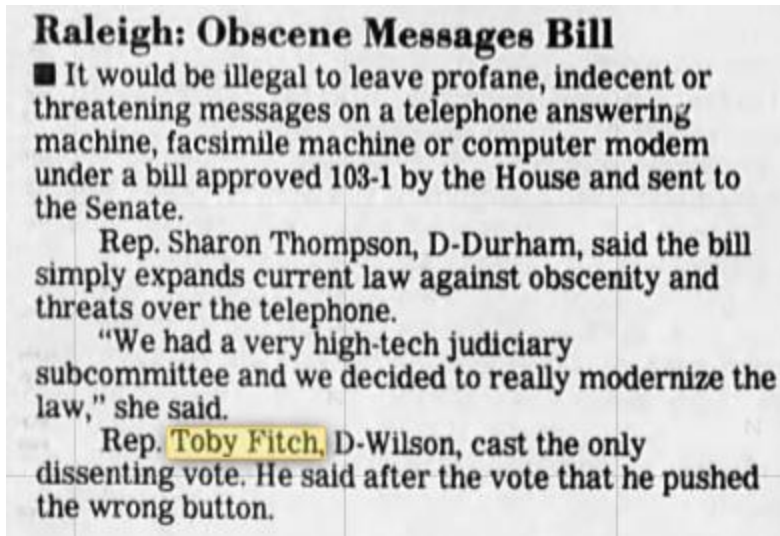
"**Toby** is like a 250-pound kid stomping his foot and saying, 'I'm going home and I'm taking all my marbles with me,'" said Catherine Gallagher-Smith of the North Carolina Victim Assistance Network. "Toby is still trying to flex his muscle, which is wrong. It's a major control issue."

"I don't have to report it in. There's no requirement for me to take action on a Senate bill. I abide by House rules," Fitch said.

(The Associated Press, 7/15/94)

Obscene Messages

In 1989, Fitch Was The Only House Member (By A Vote Of 103-1) To Vote Against A Bill Making It Illegal To Leave Profane, Indecent, Or Threatening Messages On An Answering Machine, Fax, Or Modem; Fitch Claimed He Pressed The Wrong Button. (*Asheville Citizen Times*, 4/21/89)



(Asheville Citizen Times, 4/21/89)

Insanity Verdicts

In 1991, Fitch Proposed An Unsuccessful Amendment That “Would Have Freed People Winning An Insanity Verdict After They Had Proven They Were No Longer Dangerous To Themselves Or Others”; The Bill Instead Automatically Committed People Until They No Longer Had A Mental Illness. (Charlotte Observer, 4/3/91)



(Charlotte Observer, 4/3/91)

Prisons

Prison Spending

In February 1994, Fitch Questioned Whether North Carolina Was Spending Too Much On Prisons And Not Enough On Crime Prevention. "NORTHEASTERN North Carolina's legislative delegation is similarly divided over how to spend the state's crime-fighting resources. Some favor adopting stricter punishment measures such as Nichols' bill. Many have said they will support most of Hunt's proposals. Some, including members of the state's Legislative Black Caucus who toured eastern North Carolina last week, have questioned whether too much money is being proposed for prison construction and not enough for crime prevention. "We will never be able to build enough prisons," said Rep. Toby Fitch, D-Wilson, at a town meeting last week in Greenville. "We will never be able to put enough police on the streets until we restore hope to people. There are some things wrong in North Carolina, but the solution cannot be a Band-Aid approach if the problems are going to be solved." But others, like Basnight, are confident that state legislators can tackle crime and can come up with some solutions in the special session." (The Virginian-Pilot, 2/6/94)

Prison Population Cap

In 1995, The North Carolina House Voted “To Eliminate The Cap On The State's Prison Population On Jan. 1, 1996. That Limit Forces The State To Continually Free Prison Space By Releasing Criminals Early On Parole. Final Approval Is Expected Today.” “North Carolina will soon begin keeping thousands more criminals behind bars. The only question is how soon. In the second of three votes on the bill, the state House agreed Tuesday to eliminate the cap on the state's prison population on Jan. 1, 1996. That limit forces the state to continually free prison space by releasing criminals early on parole. Final approval is expected today. The House plan would cost \$14 million the first year, \$42 million over two years to build private prisons and rent out-of-state space for an estimated 4,500 extra prisoners. The Senate also has voted to eliminate the prison cap. But it wants to wait until Sept. 1, 1996, to do it. By then, several prison construction projects will be completed and the state should have enough beds for 28,500 inmates. The bottom line: The House plan keeps more inmates behind bars for most of 1996 - but the Senate plan won't cost taxpayers any extra money.” (*Charlotte Observer*, 3/15/95)

- **Fitch Was One Of Only Seven House Members To Vote Against Eliminating The Cap; The Final Vote Was 109-7.** “The vote was 109-7 on the second reading. After the final vote in the House, the Senate and House bills head to a conference committee, where leaders in both chambers will try to hash out a compromise. Rep. Toby Fitch, D-Wilson, one of the seven naysayers, questioned the rush to get rid of the cap. The state has been releasing criminals for years, he said, and now Republicans are arguing that a few months more will create a crime crisis. “If we're that serious about safety, we ought to just do it now,” Fitch said. Many legislators view the prison cap as a severe public relations problem at a time when constituents repeatedly list crime as their No. 1 concern. The state legislature created the cap in 1987 to combat worsening overcrowding and avoid a threatened federal takeover of state prisons.” (*Charlotte Observer*, 3/15/95)

Riots

Fitch Voted No On HB 805, An Act To Increase The Penalties For Rioting Or Inciting Rioting. ([HB 805](#), Bill Passed - Senate (25 - 19), North Carolina State Senate, 8/25/21, Fitch Voted No)

ACU: “This Bill Is Designed To Strengthen Property Rights By Holding Rioters Accountable For The Damages They Cause.” “This bill is designed to strengthen property rights by holding rioters accountable for the damages they cause. Specifically, the bill increases the felony classification of rioters who cause property damage in excess of \$1,500 or cause serious injury or death. The bill also increases penalties for rioter inciters. ACU firmly supports the founders’ belief in the First Amendment and the right to peacefully assemble, and we also support protecting property rights by holding accountable all parties who cause destruction and violence and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union Supports “Protecting Property Rights By Holding Accountable All Parties Who Cause Destruction And Violence And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Miscellaneous**Child Marriage**

By A Vote Of 110-5, The North Carolina House Passed Legislation Banning Children Under Age 14 From Getting Married And Giving More Judicial Discretion To Determine Which Teens Can Marry. “Children under 14 years of age could no longer get married and judges would have more authority to determine which teens can marry under legislation tentatively approved in the state House on Wednesday. The bill overhauls much of the state's marriage law. Changes include amending statutes that effectively bar some prisoners from marrying and others that fail to recognize American Indian and Islamic wedding ceremonies. But the measures dealing with the marriage of teens received the most attention, both in committee debate and on the House floor. Rep. Ronnie Sutton, D-Robeson, the bill's sponsor, said the legislation, in its latest form, is the best solution in dealing with often complex problem involving troubled families. Current law allows 12- and 13-year-old mothers or expectant mothers to get married but is vague on minimum ages that children - especially males under 16 - can obtain a marriage license. A mother or expectant mother can be married if she receives permission from one parent. The bill would instead give a District Court judge authority in determining whether 14- and 15-year-olds can marry. The law for 16- and 17-year-olds wouldn't change significantly. Although the bill says the views of the parents of 14- and 15-year-olds should be considered, Rep. Jeff Barnhart, R-Cabarrus, questioned whether it gives too much power to judges. "It sounds like we're just removing something else from the parents' discretion in something where I feel like they should be very involved," Barnhart said. Rep. Toby Fitch, D-Wilson, said the state could also run into problems in recognizing the marriages of teens under the age limit who come from other states. Despite the concerns, lawmakers voted 110-5 in favor of the legislation. It is expected to receive final House approval on Thursday.” (*The Associated Press*, 3/28/01)

- **Fitch Was The Only Democrat Among The Five Legislators To Vote Against The Child Marriage Restriction Bill, HB 142, During Its Second Reading.** ([North Carolina General Assembly](#), Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #112

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: SECOND READING

Roll Call #112

Outcome: PASSED

Sponsor: SUTTON

Time: 3/28/2001 4:52 p.m.

Total votes: 115

Noes: 5

Excused Absence: 1

Ayes: 110

Not Voting: 4

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Blue; Bonner; Boyd-McIntyre; Coates; Cole; Cox; Crawford, J.; Culpepper; Cunningham; Dedmon; Earle; Easterling; Fox; Gibson; Goodwin; Hackney; Haire; Hall; Hensley; Hill; Holliman; Hunter; Hurley; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Tucker; Underhill; Wainwright; Warner; Warren; Warwick; Weiss; Womble; Wright; Yongue

Noes (Democrat)

Fitch

Not Voting (Democrat)

Church; Edwards; SPEAKER

Excused Absence (Democrat)

None

Ayes (Republican)

Allred; Arnold; Baker; Blust; Bowie; Brubaker; Buchanan; Cansler; Capps; Creech; Culp; Daughtry; Davis; Decker; Dockham; Eddins; Ellis; Esposito; Gillespie; Grady; Gulley; Harrington; Hiatt; Hilton; Holmes; Howard; Johnson; Justus; Kiser; McCombs; McMahan; Miner; Mitchell; Morgan; Morris; Pope; Preston; Rayfield; Russell; Setzer; Sexton; Sherrill; Shubert; Starnes; Teague; Thompson; Walend; Walker; Weatherly; West; Wilson, C.; Wilson, G.

Noes (Republican)

Barnhart; Carpenter; Clary; McComas

Not Voting (Republican)

Gray

Excused Absence (Republican)

Barbee

([North Carolina General Assembly](#), Accessed 6/20/22)

- **Fitch Again Voted Against HB 142 On Its Third Reading In The House But Ultimately Voted To Concur With The Senate Version Of The Bill.** ([North Carolina General Assembly](#), Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #125

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: Third Reading

Roll Call #125

Outcome: PASSED

Sponsor: SUTTON

Time: 3/29/2001 3:32 p.m.

Total votes: 103

Noes: 17

Excused Absence: 10

Ayes: 86

Not Voting: 7

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Blue; Boyd-McIntyre; Cole; Cox; Crawford, J.; Culpepper; Cunningham; Dedmon; Earle; Easterling; Fox; Goodwin; Hackney; Haire; Hall; Hensley; Hill; Holliman; Hurley; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Underhill; Wainwright; Warner; Warren; Warwick; Weiss; Wright; Yongue

Noes (Democrat)

Fitch

Not Voting (Democrat)

Church; Coates; Hunter; SPEAKER

Excused Absence (Democrat)

Bonner; Edwards; Gibson; Tucker; Womble

Ayes (Republican)

Allred; Baker; Blust; Bowie; Buchanan; Cansler; Capps; Culp; Davis; Decker; Dockham; Ellis; Gillespie; Gulley; Harrington; Hiatt; Howard; Johnson; Justus; Kiser; McCombs; Miner; Morgan; Morris; Preston; Russell; Sexton; Shubert; Starnes; Walend; Walker; West; Wilson, C.; Wilson, G.

Noes (Republican)

Barnhart; Brubaker; Carpenter; Clary; Creech; Eddins; Esposito; Grady; Hilton; Holmes; McComas; Mitchell; Pope; Rayfield; Setzer; Sherrill

Not Voting (Republican)

Arnold; Daughtry; Weatherly

Excused Absence (Republican)

Barbee; Gray; McMahan; Teague; Thompson

([North Carolina General Assembly](#), Accessed 6/20/22)

HOUSE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #515

2001-2002 Session

HB 142: AMEND MARRIAGE STATUTES.

Vote: M11 CONCUR IN/SCS #2

Roll Call #515

Outcome: PASSED

Sponsor: SUTTON

Time: 5/1/2001 3:15 p.m.

Total votes: 103

Noes: 11

Excused Absence: 9

Ayes: 92

Not Voting: 8

Excused Vote: 0

Ayes (Democrat)

Adams; Alexander; Allen; Baddour; Barefoot; Bell; Bonner; Boyd-McIntyre; Church; Coates; Cole; Cox; Culpepper; Cunningham; Dedmon; Earle; Easterling; Edwards; Fitch; Fox; Gibson; Goodwin; Hackney; Haire; Hill; Holliman; Hunter; Insko; Jarrell; Jeffus; Lucas; Luebke; McAllister; McLawhorn; Michaux; Miller; Nesbitt; Nye; Oldham; Owens; Redwine; Rogers; Saunders; Smith; Sutton; Tolson; Tucker; Underhill; Wainwright; Warner; Warren; Weiss; Womble; Yongue

Noes (Democrat)

Blue; Hensley

Not Voting (Democrat)

Crawford, J.; Hall; SPEAKER; Wright

Excused Absence (Democrat)

Hurley; Warwick

Ayes (Republican)

Barbee; Blust; Bowle; Brubaker; Buchanan; Clary; Crawford, M.; Culp; Decker; Ellis; Gillespie; Gray; Gulley; Harrington; Hiatt; Hilton; Howard; Johnson; Kiser; McComas; McCombs; McMahan; Miner; Mitchell; Morris; Setzer; Sexton; Sherrill; Shubert; Starnes; Teague; Thompson; Walend; Walker; Weatherly; West; Wilson, C.; Wilson, G.

Noes (Republican)

Baker; Barnhart; Capps; Carpenter; Daughtry; Eddins; Grady; Pope; Rayfield

Not Voting (Republican)

Allred; Creech; Justus; Morgan

Excused Absence (Republican)

Arnold; Davis; Dockham; Esposito; Holmes; Preston; Russell

([North Carolina General Assembly](#), Accessed 6/20/22)

Of Note, Fitch Worked In 2021 On Legislation To Ban Child Marriage For 14 And 15 Year Olds. “Ending some forms of child marriage in North Carolina is now up to Gov. Roy Cooper after the state Senate unanimously passed the final version of a child marriage bill that bans 14- and 15-year-olds from marrying. North Carolina is one of two states that specifies children as young as 14 can marry if they become pregnant. Lawmakers in both the House and Senate made a bipartisan effort to end child marriage in North Carolina altogether but couldn't get their colleagues to support it. Instead, the senators found a compromise that allows 16- and 17-year-olds to continue marrying as long as their spouse is 4 years older or less. Cooper is expected to sign the bill. "While the legislation falls short of raising the age of marriage to 18, the Governor supports this step toward ending child marriage in North Carolina and more protections for children," said Mary Scott Winstead, a spokeswoman for the governor. Sen. Valerie Foushee, an Orange County Democrat, thanked Sen. Vickie Sawyer, an Iredell County Republican and Sen. Danny Britt, a Robeson County Republican, for their "tenacious work on the bill." Foushee said she, Sawyer and Sen. Toby Fitch began discussions on ending child marriages in 2019 and she was happy to see it come to fruition.” (*The News And Observer*, 8/17/21)

Alienation Of Affection

In 1999, Fitch Proposed An Unsuccessful Bill To Eliminate Alienation Of Affection Laws In North Carolina And Revoke “The Ability Of Husbands And Wives To Sue Their Spouses' Lovers.” “The state House on Tuesday endorsed the ability of husbands and wives to sue their spouses' lovers, rejecting a bill that would have abolished alienation-of-affection lawsuits. Opponents of the bill declared the 55-58 vote against it a victory for marriage. But an attempt to prevent the measure from being brought back to the House for reconsideration also failed in a close vote, 52-59. The bill's sponsors, Reps. Mickey Michaux of Durham and Toby Fitch of Wilson, both Democrats, would not talk about the reasons the bill failed. But Michaux left open the possibility that they would try again to get it passed. "The door hasn't been

completely closed yet," he said. Fitch and Michaux argued that alienation-of-affection lawsuits, based in common law, rest on the archaic notion that a wife is property and that any man taking her from her husband is liable for damages. Michaux said courts or legislatures in 40 states have abolished the suits. "Let's do away with archaic standards and move into modern times," he said." (*News And Observer*, 4/14/99)

- **“The Bill's Opponents Argued That The Lawsuits Hold People Who Break Up Marriages Responsible For Their Actions And Are An Antidote To No-Fault Divorce.”** “But the bill's opponents argued that the lawsuits hold people who break up marriages responsible for their actions and are an antidote to no-fault divorce. Rep. Russell Capps of Raleigh, a Republican, read a list of North Carolina court cases in which juries took the side of spurned spouses, awarding them money to compensate for their lost loves. It is clear from the jury verdicts that citizens don't want the suits outlawed, Capps said. "It's a good law; the people in verdicts have said they want to keep it." The ability to sue a third party for alienation of affection and the breakup of a marriage "brings justice back into the divorce settlement," he said.” (*News And Observer*, 4/14/99)

Auto Insurance

In 1987, Fitch Opposed A Provision In A Bill To Require Proof Of Insurance Before Issuing Or Renewing Driver's Licenses. (*The Associated Press*, 7/24/87)

Auto insurance bill supported

The Associated Press

The House Insurance Committee voted 7-6 Thursday to approve a long-awaited bill designed to reduce automobile insurance rates for most drivers while keeping high-risk drivers from evading the law.

Rep. Gerald L. Anderson, D-Craven, said his bill would help prevent the loss of \$13 million a year in insurance premiums not being paid by drivers with "points," which result from traffic violations.

He said that of 35,000 people convicted of drunken driving, 21,000 were not paying the appropriate high rates because of inadequate coordination between state officials and insurance companies.

Most of the debate over the bill centered on a provision to require proof of insurance before issuing or renewing driver's licenses.

"This will blow up in our face," said Rep. R. Samuel Hunt III, D-Alamance, who objected to penalizing people who have done nothing wrong.

Rep. Milton "Toby" Fitch Jr., D-Wilson, said the bill would force people who don't own cars to have insurance. And several committee members said it would be impossible to make people keep insurance in force once they got a license.

The bill includes other provisions:

- Allowing insurers to discount premiums for drivers over age 55.
- Providing for the allocation of Reinsurance Facility losses among all policies over five years. The facility currently assesses surcharges against high-risk drivers.
- Extending from two years to three years the driving experience needed to avoid the inexperienced driver surcharge.
- Prohibiting a facility recoupment surcharge if a driver pays for property damage in an accident without personal injury and thereby prevents his insurance company from paying a claim.

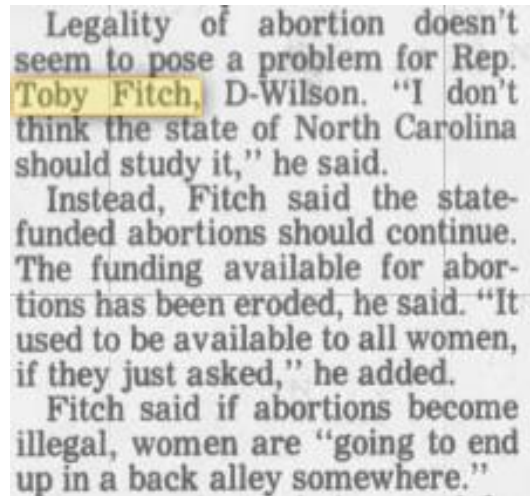
(*The Associated Press*, 7/24/87)

SOCIAL ISSUES

Abortion And Reproductive Issues

Overall

In 1989, Fitch Supported Continued State Funding For Abortions And Was Critical Of Potential Efforts To Make Abortions Illegal. (*Rocky Mount Telegram*, 7/20/89)



Legality of abortion doesn't seem to pose a problem for Rep. Toby Fitch, D-Wilson. "I don't think the state of North Carolina should study it," he said. Instead, Fitch said the state-funded abortions should continue. The funding available for abortions has been eroded, he said. "It used to be available to all women, if they just asked," he added. Fitch said if abortions become illegal, women are "going to end up in a back alley somewhere."

(*Rocky Mount Telegram*, 7/20/89)

Born-Alive Abortion Survivors Protection Act

Fitch Voted No On S 404, The 'Born-Alive Abortion Survivors Protection Act.' ([SB 404](#), Bill Passed - Senate (28 - 21), North Carolina State Senate, 5/11/21, Fitch Voted No)

- NOTE: "An act establishing the born-alive abortion survivors protection act." ([SB 405](#))

ACU: "This Bill, Known As The Born-Alive Abortion Survivors Protection Act, Protects Life By Requiring A Health Care Practitioner To Exercise The Same Degree Of Professional Skill And Care To Preserve The Life Of A Child Born Alive In The Case Of An Abortion Or Attempt To Perform An Abortion." "This bill, known as the Born-Alive Abortion Survivors Protection Act, protects life by requiring a health care practitioner to exercise the same degree of professional skill and care to preserve the life of a child born alive in the case of an abortion or attempt to perform an abortion. ACU believes abortion is a human tragedy, supports restrictions on the practice and supported this bill. The Senate passed the bill on May 11, 2021 by a vote of 28-21." ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union "Believes Abortion Is A Human Tragedy, Supports Restrictions On The Practice And Supported This Bill." ([American Conservative Union Legislative Ratings](#), 2021)

Abortion Based On Discrimination

Fitch Voted No On HB 453, 'Human Life Nondiscrimination Act/No Eugenics'. ([HB 453](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 6/10/21, Fitch Voted No)

- NOTE: “An Act To Protect Against Discrimination Of Human Life.” ([HB 453](#))

ACU: “This Bill Protects Life By Prohibiting Abortions Sought Due To The Race Or The Presence Or Presumed Presence Of Down Syndrome Of The Unborn Child.” “This bill protects life by prohibiting abortions sought due to the race or the presence or presumed presence of Down syndrome of the unborn child. Under the bill, a physician is required to provide a statement confirming that the women did not seek the abortion because of the child’s actual or presumed race or presence of Down syndrome. ACU believes abortion is a human tragedy, supports restrictions on the practice and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Under The Bill, A Physician Is Required To Provide A Statement Confirming That The Women Did Not Seek The Abortion Because Of The Child’s Actual Or Presumed Race Or Presence Of Down Syndrome.”** ([American Conservative Union Legislative Ratings](#), 2021)

Pro-Life Links

In 2018, Fitch’s Office Promoted An Essay Contest By The Pro-Life Group, Democrats For Life Of America. “High school and college students in N.C. Senate District 4 are invited to enter the Democrats for Life of America's essay contest -- regardless of their political ties or personal views on abortion. The office of state Sen. Milton F. "Toby" Fitch, D-Wilson, distributed a call for entries in the contest via email this week. Individual prizes of \$2,500, \$1,000 and \$500 will be awarded to first-, second- and third-place winners. Essays should be 500 to 800 words and respond to the following prompt: "Many people assert that the term 'pro-life Democrat' is contradictory. How would you respond to someone who makes this assertion?" Democrats for Life of America essay coordinator Roger Morin stresses that students of any or no political affiliation are invited to submit entries. "DFLA will evaluate each essay on strength of argument -- not an individual's personal or political position," Morin writes in the call for entries.” (*Wilson Daily Times*, 5/31/18)

Drugs

Marijuana

In June 2018, Fitch Sponsored SB 791 To Legalize Possession Of Up To 4 Ounces Of Marijuana For Personal Use. “A Forsyth County legislator is sponsoring a Senate bill that would make it legal to possess up to four ounces of marijuana for personal use. Senate Bill 791, and companion House Bill 994, would allow for an increase from the current limit of one-half of an ounce to four ounces before the amount qualifies as a Class 1 misdemeanor. Sen. Paul Lowe (D-Forsyth), the bill's primary sponsor, said he introduced the bill in an effort "to decriminalize small amounts of marijuana. This is heading in the right direction." Currently, possession of one-half of an ounce or less of a controlled substance is a Class 3 misdemeanor. That is punishable by up to 20 days of an active jail sentence — which typically is suspended — or a requirement of community service. The bills would exempt up to four ounces of marijuana from being considered as a controlled substance. By contrast, a Class 1 misdemeanor is punishable by up to 120 days of an active sentence. The bills also would raise the weight of marijuana an individual

can possess from 1.5 ounces to a pound before it qualifies as a Class 1 felony, which is punishable by up to five months' active sentence period. Jim O'Neill, district attorney for Forsyth County, said the bills should be "thoroughly vetted, and must include and consider the scientific community's evidence of the damage caused to the developing adolescent brain caused by marijuana smoking." O'Neill said he considers Lowe "as a friend and someone I truly respect, but to characterize four ounces of marijuana as a user amount would be absurd." "Conservatively speaking, four ounces of marijuana has a street value of \$1,000 and can be broken down into about 120 marijuana cigarettes." The bills would leave the amount of hashish unchanged at no more than one-twentieth of an ounce to avoid a Class 1 misdemeanor, and no more than three-twentieths of an ounce to avoid a Class 1 felony. Joining Lowe in sponsoring SB791 is Sens. Milton "Toby" Fitch Jr., D-Nash, and Valerie Foushee, D-Orange. Fitch, who was appointed to the Senate on March 23, is a retired Superior Court judge. The bill, introduced Thursday, was sent to the Senate rules committee." (*Mooreville Tribune*, 6/4/18)

In 2022, Fitch Continued His Sponsorship Of Marijuana Legalization Legislation. "A comprehensive marijuana legalization and regulation bill was introduced in the N.C. Senate on Monday that would allow for individuals age 21 and older to legally possess a small amount of the drug. Senate Bill 765 was submitted by Sen. Toby Fitch, D-Wilson. At 69 pages, it is more in-depth than a similar cannabis-legalization proposal from 2021, House Bill 617, That 19-page bill was introduced in April 2021 with Rep. Pricey Harrison, D-Guilford, as one of four primary sponsors and Rep. Amber Baker, D-Forsyth, as one of 13 co-sponsors. HB617 was sent to the House Rules and Operations committee, where it was shelved for the 2021 session. The latest bid by lawmakers to legalize cannabis is likely to face a similar fate given stiff Republican leadership opposition in North Carolina. North Carolina is one of six states where all uses of marijuana are illegal, along with Idaho, Kansas, Nebraska, South Carolina and Wyoming. That includes prohibiting the use of medical marijuana." (*News Herald*, 5/24/22)

Gambling

Lottery

In 1995, "Rep. Toby Fitch, D-Wilson, Gave Other House Members Notice He Would Attempt To Force A Bill Out Of Committee That Would Create A Lottery To Raise Money For School Construction." "The House forged ahead in trying to produce a budget for new and expanded programs, despite grumbling from some Republicans that the leadership is ignoring the work of budget subcommittees in its rush to produce a bill. Rep. Toby Fitch, D-Wilson, gave other House members notice he would attempt to force a bill out of committee that would create a lottery to raise money for school construction. Law-abiding citizens would have an easier time carrying a concealed pistol and buying a handgun under separate bills approved by legislative committees over the protests of police chiefs. - The Associated Press" (*The Associated Press*, 6/28/95)

In December 1998, Fitch Reiterated His Intention To Support Lottery Referendum Legislation. "N.C. lottery supporters hope to capitalize on the new momentum when the legislature convenes in January. Sen. Tony Rand, D-Cumberland, and Rep. Toby Fitch, D-Wilson, both plan to propose bills calling for a lottery referendum. And even lottery companies are gearing up more than usual for a legislative push, said Raleigh lobbyist Roger Bone, who's

represented the companies in the past. The companies are eyeing North Carolina because it's the largest of the 15 states without a lottery. The N.C. Senate passed lottery referendum bills in 1989, 1991 and 1993, but they died in the House. In 1995 and 1997, lottery bills failed to even get out of the Senate.” (*Charlotte Observer*, 12/9/98)

Race

In 2007, Fitch Cited “Racial Profiling, Unequal Taxation And The Loss Of School Funding For At-Risk Programs As Examples” Of Barriers To Freedom. “To know where you're going, you must remember where you've been. This was the resounding message Superior Court Judge Milton F. "Toby" Fitch, Jr., imparted to those in attendance at the United Fellowship Committee's fifteenth annual Black History program this weekend. "The people who don't know where they come from are bound to commit the same errors and the same mistakes," Fitch explained. "If you understand where you come from, then you know where you want to go." This reverent desire to remember the struggles of the past is likely what fueled the multitude of African-American community leaders, elected officials and residents of Scotland County to gather in fellowship at the Highlands Saturday night. Fitch, who was the honored speaker at the event, spoke of the challenges that threaten the freedom of the African-American community today - challenges, he said, that have remained the same throughout the years. According to Fitch, the continuing struggle for economic, social and educational equality has taken the form of modern barriers that impede the attainment of quality education, affordable housing, voting freedom, decent wages, basic health care, proper nutrition, and other American ideals. "Explicit limits (of the past) have been replaced today by carefully (See History, Page 3) (Continued from Page 1) shaded and camouflaged new barriers to freedom," he remarked, citing racial profiling, unequal taxation and the loss of school funding for at-risk programs as examples.” (*The Laurinburg Exchange*, 2/19/07)

Second Amendment

In April 2018, The Conservative Group Grass Roots North Carolina Awarded Fitch 0 Stars For His Position On Second Amendment Issues. “Conservative group Grass Roots North Carolina has praised Republicans and panned Democrats running for Congress and the state legislature in its "Remember in November" voter guide charting candidates' support for gun rights. In the 2nd Congressional District Republican primary, both U.S. Rep. George Holding and challenger Allen Chesser received four-star evaluations, the highest mark for Second Amendment support. In the Democratic primary for Holding's seat, Linda Coleman was the only candidate to complete a survey GRNC distributed, scoring 67 out of a possible 100 and earning one star. Her opponents, Wendy Ella May and Ken Romley, did not return the survey and received zero-star ratings. Incumbents are scored on their voting histories and survey responses, while challengers' scores are based solely on the answers they provided to the Grass Roots North Carolina survey. In the 1st Congressional District contest, Democratic U.S. Rep. G.K. Butterfield received a zero-star score based on his voting record. Republican challenger Roger Allison of Durham scored high on the survey and earned four stars. Sen. Toby Fitch, D-Wilson, received zero stars in Senate District 4. Republican challenger Richard Scott earned a four-star rating and Libertarian hopeful Jesse Shearin received zero stars.” (*Wilson Daily Times*, 4/20/18)

The Religious Assembly Security And Protection Act

Fitch Voted No On SB 43, ‘Protect Religious Meeting Places.’ ([SB 43](#), Bill Passed - Senate (30 - 19), North Carolina State Senate, 6/8/21, Fitch Voted No)

- NOTE: “An act to enact the religious assembly security and protection act of 2021 and to authorize concealed carry for certain law enforcement facility employees.” ([SB 43](#))

ACU: “This Bill, Known As The Religious Assembly Security And Protection Act, Strengthens Second Amendment Rights By Building Upon Previous Law To Ensure Individuals Can Carry A Concealed Firearm In A Church Or Place Of Worship That Shares Its Location With A School.” “This bill, known as the Religious Assembly Security and Protection Act, strengthens Second Amendment rights by building upon previous law to ensure individuals can carry a concealed firearm in a church or place of worship that shares its location with a school. Religious institutions and owners still have the freedom to prohibit a firearm on their property. Additionally, the bill provides certain law enforcement facility employees to conceal carry in a greater amount of previously prohibited areas. ACU supports the founders’ belief in the Second Amendment, opposes “gun-free zones” which threaten public safety by stripping individuals of their ability to defend themselves, and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Additionally, The Bill Provides Certain Law Enforcement Facility Employees To Conceal Carry In A Greater Amount Of Previously Prohibited Areas.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports The Founders’ Belief In The Second Amendment, Opposes ‘Gun-Free Zones’ Which Threaten Public Safety By Stripping Individuals Of Their Ability To Defend Themselves, And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Pistol Permits

Fitch Voted No On HB 398, An Act To Repeal Pistol Permits. ([HB 398](#), Bill Passed - Senate (27 - 20), North Carolina State Senate, 8/18/21, Fitch Voted No)

ACU: “This Bill Reduces An Undue Burden For Individuals To Exercise Their Second Amendment Rights By Repealing The State’s Pistol Purchase Permit Requirement And Instead Directs State Handgun Purchases Through The Federal National Instant Criminal Background Check System (NICS) Managed By The FBI.” “This bill reduces an undue burden for individuals to exercise their Second Amendment rights by repealing the state’s pistol purchase permit requirement and instead directs state handgun purchases through the federal National Instant Criminal Background Check System (NICS) managed by the FBI. ACU supports the founders’ belief in the Second Amendment and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports The Founders’ Belief In The Second Amendment And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

POLITICAL

Ethics

Sexual Harassment Allegations

In An April 2020 Ethics Complaint, Democratic State Sen. Erica Smith Accused “Sen. Milton F. "Toby" Fitch Jr. Of Wilson And Sen. Mike Woodard Of Durham Of Sexual Harassment.” “In the same April ethics complaint that complains of Lowe's behavior, Smith accuses Sen. Milton F. "Toby" Fitch Jr. of Wilson and Sen. Mike Woodard of Durham of sexual harassment. Lowe, Fitch and Woodard serve on the Legislative Ethics Committee. They recused themselves from hearing the complaint. Later, the committee dismissed the complaint as it relates to all three, according to phone interviews with Fitch and Woodard and Lowe's dismissal letter obtained by The N&O. Fitch said in the phone interview he recused himself to avoid appearance of impropriety. "At this time I have nothing else to say about it," Fitch said.” (*News & Observer*, 5/28/20)

- **“The Complaint Includes A February 2019 Unlawful Workplace Harassment Complaint That Makes Allegations Of Two Instances Of Sexual Harassment In April And May 2018 By A Senator -- Who Smith Said In Interviews With The N&O And ProPublica Is Fitch.”** “The complaint includes a February 2019 Unlawful Workplace Harassment Complaint that makes allegations of two instances of sexual harassment in April and May 2018 by a senator -- who Smith said in interviews with the N&O and ProPublica is Fitch. The same harassment complaint includes a sexual harassment allegation in December 2018, which she said in interviews with the N&O and ProPublica involved Woodard. That same complaint alleges bullying and verbal insults, which Smith said was Lowe. That February 2019 complaint was filed after she met with Senate Minority Leader Dan Blue, Senate leader Phil Berger and other staff in January 2019, when they discussed different paths to resolution, according to documents obtained by the N&O. Other proposed remedies included legislation. In a recent interview, Smith said the April 2020 ethics complaint was the result of that process. Smith said the timing of this recent ethics complaint reflects how long it has taken to follow the process.” (*News & Observer*, 5/28/20)
- **“Smith's Complaint Asked That Fitch And Lowe Be Expelled From The Senate.”** “Smith's complaint asked that Fitch and Lowe be expelled from the Senate. It asked for the censure of Woodard as well as Republican Sen. Jerry Tillman of Archdale "for their conduct including sexual harassment, verbal insults and assaults, creating a hostile work environment." In an interview, Smith said she was not accusing Tillman of sexual harassment, but rather bullying.” (*News & Observer*, 5/28/20)

“Smith Accused Sen. Toby Fitch, A Wilson Democrat, And Sen. Mike Woodard, A Durham Democrat, Of Sexually Harassing Comments. She Said Fitch Made Sexual Comments To Her On Multiple Occasions. "Once I Denied His Advances, He Started Turning Up The Volume," She Said During Her Forum.” “In the dismissed complaint, Smith accused Sen. Toby Fitch, a Wilson Democrat, and Sen. Mike Woodard, a Durham Democrat, of sexually harassing comments. She said Fitch made sexual comments to her on multiple occasions. "Once I denied his advances, he started turning up the volume," she said during her

forum. In the complaint released by Blue's office, Smith said Fitch told her to "get off my knees and stop begging Republicans; that he only wanted to see a woman doing one thing on her knees." Fitch has denied the allegations. The complaint document alleges a profane comment from Woodard, who also has denied making the comment." (*News & Observer*, 6/3/20)

Smith Alleged That Fitch Had Made A Comment To Smith Saying "I Only Want To See A Woman Doing One Thing On Her Knees." "Smith's statement focused primarily on her disappointment in how her accusations have been handled by Democratic and Republican legislative leaders and the Legislative Ethics committee. However, in the comments section of her Facebook page, Smith was more graphic and explicit in how she described the sexual harassment she said she faced from "fellow members" of the NCGA. "Get off your knees and stop begging Republicans (in response to you writing a letter of request for discretionary funding for Hurricane Matthew recovery) ... I only want to see a woman doing one thing on her knees ... 'F- - you and F- - Cooper, too' ... and "Whose d--ks are y'all going to suck to get that office." Smith told WRAL that Lowe made the "F- - you" comments during a legislative meeting in May 2019, and that Fitch was the speaker of the woman of her knees comment, and Woodall the office comment. Fitch and Woodall told WRAL they denied making those remarks." (*Winston-Salem Journal*, 6/2/20)

Smith Alleged That Fitch "Suggested She Perform Oral Sex On Him As "Practice" Before Visiting Her Ex-Husband In Jail." "A North Carolina state senator said Wednesday that a Senate colleague suggested she perform oral sex on him as "practice" before visiting her ex-husband in jail. The allegation against state Sen. Toby Fitch, D-Wilson, adds to accusations state Sen. Erica Smith laid out last week. Smith accused Fitch and other senators of abusive behavior, targeting a system at the General Assembly that she said tried to sweep her concerns under the rug. Senate leaders from both sides of the aisle have denied that, saying they took her allegations seriously. Those allegations were largely set aside two weeks ago by the Senate Ethics Committee, which dismissed her complaint. A spokeswoman for Gov. Roy Cooper, in response to WRAL News questions, said Thursday that Smith's claims "deserve a serious and thorough investigation." The state Democratic Party's leadership wouldn't address the veracity of Smith's allegations, but said in a statement that her legislative effort to change the reporting process on General Assembly harassment claims should move forward." ([WRAL](#), 6/3/20)

- **"According To Smith, Fitch Said There's "Nothing Wrong With Getting Your **** Sucked ... Maybe You're Not Doing It Right." Smith Said Fitch Then Told Her, "I'm Here For You To Practice On."** "Smith said during the video call that, in May 2018, Fitch asked why she wasn't visiting her ex-husband, who is incarcerated. She said Fitch told her "you know you still love him" and that she should be like Hillary Clinton. "Hillary stood by her man," Smith quoted Fitch as saying, a reference to Clinton staying with President Bill Clinton after it became clear he had an affair with a White House intern. "I said 'I'm no Hillary and he's no Bill,'" Smith said Wednesday. That's when, according to Smith, Fitch said there's "nothing wrong with getting your **** sucked ... maybe you're not doing it right." Smith said Fitch then told her, "I'm here for you to practice on." After that encounter, Smith said, Fitch "started turning up the volume" on his harassment." ([WRAL](#), 6/3/20)

Smith Stood By Her Allegations In December 2020 And Noted “I Have Been Sexually And Verbally Harassed By Toby Fitch. He Has A Pattern Of This Kind Of Behavior And Not Just Towards Me. Toby Fitch Has No Place In The Democratic Party Or In The NCGA.”

“I have been sexually and verbally harassed by Toby Fitch. He has a pattern of this kind of behavior and not just towards me. Toby Fitch has no place in the Democratic Party or in the NCGA. I was also physically and verbally assaulted by Senator Paul Lowe several times prior to and over the course of the year leading up to the March 3rd Democratic Primary. There is a Raleigh Capitol police report that concludes that I was physically assaulted by Senator Paul Lowe on September 11, 2019. There is a Legislative Services Workplace Harassment complaint with victim statements (plural) against both senate colleagues, predating my USSenate run. Reports were made by multiple women victims to in-house counsel, NCGA Ethics Committee Joint Co-Chairs and NC Senate Majority and Minority Leadership. I have been attacked more for an endorsement I didn’t make (Sonja Nichols) than I have been supported in lieu of the very real harassment and abuse I suffered.” (Erica Smith, [Daily Kos](#), 12/28/20)

Earmarks

In 1985, Fitch Earmarked \$35,000 In Pork Barrel Funds To Assist The Mount Hebron Lodge, A Lodge Where His Father Was A Member. (*Nashville Graphic*, 8/13/85)

Fitch's 'pork barrel' funds assist lodge

By WHITNEY CHRISTIAN
Graphic news editor

Rep. Milton F. "Toby" Fitch, Jr., (D-72nd) earmarked \$35,000 in so-called "pork barrel" funds to assist Mount Hebron Lodge, a Masonic lodge of which his father is a member.

In a telephone interview with The Graphic Monday Rep. Fitch said he did not know the address of the lodge, other than it is located in Wilson, and did not know in detail what the funds would be used for. Asked if any of the money was for renovation of the building, he said he did not know.

The member of the state House of Representatives said that the lodge is active in children's programs, senior citizen programs, and civic organizations in the community.

The purpose of the \$35,000 is to "aid the community," he said. "It was my decision (to seek the funds) based on things they are doing and are about to do." Asked to give some examples of what the lodge was about to do, he said he was not sure.

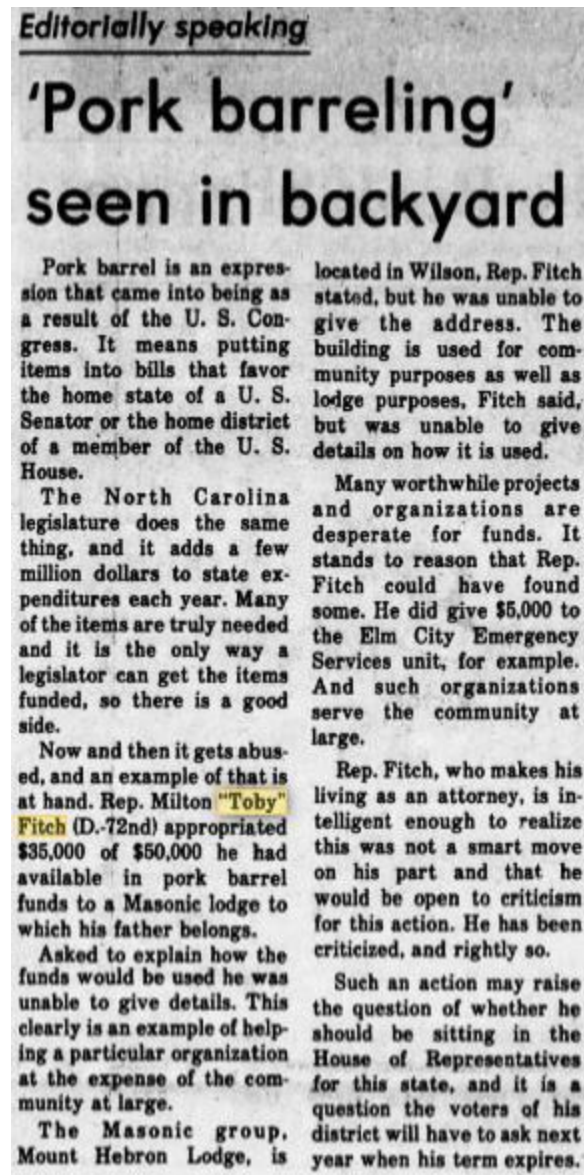
He told The Graphic that the lodge was "over 100 years old." Asked if the building was that old he said it was not.

The Graphic received several inquiries from constituents of Fitch about the appropriation. In general they said using \$35,000 for the lodge of which his father is a member is not a proper use of state funds.



(Nashville Graphic, 8/13/85)

- **The Nashville Graphic Editorial Board Agreed With Criticism Of Fitch's \$35,000 Earmark For The Lodge.** (Nashville Graphic, 8/15/85)



(Nashville Graphic, 8/15/85)

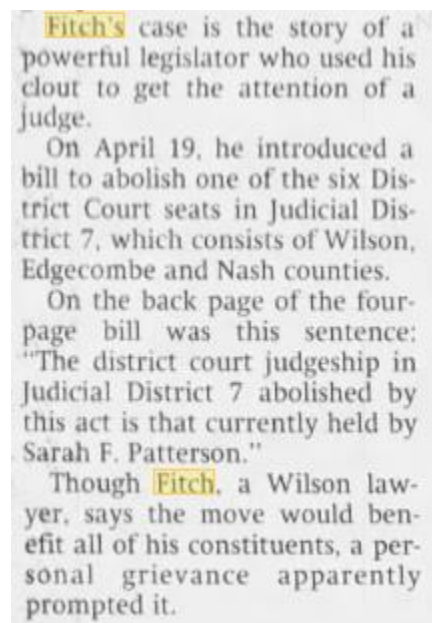
Targeted Legislation

In 1993, Fitch Is Known To Have Introduced Legislation To Eliminate The Job Of A District Court Judge With Whom He Had A Run In. (*The Associated Press*, 5/24/93)



(The Associated Press, 5/24/93)

- “Fitch’s Case Is The Story Of A Powerful Legislator Who Used His Clout To Get The Attention Of A Judge.” (The Herald Sun, 5/24/92)



(The Herald Sun, 5/24/92)

- **Fitch Complained That The Judge Patterson In Judicial District 7 Was Not Granting Postponements And Was Jailing His Clients; Fitch Defended His Actions Saying “I Think She Will Probably Be A Better Judge Because Of It.”** (*The Associated Press*, 5/24/93)

Lawmakers sometimes push bills for own benefit

THE ASSOCIATED PRESS

RALEIGH – Legislators have been known to mingle their personal interests with the public business they're supposed to be conducting in the General Assembly.

Three cases from the current session amplify the point.

In one, House Majority Leader **Toby Fitch** introduced a bill to eliminate the job of a District Court judge with whom he had a run-in.

Sen. George Daniel, a Caswell County lawyer, wants to establish a new judicial district back home. Opponents say the bill would build a legal fiefdom for Daniel and his Yanceyville law firm. Court records indicate that Daniel's bill would result in one of the state's least busy, least efficient judicial districts.

Sen. J.K. Sherron, a Raleigh real-estate broker who chairs the Ways and Means Committee, is pushing a bill that could cut the cost of doing business for himself and a lot of other brokers. His bill would allow real estate companies to shift the cost of workers' compensation insurance onto their employees.

In some states, being a legislator is a year-round, full-time job. But among North Carolina's 170 part-time lawmakers are lawyers who vote on laws that will bring them more clients, educators who vote on pay raises for teachers and farmers who set agricultural policies.

"This is a good reason why we need a state ethics commission," says Patricia Watts, executive director of Common Cause, a citizens' lobbying group. "Legislators and other public employees need to think how what they are doing is going to be perceived by the public. Is it going to be perceived as private gain for themselves?"

Fitch's case is the story of a powerful legislator who used his clout to get the attention of a judge. On April 19, he introduced a bill to abolish one of the six District Court seats in Judicial District 7, which consists of Wilson, Edgecombe and Nash counties.

On the back page of the four-page bill was this sentence: "The district court judgeship in Judicial District 7 abolished by this act is that currently held by Sarah F. Patterson."

Though Fitch, a Wilson lawyer, says the move would benefit all of his constituents, a personal grievance apparently prompted it.

Under state law, lawyer-legislators are entitled to have their cases rescheduled when state business prevents them from appearing in court. But Fitch complained in a letter to Chief District Court Judge George Britt in August that Patterson was not granting postponements and was jailing his clients.

"She insists on putting order of arrests out on my clients and trying my clients' cases without my presence," Fitch wrote. "Her consistency has caused problems between my clients and myself as well as my business."

The judge says her run-in with Fitch dated from Aug. 10, two weeks after the 1992 General Assembly adjourned. Fitch was attending a legislators' conference in Miami. No one from his law firm showed up in court to request a delay in a pending case, Patterson says, so she issued arrest warrants for Fitch's clients. Fitch says he only learned about it when his clients called him from jail.

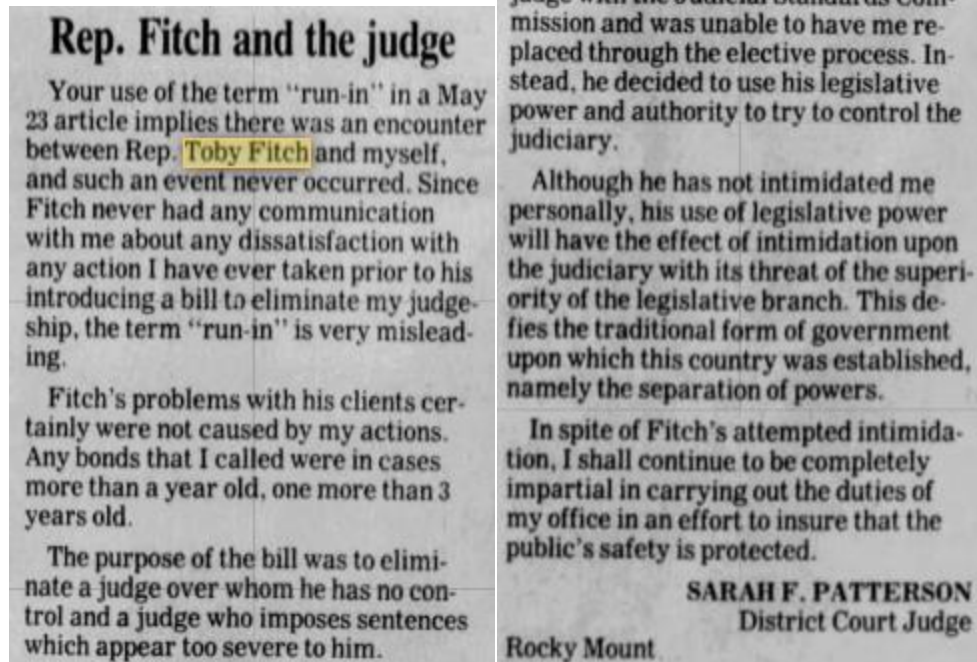
While Patterson says the incident has left her shaken, Fitch is pleased with the outcome. "I think she will probably be a better judge because of it," he said.



Toby Fitch

(*The Associated Press*, 5/24/93)

- **Patterson Claimed Fitch Was Attempting To Intimidate Her In A Bid To Attempt To Control “A Judge Who Imposes Sentences Which Appear Too Severe To Him.”** (Sarah Patterson, LTE, *News And Observer*, 5/28/93)



(Sarah Patterson, LTE, *News And Observer*, 5/28/93)

Transparency

In December 1996, Fitch Was Criticized By The *Nashville Graphic* Editorial Board For Convening A Meeting Of Government Officials To Discuss An Area Merger Issue Without Informing The Press. (*Nashville Graphic*, 12/24/86)

Should've known better

Conscientious efforts by area officials ran afoul Friday when the organizer of a meeting at OIC in Rocky Mount failed to contact members of the press about the meeting. Some might say this is a mere technicality, the oversight of which is not important.

A public interested in having its rights protected by a free press should not agree. The "Open Meetings Law" was passed by the North Carolina General Assembly several years ago despite opposition from "Tammany Hall-style" bosses in the Legislature, Speaker Liston Ramsey included.

That Rep. Milton "Toby" Fitch would call together select government officials, known to be not unopposed to a form of area-wide merger, without knowledge of the press is reminiscent of the Tammany Hall days wherein New York political bosses at the turn of the century made important social and economic decisions in the comfort and seclusion of smoke-filled caucus rooms.

And Fitch claims he was unaware of the need to alert the press! This is ironic because Fitch not only hangs a sign outside his office that says, "Attorney at law," but also he is a popularly elected member of the N.C. House of Representatives, before which discussion of the Open Meetings Law was heard earlier this year.

However, not all the blame should go to Fitch. Every other official who was present at the meeting should have known better.

The meeting, moreover, is important for other reasons: other "secret meetings" about the school issue have taken place, and it goes on at a time when integrity in government and need to uphold the law are being questioned at the federal level.

The school issue and how it is resolved is a delicate matter of great public interest. This is no time for lawful procedures which require openness to be overlooked.

(Nashville Graphic, 12/24/86)

Ethics Reform

In May 2021, The "The North Carolina Senate Approved A Bill Thursday To Increase Government Transparency And The Penalty For Corruption. Senate Bill 473 Creates A New Felony Offense For Public Officials Who Personally Benefit Financially From Their Position. It Requires Local Governments To Garnish A Public Official's Wages If The Official Owes Money For Unpaid County And City Services." "The North Carolina Senate approved a bill Thursday to increase government transparency and the penalty for corruption. Senate Bill 473 creates a new felony offense for public officials who personally benefit financially from their position. It requires local governments to garnish a public official's wages if the official owes money for unpaid county and city services. The measure also strengthens conflict-of-interest laws, and it allows the Local Government Commission (LGC) to select an independent auditor in certain circumstances. "I can confidently say that most of our local leaders are honest, hard-working public servants," said Sen. Lisa Barnes, R-Johnston, who introduced the bill. "It's very alarming, however, when local elected officials receive special treatment because of their likely position, or they fail to follow proper procedures and established policies, and this often results in waste of taxpayer resources and also [erodes] the public's trust." A May 2020 report by the state auditor revealed Rocky Mount city officials blocked the city from collecting more than \$47,700 in utility bills owed by a city council member. The city manager violated the city's travel policy, resulting in more than \$1,500 in

unapproved travel expenses. The audit also found mismanagement and overspending in the city's programs, costing taxpayers more than \$60,000. The bill requires the state auditor to notify the LGC when an audit report results from an investigation involving local governments. It allows the LGC to be involved in that local government's audit process for up to three years after the release of an investigative report. SB 473 would create a Class H felony for an elected official "that solicits or receives personal financial gain from the political subdivision for which he or she serves by means of intimidation, undue influence, or misuse of the employees of that subdivision." An elected official convicted under the measure could face four to 25 months in prison. The bill also clarifies that public officials, employees or their spouses with leadership roles in nonprofit organizations cannot be involved in the approval process of a contract for the organization and must recuse themselves from the vote." (*The Examiner*, 5/7/21)

- **“Sen. Milton Fitch Jr., D-Wilson, Spoke In Opposition Of The Bill.”** “Sen. Milton Fitch Jr., D-Wilson, spoke in opposition of the bill. He took issue with the legislation resulting from the Rocky Mount audit. Fitch reminded the Senate the audit did not result in criminal charges. He believes Barnes, whose district, like his, includes Rocky Mount, filed the legislation because she was dissatisfied with the audit's outcome, he said. "All of us expect our elected officials to be good stewards of taxpayer dollars. I'm not gonna bore you with what alleged to have occurred," Fitch said. "But it just seems like what is happening in this particular bill is somebody did not like the results of the audit report by the state auditor." The Senate approved SB 473, 42-6, on Thursday. It now heads to the House for consideration.” (*The Examiner*, 5/7/21)

Fitch Voted No On SB 473, To ‘Enhance Local Gov’t Transparency.’ ([SB 473](#), Bill Passed - Senate (42 – 6), North Carolina State Senate, 5/6/21, Fitch Voted No)

ACU: “This Bill Strengthens Government Integrity Through Multiple Provisions Designed To Ensure That Public Officials Do Not Abuse Their Positions.” “This bill strengthens government integrity through multiple provisions designed to ensure that public officials do not abuse their positions. Most notably, the bill prevents public officials from participating in contracts benefiting nonprofits with which they are associated as well enhances the auditing of local governments. ACU supports efforts to strengthen government integrity and protect taxpayer funds from abuse and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Most Notably, The Bill Prevents Public Officials From Participating In Contracts Benefiting Nonprofits With Which They Are Associated As Well Enhances The Auditing Of Local Governments.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Strengthen Government Integrity And Protect Taxpayer Funds From Abuse And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Public Employee Performance Record

Fitch Voted No On HB 64, The Government Transparency Act Of 2021. ([HB 64](#), Bill Passed - Senate (28 - 19), North Carolina State Senate, 6/14/21, Fitch Voted No)

- NOTE: “An act to strengthen confidence in government by increasing accessibility to certain public personnel performance and dismissal records.” ([HB 64](#))

ACU: “The Senate Version Of This Bill Strengthens Government Transparency By Making Public Employee Performance And Disciplinary Records Public.” “The Senate version of this bill strengthens government transparency by making public employee performance and disciplinary records public. Under the bill, certain information such as the history of promotion, demotion, transfer, suspension, separation, or dismissal are made public. Additionally, the bill publishes the disciplinary reasons taken by public agencies for each dismissal. ACU supports strengthening government transparency and accountability, including unelected bureaucrats and union bosses and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

- **“Under The Bill, Certain Information Such As The History Of Promotion, Demotion, Transfer, Suspension, Separation, Or Dismissal Are Made Public.”** ([American Conservative Union Legislative Ratings](#), 2021)
- **“Additionally, The Bill Publishes The Disciplinary Reasons Taken By Public Agencies For Each Dismissal.”** ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Strengthening Government Transparency And Accountability, Including Unelected Bureaucrats And Union Bosses And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Governance

Missed Votes

A 1995 Charlotte Observer Analysis Found That Fitch Had Missed Over 30 Percent Of Votes In The Most Recent General Assembly Session. “Depending on where you live, you may not be getting all the decibels you deserve out of your elected voice in the state capital. Some House and Senate members were talking or eating or working elsewhere when asked to carry out their basic duty to constituents - voting on bills. Not counting lawmakers pulled away for illnesses or family emergencies, a half-dozen elected leaders missed as many as one in four floor votes in the session that ended Saturday. The General Assembly as a class brought home an average grade of A-minus on voting consistency, according to the state's computerized legislative vote-reporting system. The average senator voted in 92 percent of the 1,208 votes; the average representative's score was 91 percent of 1,584 votes. "It's what they're there to do - vote," said Betty Seizinger, president of the Charlotte-Mecklenburg League of Women Voters. "They're the only ones there to represent us. If they don't do it, who will?" In the House, the "D" and "C" students included: Rep. Larry Shaw, D-Cumberland, who missed 496 out of 1,584 votes - a score of 68.7 percent; Rep. Toby Fitch, D-Wilson, with a tally of 69.9 percent; Rep. William Wainright, D-Craven, with 70.2 percent; and Rep. Dan Blue, the Durham Democrat who was speaker of the House in 1994, with 72.3 percent. None could be located for comment on Wednesday; many were out of town.” (*Charlotte Observer*, 8/3/95)

A 1997 *Charlotte Observer* Analysis Found Fitch Had Among The “Worst” Voting Records In The House – Missing Over 20 Percent Of Votes In The Most Recent General Assembly Session.

“The worst House: John Gamble, D-Lincoln 66.5 percent Pete Cunningham, D-Mecklenburg 75.0 percent Dan Blue, D-Wake 77.2 percent Martin Nesbitt, D-Buncombe 78.0 percent Jerry Braswell, D-Wayne 78.8 percent Toby Fitch, D-Wilson 79.7 percent Thomas Hardaway, D-Halifax 79.8 percent.” (*Charlotte Observer*, 9/21/97)

A 2002 Analysis Found “Toby Fitch, A Former Democratic House Member And New Superior Court Judge, Had The Lowest House Voting Percentage, At 73.2 Percent, Among Rank-And-File House Members” In 2001.

“State Sen. Jeanne Lucas, a Durham Democrat, was unique among her Senate colleagues last year. She voted on every bill and amendment that came before her chamber. The lowest voting score percentage in the state Senate went to state Sen. Larry Shaw, a Fayetteville Democrat, who cast votes 89.2 percent of the time, according to statistics published on the General Assembly's Web site. In the state House, the voting champ was state Rep. Mitch Gillespie, a Republican from McDowell County, who was the only House member at 100 percent. Toby Fitch, a former Democratic House member and new Superior Court judge, had the lowest House voting percentage, at 73.2 percent, among rank-and-file House members.” (*News And Observer*, 1/3/02)

HOUSE MEMBER VOTE STATISTICS

2001-2002 Session

<div> Print CSV PDF Showing 1 to 122 of 122 members Search: </div>									
District ↑↓	Name ↑↓	Total Votes ↑↓	Eligible Votes ↑↓	Actual Votes ↑↓	Vote % ↑↓	With Majority ↑↓	With Majority % ↑↓	Against Majority ↑↓	Against Majority % ↑↓
36	SPEAKER (D)	1927	1894	184	9.71%	175	95.11%	9	4.89%
70	Fitch (D)	1927	1369	1002	73.19%	862	86.03%	140	13.97%
5	Hunter (D)	1927	1454	1124	77.30%	1036	92.17%	88	7.83%
62	Miner (R)	1927	1627	1370	84.20%	1257	91.75%	113	8.25%
47	Church (D)	1927	1838	1589	86.45%	1523	95.85%	66	4.15%

([North Carolina General Assembly](#), Accessed 6/20/22)

For The 2017 – 2018 Session, Fitch Ranked 10th In The Senate For The Number Of Eligible Votes He Missed. ([North Carolina General Assembly](#), Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS

2017-2018 Session

Print	CSV	PDF	Showing 1 to 53 of 53 members				Search: <input type="text"/>		
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
35	Tucker (R)	823	782	752	96.16%	737	98.01%	15	1.99%
15	Alexander (R)	823	710	695	97.89%	688	98.99%	7	1.01%
36	Newton (R)	823	818	802	98.04%	799	99.63%	3	0.37%
20	McKissick (D)	823	779	768	98.59%	607	79.04%	161	20.96%
13	Britt (R)	823	752	742	98.67%	735	99.06%	7	0.94%
39	Bishop (R)	823	771	761	98.70%	747	98.16%	14	1.84%
38	Ford (D)	823	314	310	98.73%	239	77.10%	71	22.90%
14	Blue (D)	823	703	695	98.86%	525	75.54%	170	24.46%
24	Gunn (R)	823	800	791	98.88%	790	99.87%	1	0.13%
4	Fitch (D)	823	230	228	99.13%	156	68.42%	72	31.58%

(North Carolina General Assembly, Accessed 6/20/22)

For The 2019 – 2020 Session, Fitch Ranked 6th In The Senate For The Number Of Eligible Votes He Missed. (North Carolina General Assembly, Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS

2019-2020 Session

Print	CSV	PDF	Showing 1 to 56 of 56 members				Search: <input type="text"/>		
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
7	Pate (R)	905	0	0	0%	0	0%	0	0%
20	McKissick (D)	905	645	631	97.83%	544	86.21%	87	13.79%
3	Smith (D)	905	766	752	98.17%	618	82.18%	134	17.82%
14	Blue (D)	905	801	790	98.63%	658	83.29%	132	16.71%
39	Bishop (R)	905	299	295	98.66%	292	98.98%	3	1.02%
32	Lowe (D)	905	829	818	98.67%	712	87.04%	106	12.96%
4	Fitch (D)	905	848	838	98.82%	696	83.05%	142	16.95%

(North Carolina General Assembly, Accessed 6/20/22)

For The 2021 – 2022 Session So Far, Fitch Ranked 2nd In The Senate For The Number Of Eligible Votes He Has Missed. ([North Carolina General Assembly](#), Accessed 6/20/22)

SENATE MEMBER VOTE STATISTICS

2021-2022 Session

Print CSV PDF		Showing 1 to 51 of 51 members		Search:					
District	Name	Total Votes	Eligible Votes	Actual Votes	Vote %	With Majority	With Majority %	Against Majority	Against Majority %
17	Searcy (D)	609	0	0	0%	0	0%	0	0%
3	Bazemore (D)	609	307	296	96.42%	239	80.74%	57	19.26%
4	Fitch (D)	609	589	583	98.98%	471	80.79%	112	19.21%
50	Corbin (R)	609	555	550	99.10%	549	99.82%	1	0.18%
32	Lowe (D)	609	509	506	99.41%	419	82.81%	87	17.19%

([North Carolina General Assembly](#), Accessed 6/20/22)

Coup Attempts

In 1999, Fitch Engineered An Unsuccessful Coup Attempt Against Leading House Democrat Jim Black By Working With Republicans To Nominate Rep. Dan Blue For Speaker; Fitch Claimed Democratic Leaders Failed To Show Appreciation For Black Voters. “Since November, Democrats have relished being back in control of the North Carolina House. But before they could exercise any power Wednesday, that had to quash an opening day revolt from within the family. It nearly cost Rep. Jim Black, the Charlotte Democrat who was considered a shoo-in for House speaker, the job he has coveted for years. Legislators, lobbyists and observers were stunned when a secret alliance between Republicans and a handful of black Democrats almost succeeded. The plan began to reveal itself when Rep. Harold Brubaker, the Asheboro Republican who was speaker last session, nominated Rep. Dan Blue for speaker. After the roll was called, Blue, a Raleigh Democrat, had 59 votes. Black, unanimously chosen by Democrats as their speaker candidate in November, squeaked by with 60. Black said he had heard a rumor that he would be challenged for the leadership, but walked into the House chamber shortly before noon thinking he had Blue's support. "I was surprised that it went the way it did ..." Black said. "It was my belief when I went into the chamber that Dan was going to vote for me." So it seemed after the November election, when an effort to make Blue the Democrats' nominee failed. Black Democrats and members of the caucus then put on a public show of unity. But Rep. Toby Fitch, a black Democrat from Wilson who engineered Wednesday's attempted coup, remained angry over what he characterized as Democratic leaders' failure to show enough appreciation for the role black voters played in returning Democrats to power. "That's the genesis of all of this," Fitch said. "I don't control how my colleagues who look like me think ... but as for me, that's the genesis. Black citizens are not pawns to be handed out." House Minority Leader Leo Daughtry became Fitch's ally, he said, to show that the GOP is willing to reach out to black voters.” (*News And Observer*, 1/28/99)

- **Fitch Vowed To Potentially Work With Republicans After Feeling That Democratic Leaders Had Taken Black Voters For Granted.** “Rep. Toby Fitch, D-Wilson, who orchestrated the alliance with Republicans, said he believes healing can only come if African Americans discuss the vote and issues surrounding it. “I think until people know it completely, they can't heal it,” Fitch said. “Black folks ought to talk about it for a while. They ought to be able to put this on the table.” For Fitch, aligning with white Republicans was the means toward installing a black legislator in one of the most powerful positions in the state. His move, he said, was an attempt to grab some of the power he felt black Democrats had been denied after the 1998 election. Fitch and others say they believe the Democratic Party had taken for granted the black votes that helped sweep party candidates into office in the last election. Fitch was following a new motto the NAACP and other organizations have given voice: “No permanent friends. No permanent enemies. Only permanent issues.”” (*Charlotte Observer*, 2/20/99)

In 2001, “In The Final Days Before The Session, Rep. Toby Fitch, D-Wilson, Solicited Republican Support In An Effort” To Become House Speaker. “In the final days before the session, Rep. Toby Fitch, D-Wilson, solicited Republican support in an effort to take the post. He was not nominated Wednesday. Fitch was believed to be interested in heading the House so that he could carve out a congressional district in this year's redistricting that would help him get elected to Congress. Rep. George Holmes, R-Yadkin, nominated Minority Leader Leo Daughtry, R-Johnston, who then declined in a choreographed move that signaled Republicans would make no concerted effort to challenge Black.” (*The Associated Press*, 1/24/01)

Executive Authority

In April 2022, Fitch Defended Cooper’s Handling Of The COVID Pandemic And His Executive Authority. “The candidates were asked whether they thought Gov. Roy Cooper had too much, too little or just enough power as he led the state's response to the COVID-19 pandemic. Democko said he thought Cooper had too much power in his response to the pandemic. “I was on the Wayne County school board during the pandemic,” Democko said. “Our students are now at least a year and a half behind because Gov. Cooper decided to close the state's public schools. The students suffered. “At the same time, the private schools had an advantage over the public schools because they did not have to close.” Newton said Cooper's decisions hurt businesses and employees. “A two-year state of emergency is absolutely outrageous,” Newton said. “Cooper slapped people onto unemployment. We still don't even know just how many businesses statewide had to close their doors as a result of Cooper's measures. “He had absolutely too much power.” Fitch and Smith supported Cooper's decisions. “We have not had a pandemic as we saw this time,” Fitch said. “I am one who believes that you follow the science. We followed the science and history will tell if that was right or wrong. “I see a lot of things that could have been done differently but weren't. Because we followed the science, I feel safe today for myself and for my neighbors.” Smith said Cooper had the authority to make certain decisions during the pandemic.” (*News Argus*, 4/8/22)

Election Law

Absentee Voting Reforms

Fitch Voted No On S 325, ‘Election Day Integrity Act.’ ([S 325](#), Bill Passed - Senate (28 - 21), North Carolina State Senate, 6/16/21, Fitch Voted No)

- NOTE: “An act to amend the date by which mail-in absentee ballots must be received by the county board of elections in order to be counted, to require publishing of the date absentee ballots are available and the deadline for requesting an absentee ballot, and to provide for the reporting of ballots by the county boards of elections.” ([S 325](#))

ACU: “This Bill Strengthens Election Integrity By Establishing A Deadline That All Absentee Ballots Must Be Received By 7:30pm On The Night Of Election Day.” “This bill strengthens election integrity by establishing a deadline that all absentee ballots must be received by 7:30pm on the night of election day. Under previous law, ballots could be received up to three days after the election and still be counted, providing an avenue for vote fraud. ACU supports efforts to strengthen election integrity and ensure that all legal ballots are counted, and that no illegal ballot is counted, which disenfranchises eligible voters, and supported this bill.” ([American Conservative Union Legislative Ratings](#), 2021)

The American Conservative Union “Supports Efforts To Strengthen Election Integrity And Ensure That All Legal Ballots Are Counted, And That No Illegal Ballot Is Counted, Which Disenfranchises Eligible Voters, And Supported This Bill.” ([American Conservative Union Legislative Ratings](#), 2021)

Controversial Associations

Louis Farrakhan

In 1995, Nation Of Islam Leader Louis Farrakhan Held His Million Man March In Washington DC. “Nation of Islam leader Louis Farrakhan marched past the Rev. Jesse Jackson to the throne of black political leadership, prominent blacks said yesterday, but they questioned whether he can retain this pre-eminence. Mr. Farrakhan not only organized and peacefully brought off the Million Man March, the largest gathering of black men in U.S. history, but his 2 1/2-hour speech riveted the attention of much of the nation and brought religion to Washington's Mall in a way not seen in recent years. There was agreement not only that Mr. Farrakhan had eclipsed Mr. Jackson, at least for now, but also, and perhaps more surprising, that Mr. Jackson was never the leader he is portrayed to be in the mainstream media. "It's clear Farrakhan elevated himself," said Glen C. Loury, a conservative black economist at Boston University. "You had only to look at 'Larry King Live' [Monday] night: Farrakhan appeared alone with King, while Jackson was on a panel with what might be called 'other, lesser black leaders.' " Those appearing with Mr. Jackson on the CNN program included Rep. Gary A. Franks, Connecticut Republican, and Myrlie Evers Jackson, chairman of the NAACP and widow of the slain civil rights leader Medgar Evers.” (*Washington Times*, 10/18/95)

- **Fitch Attended The Million Man March.** “Rep. Toby Fitch, a black state legislator from North Carolina who attended Monday's march, was loath to see the event as

enhancing one leader's importance over the other. "I don't necessarily see it as a competition between Minister Farrakhan and Jesse Jackson, but as their moving an agenda together," said Mr. Fitch, a Democrat." (*Washington Times*, 10/18/95)

Notable Affiliations And Commentary

Biden

In January 2021, Fitch Posted On Facebook Expressing His Support For Biden's Presidency. (Fitch Profile, [Facebook](#), 1/20/21)



(Fitch Profile, [Facebook](#), 1/20/21)

In October 2020, Fitch Posted On Facebook Calling For People To Vote For Joe Biden And Kamala Harris. (Fitch Profile, [Facebook](#), 10/13/20)



(Fitch Profile, [Facebook](#), 10/13/20)

Ketanji Brown Jackson

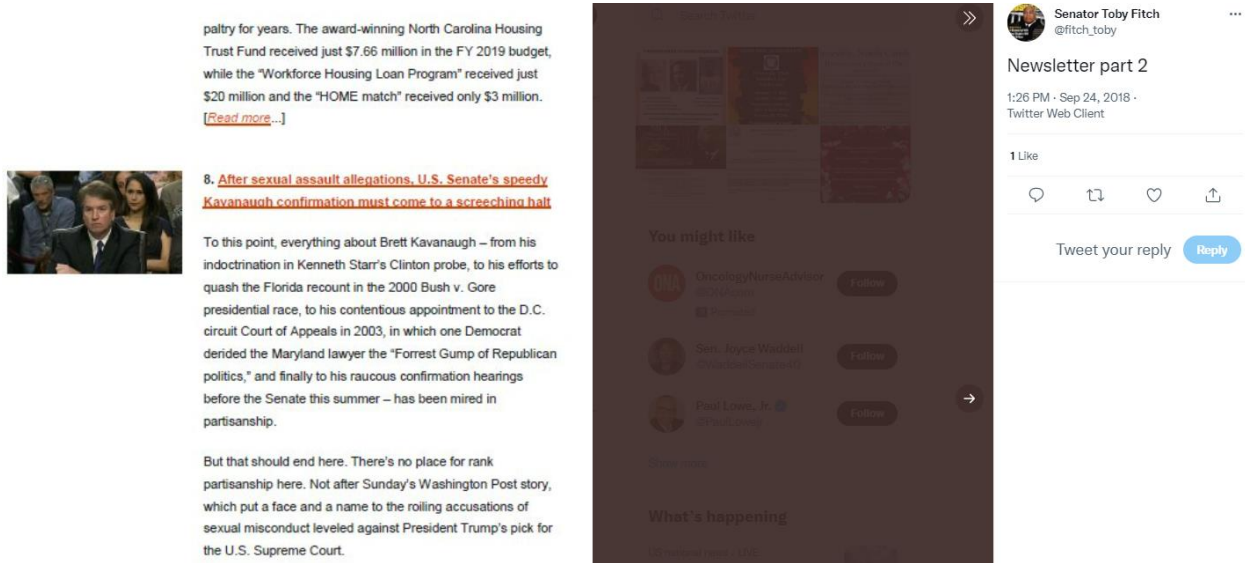
In April 2022, Fitch Posted On Facebook Expressing His Support For Ketanji Brown Jackson's Confirmation To The Supreme Court. (Fitch Profile, [Facebook](#), 4/8/22)



(Fitch Profile, [Facebook](#), 4/8/22)

Kavanaugh Confirmation

In September 2018, Fitch Shared A Tweet Containing His Newsletter That Called For Kavanaugh’s Confirmation To ‘Come To A Screeching Halt’ Due To The “Sexual Assault Allegations”. (Fitch Profile, [Twitter](#), 9/24/18)



(Fitch Profile, [Twitter](#), 9/24/18)

Trump

In July 2019, Fitch ‘Liked’ A Tweet Stating “85% OF Trump’s Base Doesn’t Even Know What Socialism Means.” (Fitch Profile, [Twitter](#), 7/31/19)



(Fitch Profile, [Twitter](#), 7/31/19)

In January 2019, Fitch Posted On Facebook Expressing His Opposition To Trump And His “Accomplices”. (Fitch Profile, [Facebook](#), 1/22/19)



(Fitch Profile, [Facebook](#), 1/22/19)

PERSONAL

Legal Career Notes

In Private Practice, Fitch Was The Go-To Criminal Defense Lawyer For His Firm. ‘Fitch said he became the go-to criminal guy. "I was the one who was charged with drumming the business," Fitch said. "So I went into criminal court with no clients. But a vast number of individuals knew me. And so I walked in and I would see Johnny that I went to school with, and played ball with, and I'd ask him what are you doing here? And he would say I've got a case here. I'd say, do you have a lawyer? He would say no. And I would say, what do you want? He might say I want to get out of here and get it continued. I would say I'll do it for you." And so having done that, Fitch said he'd ask the district attorney for the same thing he may have given Robert Farris as a plea bargain for his client. And the district attorney would tell Fitch no. "So, now I have all of these people who I represent," Fitch said. "When he wouldn't give it to me, I would say you will have to reckon with me one day. And so I would wind up with 25, then 30, 35, then 40 cases on the calendar.”’ (Wilson Daily Times, 9/15/14)

Fitch Served As A Superior Court Judge For 16 Years From 2001 To 2018. “After nearly two decades, Superior Court Judge Milton F. "Toby" Fitch Jr. hopes to switch seats from behind the bench to the state Senate. Fitch retired from his long-held post Friday and filed to run for the N.C. Senate District 4 seat, which covers Wilson, Edgecombe and Halifax counties. He will face O.D. Sykes in the 2018 Democratic primary. Sykes, a Weldon resident, filed to run for the seat on Tuesday. Fitch, who has served as Superior Court judge for 16 years, will turn 72 -- the mandatory retirement age for judges -- in October. "I'm not ready to be put on a shelf and dusted off, so I'm going to offer myself to continue my service to the people ... in the capacity of state

senator," Fitch told The Wilson Times. "And I would hope with my experience and my ability to be able to cross the aisle, that I would be able to make some things happen in eastern North Carolina as well as across the state.'" (*Wilson Daily Times*, 2/17/18)

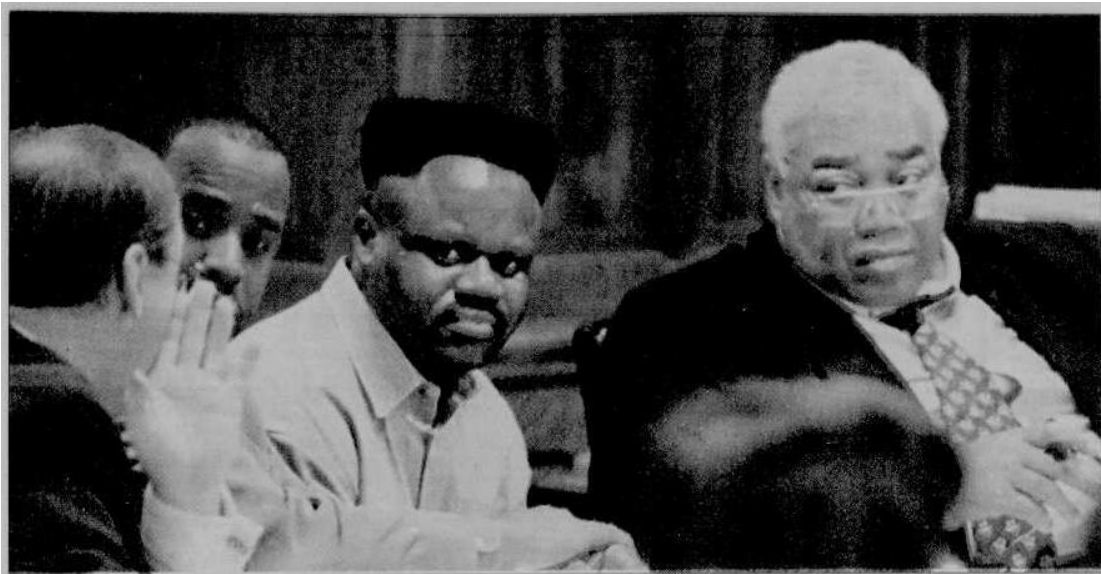
Defense – Abner Nicholson

In 1999, As A Defense Attorney, Fitch Represented Abner Nicholson, Who Was “Convicted Of Two Counts Of First-Degree Murder Wednesday For The Killings Of His Estranged Wife And A Wilson County Police Chief, Who Tried To Protect Her After Responding To A Domestic Violence Call.” ‘A Wilson man was convicted of two counts of first-degree murder Wednesday for the killings of his estranged wife and a Wilson County police chief, who tried to protect her after responding to a domestic violence call. A jury of seven women and five men, bused in from Craven County for the trial, deliberated only briefly before finding Abner Nicholson guilty of murder in the deaths of Sharpsburg Police Chief Wayne Hathaway and Gloria Nicholson. Nicholson was acquitted of a charge of trying to kill his father-in-law, Marvin Badger. Nicholson faces life in prison or the death penalty. During closing arguments Wednesday, prosecutor Howard Boney told jurors their decision would send a message to law officers around the state. Defense attorney Toby Fitch urged jurors to put themselves in the place of Nicholson, who has claimed he was ambushed by his wife and father-in-law. Nicholson, who testified in his own defense Monday, claimed Badger shot Hathaway and Mrs. Nicholson on July 19, 1997, at the Nicholsons' trailer.’ (*The Associated Press*, 11/10/99)

- **Nicholson Shot Sharpsburg Police Chief Wayne Hathaway In The Head As He Answered A Domestic Disturbance Call And Also Gunned Down His Wife.** “Sharpsburg Police Chief Wayne Hathaway died early Friday morning at Duke Medical Center, about 18 hours after being shot in the head as he answered a domestic disturbance call. Gloria Nicholson, 25, also was shot and killed. Her husband, Abner Nicholson, 32, was arrested late Thursday night after an intense manhunt. He faces two counts of first-degree murder. Hathaway, who had been with the Sharpsburg police for about 25 years, was shot while responding to a domestic dispute at the Nicholsons' trailer in Weaver's mobile home park. Sharpsburg is a largely rural town of about 2,000 people where the Nash, Edgecombe and Wilson county lines meet. The police department had six officers, including the chief. Hathaway was airlifted from Nash General Hospital to Duke Medical Center shortly after 5 p.m. Thursday. More than 20 friends and family members gathered at the hospital and stood vigil. Hathaway was pronounced dead shortly after 6 a.m. Friday.”
- **“Nicholson Turned Suddenly And Shot Hathaway Once In The Head At Point-Blank Range, Then Shot His Wife At Least Once, Killing Her. He Also Fired Shots At Gloria's Stepfather, Michael Badger Of Kenly, And Her 14-Year-Old Stepbrother.”** “At a press conference Friday, authorities said Hathaway had gone to the couple's mobile home because Gloria Nicholson had reported a domestic disturbance. After entering the home and talking with the couple, police say, Nicholson turned suddenly and shot Hathaway once in the head at point-blank range, then shot his wife at least once, killing her. He also fired shots at Gloria's stepfather, Michael Badger of Kenly, and her 14-year-old stepbrother. Neither was injured. Investigators say Nicholson used a small, .22-caliber pistol in the shootings. They found the suspected weapon just

before noon Friday near Nicholson's hiding spot. The gun, similar to the one pictured at left, is easy to hide in a pocket or hand. Authorities say the suspect had pawned the gun, along with some camera equipment and some other items, about two weeks ago. The day before the shooting, he returned to the Sharpsburg pawn shop to retrieve the gun.”
(WRAL, 7/18/97)

NOTE: Fitch Was Pictured Next To Nicholson During His Trial As His Defense Attorney.
(Wilson Times, 11/2/99)



A Spring Hope defense attorney, Terry Alford, left, speaks Monday in the courtroom to fellow attorneys and to his client. Facing the camera are, from left, attorney Brian Paxton, defendant Abner Nicholson and attorney Milton “Toby” Fitch Jr.
(Photo by Grant Roberson)

Teen recalls the day of two shootings

By Connie Rhem
Daily Times Staff Writer

Crying, breathing heavily, yelling and talking so fast at times his words jumbled atop each other, Jarrin Brown called police for help after a double shooting at his home, a shooting one of Abner Nicholson's defense attorneys called self defense.

Nicholson, 34, is charged with shooting to death his wife, 25-year-old Gloria Nicholson, and Sharpsburg Police Chief Wayne Hathaway,

“He shot a policeman and my sister. Please send somebody.”

— Jarrin Brown
brother of victim Gloria Nicholson;
his voice is captured
on the dispatcher's tape.

went back to her Sharpsburg home July 17, she called Nicholson to come get his clothes and leave the house.

She called town hall and the police department to find out if an officer could come, but walk over rather than coming in a marked car. Assistant town clerk Jeannie Perry told her that was against town policy.

Mrs. Perry testified that she called Hathaway, the only officer on duty that day, to come to the office and explain to Mrs. Nicholson why

(Wilson Times, 11/2/99)

- **During The Trial, Fitch And Nicholson’s Other Defense Attorney Tried To Argue That Nicholson Was Lured And Trapped In The Situation.** (Wilson Times, 11/2/99)

During cross examination of prosecuting witnesses, defense attorneys Milton "Toby" Fitch Jr. and Alford tried to show that Nicholson was called to the trailer under the guise of getting his clothes and leaving. Once he got there, however, several events led him to fear for his life. Defense attorneys said that's why he fired a 25-caliber automatic handgun and killed his wife and the police chief.

The shootings were the result of "the horrible, tragic trap that was set that day," Alford said in his opening statement to jurors, adding that Nicholson and Hathaway were the victims of a situation "not of their making."

Nicholson went to the home to get his clothes and leave. Alford said that Nicholson didn't fire until looking around him and sensing something was wrong.

(Wilson Times, 11/2/99)

- **"Defense Attorney Toby Fitch Urged Jurors To Put Themselves In The Place Of Nicholson, Who Has Claimed He Was Ambushed By His Wife And Father-In-Law."** "During closing arguments Wednesday, prosecutor Howard Boney told jurors their decision would send a message to law officers around the state. Defense attorney Toby Fitch urged jurors to put themselves in the place of Nicholson, who has claimed he was ambushed by his wife and father-in-law. Prosecutors contend Nicholson killed his wife and Hathaway as the police chief responded to a domestic disturbance call from Mrs. Nicholson. Hathaway was helping Mrs. Nicholson move out of the trailer home after an argument with her estranged husband, police said." (The Associated Press, 11/10/99)
- **"Nicholson, Who Testified In His Own Defense Monday, Claimed His Father-In-Law, Marvin Badger, Must Have Shot Hathaway And Mrs. Nicholson On July 19, 1997, At The Nicholsons' Home. Nicholson Also Is Accused Of Trying To Kill Badger."** "Nicholson, who testified in his own defense Monday, claimed his father-in-law, Marvin Badger, must have shot Hathaway and Mrs. Nicholson on July 19, 1997, at the Nicholsons' home. Nicholson also is accused of trying to kill Badger. Nicholson said Badger and Mrs. Nicholson lured him to the home, and then Badger started shooting. Nicholson said he feared for his life and ran away only because he feared police would blame him. Prosecutors reject Nicholson's claims about Badger, who has attended the trial and was surprised by Nicholson's accusation." (The Associated Press, 11/10/99)

In November 1999, A Jury Sentenced Nicholson To Death. "Jurors have sentenced Abner Nicholson to death for killing his wife, Gloria, and Sharpsburg Police Chief Wayne Hathaway in July 1997. The judge gave the case to the jury late Wednesday afternoon, and the panel returned just after 12 p.m. Thursday with its sentence. The jury said there were mitigating factors in this case, but they felt the aggravating circumstances outweighed those factors. After five hours of deliberations, the jury chose two death sentences. "The hardest part about it is I lost my child. This is a day that shouldn't have been, but we're here," said Ella Badger, Gloria's mother. Nicholson showed little emotion as each juror confirmed the choice. His attorney says he is not

sure if the convicted killer understands his fate. "He is a 34-year-old chronological man who is able to adapt to some things, but he has the mind of a 12 or 13 year old," said attorney Toby Fitch." ([WRAL](#), 11/16/99)

- **“Fitch Had Argued That Jurors Should Spare Nicholson's Life Because His Low Intelligence Level Meant The Jury Would Essentially Be Putting A Child On Death Row.”** “His lawyer said he is not sure if the convicted killer understands his fate. "He is a 34-year-old chronological man who is able to adapt to some things, but he has the mind of a 12- or 13-year old," said attorney Toby Fitch, who is also a state legislator. Hathaway's friend and current police chief, William Purnell, said the death penalty is warranted. "I think it would send a message out to anyone that the judicial system and the residents of North Carolina are not going to tolerate this," Purnell said. Fitch had argued that jurors should spare Nicholson's life because his low intelligence level meant the jury would essentially be putting a child on death row.” (*The Associated Press*, 11/19/99)

In 2010, Nicholson’s Death Sentence Was Overturned On The Grounds Of His Mental Retardation; He Was Sentenced Instead To Two Life Sentences Without The Possibility Of Parole. “It's a story 13 years in the making. A man convicted of a double murder and sentenced to death is no longer facing the needle. The murders of Gloria Nicholson and Sharpsburg Police Chief Willard Hathaway left a mark on the small town of Sharpsburg. Everyday residents in Sharpsburg drive across Hathaway Boulevard. It was named for their former police chief murdered 13 years ago by Abner Nicholson. It was a hot July day in 1997 when Nicholson shot and killed his wife, Gloria, and Chief Hathaway who was responding to the domestic call. Then began an intense man hunt. Helicopters searched from the sky, while dogs sniffed him out on the ground. Nicholson was found in a cornfield near the murder scene hours later. He went on trial for the murders in 1999 and was found guilty. Defense lawyers urged for a life sentence saying Nicholson had the mental capacity of a child. Prosecutors portrayed him as a cold-blooded killer who ran away from authorities during the 11 hour man hunt. He was sentenced to death, but now that's changed. Courts overturned his death sentence in September on the grounds that he is mentally retarded. On Thursday he was sentenced to serve two consecutive sentences of life in prison without the possibility of parole.” ([ABC 12](#), 11/5/10)

Sentencing

In 2008, Fitch Sentenced Anthony Geer Who Pled Guilty To Involuntary Manslaughter “To 13-16 Months In Prison But Suspended The Sentence On Condition That He Serve Nine Months Of Intensive, Supervised Probation And That He Complete 48 Hours Of Community Service. He Also Fined Geer \$750 And Ordered Him To Pay Court Costs.” “At first blush, a plea to involuntary manslaughter looks like a miscarriage of justice in a stabbing death that was being prosecuted as first-degree murder. But that first impression doesn't hold up to closer examination. Calisto Garcia-Jiminez was stabbed to death a year ago following an argument with Anthony Lee Geer, a co-worker at Bruce Foods. Police investigating the homicide charged Geer, 40, with murder. But Geer was prepared to testify that on June 25, 2007, he and Garcia-Jiminez argued in the company breakroom, and Garcia-Jiminez challenged him to a fight. Geer said he declined the challenge and walked away. The next day, he would testify, he was accosted on his way home from work by Garcia-Jiminez, and the two fought beside Stantonsburg

Road. After the scuffle, according to Geer's attorney, Geer thought the fight had ended and prepared to continue his trip to his home on Worth Drive. Geer claims Garcia-Jiminez then came at him again, only with a knife this time. Pulling out his own knife, Geer took a swing at Garcia-Jiminez. That swing struck a coronary artery, killing Garcia-Jiminez. Geer could have taken the case to a jury, pleading self-defense. Without other witnesses to contradict Geer's account of the fight, a jury might have found him innocent and set him free. Geer and his attorney decided instead to plea to involuntary manslaughter, admitting that he was responsible, but that the death was unintentional and was without malice, premeditation or deliberation. Assistant District Attorney Peter Glasgow and Superior Court Judge Milton F. "Toby" Fitch agreed to the plea arrangement. Apparently, prosecutors were not confident that they could persuade a jury that Geer had caused Garcia-Jiminez's death intentionally, maliciously and deliberately. Fitch sentenced Geer to 13-16 months in prison but suspended the sentence on condition that he serve nine months of intensive, supervised probation and that he complete 48 hours of community service. He also fined Geer \$750 and ordered him to pay court costs." (*Wilson Daily Times*, 7/17/08)

In 2008, Fitch Sentenced Bank Robber Daniel Dunn "To No Less Than 20 And No More Than 24 Months In The N.C. Department Of Corrections With Credit For The Time He Has Been In Jail Since The Incident. Fitch Then Suspended That Sentence And Placed Him On Probation." "A Wilson man who was arrested May 2 after robbing the downtown BB&T bank was sentenced in Wilson Superior Court Wednesday. Daniel Earl Dunn, 50, of Wilson, appeared before Wilson Superior Court Judge Toby Fitch with his attorney Randy Hughes. In a plea arrangement with the district attorney's office, Dunn pleaded guilty to common law robbery, and the robbery with a dangerous weapon charge was dismissed. Dunn is accused of entering the BB&T towers May 2 and taking money from a teller after stating that he had a weapon, which wasn't true. He then fled on foot and got into a vehicle with Travis Lee Anderson, 28, of 1701 London Drive, Apt. H, and James Arthur Taylor Jr. of 501 Macon St. Officers responding to the call stopped the vehicle at the corner of South and Lodge streets, and all three men were taken into custody. Fitch sentenced Dunn to no less than 20 and no more than 24 months in the N.C. Department of Corrections with credit for the time he has been in jail since the incident. Fitch then suspended that sentence and placed him on probation." (*Wilson Daily Times*, 11/6/08)

In 2008, Fitch Sentenced Calvin Vick, Who Agreed To A Plea Deal For Misdemeanor Marijuana Possession After Being Charged With Felony Possession With Intent To Sell And Possession Of A Firearm By A Convicted Felon Among Other Offenses, "To No Less Than Six And No More Than Eight Months In State Prison. That Sentence Was Suspended And Vick Was Placed On Six Months Of Intensive Supervision." "A Sharpsburg man whose house caught on fire last December and was then arrested for possession of marijuana, was given his punishment in Wilson Superior Court Wednesday. Calvin B. Vick, 53, of 153 Martin Luther King Circle, was arrested Dec. 17 and charged with felony possession of marijuana with the intent to sell, possession of marijuana, maintaining a dwelling for the sale or distribution of marijuana and possession of a firearm by a convicted felon. Vick, who called 911 after his chimney caught on fire as a result of using a wood-burning stove to heat his house, drew the attention of firefighters at the scene when he kept trying to re-enter the house and save his drugs while rescue personnel were trying to extinguish the fire. Sharpsburg law enforcement officers arrived on the scene and after investigating, obtained a search warrant for the home. The search

turned up more than three and a half pounds of marijuana with a street value of between \$3,000 to \$4,000, drug paraphernalia, a .410-gauge shotgun and a 12-gauge shotgun. Vick pleaded guilty, as advised by his attorney Tom Sallenger, to misdemeanor possession of marijuana and maintaining a dwelling for the sale and delivery of marijuana. The remaining charges were dismissed. Under the plea agreement, Wilson Superior Court Judge Toby Fitch sentenced Vick to no less than six and no more than eight months in state prison. That sentence was suspended and Vick was placed on six months of intensive supervision. While on probation, he is not to use or possess a controlled substance, enroll in the TASK program, pay a fine of \$500 and pay court costs.” (*Wilson Daily Times*, 11/7/08)

- **“Vick Was Convicted In Wilson County Superior Court In 2004 For Possession Of A Schedule VI Controlled Substance And Maintaining A Place For The Sale Or Delivery Of A Controlled Substance.”** (*Wilson Daily Times*, 11/7/08)

In 2008, Fitch Sentenced Burglar Freddie Russell “To No Less Than 11 Months And No More Than 14 Months In The N.C. Department Of Corrections. He Suspended The Sentence And Placed Him On Nine Months Of Intensive Supervision, Ordered Him To Pay A \$500 Fine Plus Court Costs, Pay Restitution Of \$180 And Pay \$900 In Attorney Fees.”

“Freddie Thomas Russell was sentenced in Superior Court Thursday for his part in breaking into and entering a home while the family was attending a funeral and visitation for a family member. On Dec. 1, Russell and Nicole Michelle Collins-Griffin, 35, broke into Gary Winstead's father's home and stole a pocketbook belonging to Gary's wife, Tanya Winstead. The Winsteds, who live in Laurinburg, were in town attending Gary's father's funeral and visitation and staying at the West Langley Road home. When the couple returned from the funeral home, they found that the door to the home had been kicked in and the pocketbook missing. The robbers used the stolen debit and credit cards at an ATM to obtain a cash advance, at a gas station, Wal-Mart and The Shoe Department. Russell, who was originally charged with breaking and entering, larceny after breaking and entering and four counts of obtaining property by false pretense, pleaded guilty to the lesser offenses of one count of felonious obtaining property by false pretense and one count of felony possession of stolen property, both of which are Class H felonies and carry a maximum sentence of 30 months imprisonment each. Wilson Superior Court Judge Toby Fitch consolidated the charges and sentenced Russell to no less than 11 months and no more than 14 months in the N.C. Department of Corrections. He suspended the sentence and placed him on nine months of intensive supervision, ordered him to pay a \$500 fine plus court costs, pay restitution of \$180 and pay \$900 in attorney fees.” (*Wilson Daily Times*, 11/7/08)

In February 2009, “A Wilson Man Accused Of Helping To Cover Up The Rape And Murder Of A 17-Year-Old Girl Nearly Five Years Ago Pleaded Guilty Monday To A Lesser Charge Of Failing To Report The Crime. James Arthur Johnson, 22, Entered An Alford Plea To Attempted Misprision Of A Felony In Connection With The June 2004, Slaying Of Brittany Tyler Willis.” ([WRAL](http://www.wral.com), 2/16/09)

- **“The Charge Is Punishable By A Maximum Of 15 Months In Prison, But Senior Resident Superior Court Judge Milton Fitch Gave Johnson A Prayer For Judgment Continued. That Means The Court Did Not Impose A Punishment. Johnson, Who Was Held For More Than Three Years After His Arrest, Will Not Face Additional**

Jail Time. “The charge is punishable by a maximum of 15 months in prison, but Senior Resident Superior Court Judge Milton Fitch gave Johnson a prayer for judgment continued. That means the court did not impose a punishment. Johnson, who was held for more than three years after his arrest, will not face additional jail time. If he is ever charged with another crime or convicted of a crime, he could still be sentenced in the Willis case. “The prayer for judgment, while not a final determination, is a scarlet letter that will hang with (Johnson) forever and a day,” Fitch said. “PJC is not appealable, nor is it expungeable.” In an Alford plea, a defendant pleads guilty, while maintaining his or her innocence, and admits it is in his or her best interest to take the plea deal, because there is sufficient evidence that could find him or her guilty. A misprision of a felony means failing to notify authorities of a crime. Monday's plea brings an end to the high-profile case, which has been riddled with accusations of prosecutorial misconduct and injustice, as well as racial division in the Wilson community – Johnson is black; Willis was white.” ([WRAL](#), 2/16/09)

- **“Willis Was Kidnapped From The Brentwood Shopping Center In Wilson On June 28, 2004, And Driven In Her SUV To A Field Where She Was Raped, Shot Once In The Back And Once In The Head.”** ([WRAL](#), 2/16/09)
- **“Johnson And Another Man, Kenneth Meeks, Were Initially Charged With Murder, Rape And Kidnapping In The Case.”** “Johnson and another man, Kenneth Meeks, were initially charged with murder, rape and kidnapping in the case. A third man, Julian Tyson Deans, was charged with accessory after the fact to first-degree murder but has never gone to trial.” ([WRAL](#), 2/16/09)
- **“Meeks Plead Guilty In April 2006. In A May 2007 Letter To The Wilson Daily Times, He Said Johnson Was Innocent.”** “Meeks plead guilty in April 2006. In a May 2007 letter to The Wilson Daily Times, he said Johnson was innocent. Even though there was no physical evidence that linked him to the crime, Johnson spent 39 months in jail under a \$1 million bond until he was released on reduced bond in September 2007. A special prosecutor dismissed the charges in December 2007, but charged him with one count of accessory after the fact to first-degree murder. “Anything I do today will not bring Brittany Willis back. Anything I do today will not give the defendant Johnson his 39 months back,” Fitch said Monday.” ([WRAL](#), 2/16/09)
- **“Johnson's Admitted To Investigators That He Wiped Fingerprints Off Willis' SUV, But Said That He Was Under Duress Because Meeks Showed Him A Gun.”** ([WRAL](#), 2/16/09)
- **NOTE: Video Of Fitch Accepting Johnson’s Plea Agreement In 2009 Can Be Found Here:** <https://www.wral.com/news/local/story/4543315/>.



([WRAL](#), 2/16/09)

In March 2009, Fitch Sentenced Justin Rose, Who “Was Arrested On July 30 And Charged With Felonious Breaking And Entering And Felonious Larceny After Breaking And Entering,” “To No Less Than Six And No More Than Eight Months On Each Charge And Because He Was Considered A "Record Level 1" Offender, Suspended Those Sentences And Placed Him On Intensive Probation For Nine Months.” “A Wilson man who was arrested and charged with breaking into a building on the property of a local Wilson attorney Tom Sallenger received probation Tuesday in Superior Court. Justin Rose, 23, was arrested on July 30 and charged with felonious breaking and entering and felonious larceny after breaking and entering. He faced a maximum sentence of 30 months for each charge. Resident Superior Court Judge Milton "Toby" Fitch sentenced Rose to no less than six and no more than eight months on each charge and because he was considered a "record Level 1" offender, suspended those sentences and placed him on intensive probation for nine months. Fitch also ordered him to pay \$769.70 in restitution, perform 72 hours of community service and to obtain his GED within nine months. The record level of an offender is determined by calculating the points assigned to each of the offender's prior convictions. This number determines the level of punishment that a judge can sentence someone. According to Assistant District Attorney Chuck Kinsey, Rose broke into a large horse barn on Sallenger's property on July 24 where he stole a .50 caliber rifle. "Because a .50 caliber rifle is not common in this area, attention was immediately drawn to it when he tried to sell it," Kinsey said. Rose had painted the rifle and attempted to sell it in Edgecombe County, Kinsey told the court. Det. R. Fulghum with the Wilson County Sheriff's Office spoke with Rose and was able to determine that he did steal the firearm.” (*Wilson Daily Times*, 3/11/09)

In June 2009, Fitch Accepted An Alford Plea From High School Football Coach Tony Newcomb Who “Entered Two Guilty Pleas Wednesday To Two Counts Of Misdemeanor Sexual Battery Pursuant To An Alford Plea Before Resident Superior Court Judge Milton Fitch. Newcomb Was Sentenced To 60 Days In Jail On Each Count. Those Sentences Were Suspended And He Was Placed On 48 Months Of Probation With The First Nine Being Served As Intensive Probation.” “In a plea agreement with prosecutors, Newcomb entered two guilty pleas Wednesday to two counts of misdemeanor sexual battery pursuant to an Alford Plea before Resident Superior Court Judge Milton Fitch. Newcomb was sentenced to 60 days in jail

on each count. Those sentences were suspended and he was placed on 48 months of probation with the first nine being served as intensive probation. He has to register as a sex offender and will be tracked by GPS monitoring for two years. He will have to perform 48 hours of community service within 60 days and was ordered to pay fines in each case of \$1,000. He was also ordered to participate in any evaluation and treatment recommended by Tranquility Counseling Services in Goldsboro.” (*Wilson Daily Times*, 6/12/09)

- **Newcomb Was “Indicted By A Wilson County Grand Jury On March 9 On Two Felony Counts Of Taking Indecent Liberties With A Child And One Count Of Misdemeanor Contributing To The Delinquency Of A Juvenile.”** ‘A former Fike High School assistant varsity football coach and parking attendant has been sentenced in Wilson County Superior Court for having an inappropriate relationship with a former student. Tony Ray Newcomb, 47, of 8062 N.C. 42 W., was arrested on Dec. 11 and indicted by a Wilson County Grand Jury on March 9 on two felony counts of taking indecent liberties with a child and one count of misdemeanor contributing to the delinquency of a juvenile.’ (*Wilson Daily Times*, 6/12/09)
- **“Thomas Said That Newcomb And The 15-Year-Old Victim Exchanged E-Mails, Conversations And Text Messages On Numerous Occasions. At Least Twice, Newcomb Picked Up The Victim From Her Residence During The Early Morning Hours.”** “Thomas said that Newcomb and the 15-year-old victim exchanged e-mails, conversations and text messages on numerous occasions. At least twice, Newcomb picked up the victim from her residence during the early morning hours. "He did admit to coming and picking her up on two occasions, said that they rode around and he would ride in areas that had very light traffic late at night that they would stop and he would kiss and touch her..." Thomas said. "Although she was a willing participant to some extent, Your Honor, she was still a child and in high school." Wilson attorney Tom Sallenger, who represented Newcomb, told the court that sometimes good people make bad decisions and mistakes.” (*Wilson Daily Times*, 6/12/09)
- **Fitch Noted His Desire To Impose A Stronger Punishment But Newcomb Had Pleaded Guilty To Misdemeanors.** “Fitch told Newcomb that he had been entrusted (in his job) with children and that a true coach would have never done what he did. "I'm just sorry that you're pleading to misdemeanors because the time that I can give you ain't enough," Fitch said.” (*Wilson Daily Times*, 6/12/09)
- **“Just A Month After Being Placed On Probation, Newcomb Was Arrested By His Probation Officer For Violating His Probation. Investigators Said Newcomb And The Victim Exchanged Text Messages, Therefore Violating His Probation.”** (*Wilson Daily Times*, 4/5/11)
- **“In August 2009, Fitch Revoked Newcomb’s Probation And Ordered He Serve 120 Days In Prison. He Served His Sentence And Was Released Dec. 15, 2009.”** (*Wilson Daily Times*, 4/5/11)

In 2013, Fitch Placed Gary Owens, Who Pleaded To Second Degree Arson For A House That He Set On Fire In December 2012 After Having Been Charged With First Degree Arson, “On Supervised Probation For 24 Months And Ordered Him To Pay \$560 Attorney

Fee, \$500 Restitution And \$350 Cost Of Court. He Was Also Ordered To Stay Away From The Victim.” “A Tarboro man pleaded to second degree arson Wednesday for a house that he set on fire in December 2012. Gary W. Owens was initially charged with first degree arson for setting fire to a house on 404 E. Battle Ave. In addition to accepting the plea, Edgecombe County Superior Court Judge Toby Fitch placed Owens on supervised probation for 24 months and ordered him to pay \$560 attorney fee, \$500 restitution and \$350 cost of court. He was also ordered to stay away from the victim. According to Tarboro Police Department Owens used lighter fluid to set the fire while his ex-girl friend, Angela Hathaway and the owner of the house, Charles West were in the house. They both escaped without injuries. During the initial investigation, Tarboro Police Department Sgt. Bruce Edwards said Owens immediately became a suspect when they learned that Owens had communicated threats to burn the house down.” (*The Daily Southerner*, 6/3/13)

Legal Discipline Intervention – Willie Gilbert

In December 2007, The NC State Bar Argued That Fitch Did Not Have The Jurisdiction To Block The Bar From Prosecuting A Case Against Lawyer Willie Gilbert. “The N.C. State Bar defended its turf Tuesday as the enforcer of lawyers' ethics in North Carolina. Bar lawyers argued at the N.C. Supreme Court that Superior Court judges can't preempt bar prosecutions against attorneys. Several years ago, Wilson lawyer Willie Gilbert successfully persuaded a Superior Court judge in his home district to block a pending bar prosecution against him. Wilson Superior Court Judge Milton "Toby" Fitch Jr., once a powerful state legislator, prohibited the bar from prosecuting Gilbert, who claimed the bar was harassing him. The bar appealed Fitch's order to the state Supreme Court. Superior Court judges and the N.C. State Bar can discipline lawyers for misconduct. The bar wants Fitch's order overturned so it can continue with its prosecution against Gilbert. "When a defendant decides he doesn't like the way things are going, he decides to get the Superior Court to enjoin it," Root Edmonson, a lawyer with the N.C. State Bar said Tuesday in court. "[Fitch] didn't have jurisdiction." The case stems from a complaint the bar filed against Gilbert in 2003. The complaint alleged that Gilbert mishandled clients' money.” (*The News & Observer*, 12/12/07)

- **“The Case Stems From A Complaint The Bar Filed Against Gilbert In 2003. The Complaint Alleged That Gilbert Mishandled Clients’ Money.”** “The case stems from a complaint the bar filed against Gilbert in 2003. The complaint alleged that Gilbert mishandled clients’ money. Gilbert’s attorney, Eric Michaux, has been defending him against the bar for nearly 10 years. Michaux, whose brother is state Rep. Mickey Michaux of Durham, said that the bar has violated Gilbert’s due process during its prosecution of him.” ([States Newsroom](#), 12/23/21)
- **“Between February 2000 And September 2003, The State Bar Filed Three Actions Against Gilbert.”** “Between February 2000 and September 2003, the State Bar filed three actions against Gilbert. First, on February 15, 2000, the State Bar brought an administrative action before the State Bar's Disciplinary Hearing Commission ("DHC"), alleging that Gilbert violated the North Carolina Revised Rules of Professional Conduct ("RRPC") while representing three clients between 1997 and 1999 ("Gilbert I"). See *Gilbert v. N.C. State Bar*, 363 N.C. 70, 72, 678 S.E.2d 602, 603 (2009). The DHC held a four-day hearing and, at the conclusion, entered a disciplinary order, concluding that

plaintiff had violated Rules 1.5, 1.7, 1.15-2(h), 8.4(b), 8.4(c), 8.4(d), and 8.4(g) of the RRPC. See *id.* at 72, 678 S.E.2d at 603-04. The DHC suspended Gilbert's license to practice law for five years, but stayed the last three years of the suspension upon enumerated conditions. See *id.* at 72, 678 S.E.2d at 604. On July 16, 2002, the North Carolina Court of Appeals affirmed the DHC order. *N.C. State Bar v. Gilbert*, 151 N.C.App. 299, 566 S.E.2d 685 (2002). On October 2, 2003, the North Carolina Supreme Court affirmed the North Carolina Court of Appeals. *N.C. State Bar v. Gilbert*, 357 N.C. 502, 586 S.E.2d 89 (2003) (per curiam). Second, on April 18, 2002, while the Gilbert I appeal was pending, the State Bar, on behalf of its Client Security Fund ("CSF"), brought a civil action in Wake County District Court to recover \$4,627.43 from Gilbert that the CSF paid one of Gilbert's clients ("Gilbert II"). See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. The Wake County District Court held a bench trial in January 2004, found Gilbert liable, and awarded the State Bar double damages pursuant to N.C. Gen. Stat. § 84-13, totaling \$9,254.86 plus interest. See *id.* On appeal, the North Carolina Court of Appeals affirmed the trial court's judgment in part, but remanded the action for additional findings as to Gilbert's affirmative defenses. *N.C. State Bar v. Gilbert*, 176 N.C.App. 408, 626 S.E.2d 877 (2006). On remand, the Wake County District Court entered judgment in favor of the State Bar. See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. On the second appeal of Gilbert II, the North Carolina Court of Appeals affirmed the Wake County District Court's judgment in part, but remanded with instructions to recalculate the interest pursuant to N.C. Gen. Stat. § 24-5(b). *N.C. State Bar v. Gilbert*, 189 N.C.App. 320, 663 S.E.2d 1 (2008). Third, on September 12, 2003, the State Bar filed a second disciplinary action against Gilbert, alleging that, in April 1998, Gilbert had misappropriated funds from his trust account and failed to pay client funds promptly to third parties ("Gilbert III"). See *Gilbert*, 363 N.C. at 73, 678 S.E.2d at 604. In response, on November 18, 2003, Gilbert filed a motion to dismiss, moved for sanctions, answered the complaint, and asserted counterclaims. Among Gilbert's defenses in Gilbert III are that the DHC lacks jurisdiction over the subject matter, that the State Bar has been unconstitutionally designated, and that the prosecution is vindictive and in bad faith in violation of the United States Constitution and the North Carolina Constitution. See *Mot. to Dismiss, Mot. for Sanctions, Answer to Compl. Counterclaims*, *N.C. State Bar v. Gilbert*, 03 DHC 16 (Disciplinary Hearing Comm'n Nov. 18, 2003), available at http://www.ncbar.gov/discipline/DHC_File_DHC_file_filename_bv.asp?DHC_file_doc=130 (last visited Sept. 14, 2009). Gilbert's counterclaims include vindictive prosecution/enforcement, deprivation of procedural due process, and deprivation of substantive due process, in violation of the United States Constitution and the North Carolina Constitution." (*Gilbert v. North Carolina State Bar*, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

- **“On September 12, 2005, The Wilson County Superior Court Granted Gilbert's Motion For Partial Summary Judgment And Permanently Enjoined The State Bar From Prosecuting Gilbert III.”** “On August 3, 2004, the State Bar filed a motion in the Wilson County Superior Court to dismiss Gilbert's complaint. See *id.* On October 13, 2004, Gilbert moved for partial summary judgment on the issue of liability for violations of his procedural and substantive due process rights. See *id.* at 74, 678 S.E.2d at 604-05. The Wilson County Superior Court converted the State Bar's motion to dismiss to one for summary judgment. At oral argument on the motion for partial summary judgment, the Honorable Toby Fitch of the Wilson County Superior Court stated: [I]t smacks in the

face of fairness when you have a man that you take a period of time, you go in and you find three people, you prosecute him on those three, and there were six people there at the same time, and instead of prosecuting him on six and doing whatever you want to do to him, you choose to do three of them, have a time of suspension to run, and then come back when that time of suspension runs and says, oh, yes, I got three more that I didn't prosecute you on so I want to now prosecute you on those matters. And that, right or wrong, in my mind is where I have the problem, because — and that's why I used the terms that the State Bar knew or should have known, having done the investigation of the trust account, that those violations were there. *Id.*, 678 S.E.2d at 604-05 (quotation omitted). On September 12, 2005, the Wilson County Superior Court granted Gilbert's motion for partial summary judgment and permanently enjoined the State Bar from prosecuting Gilbert III. See *Gilbert*, 363 N.C. at 74, 678 S.E.2d at 605. The court also expressly retained jurisdiction over the action to enforce the injunction, calculate compensatory damages, and award attorney's fees. See *id.*” (*Gilbert v. North Carolina State Bar*, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

In 2009, “The North Carolina Supreme Court Vacated The North Carolina Court Of Appeals' Gilbert III Decision And Remanded To The Court Of Appeals For Further Remand To Wilson County Superior Court With Instructions To Dissolve The Permanent Injunction, Dismiss Gilbert's Substantive Due Process Claim With Prejudice, And Dismiss Gilbert's Procedural Due Process Claim Without Prejudice.” “On March 20, 2009, the North Carolina Supreme Court reversed the North Carolina Court of Appeals. *Id.* at 86, 678 S.E.2d at 612. As to the first issue, the North Carolina Supreme Court held that the State Bar had a substantial right in prosecuting its disciplinary action against Gilbert, and, therefore, the order was appealable. See *id.* at 75-77, 678 S.E.2d at 605-06. As to the second issue, the North Carolina Supreme Court held that Gilbert failed to state a claim under section 1983 “because (1) substantive due process does not provide an individual right to be free from either vindictive or malicious prosecution of an administrative action, and (2) a plaintiff's right to procedural due process under the Fourteenth Amendment is not violated by the tortious conduct of a state actor until and unless the State fails to provide an adequate remedy.” *Id.* at 72, 678 S.E.2d at 603 (emphasis omitted). Thus, because a “plaintiff must allow the State an opportunity to remedy the alleged deprivation of a protected right before he can state a viable [section] 1983 claim based on an alleged violation of his right to procedural due process, the [Wilson County Superior Court] should not have imposed a permanent injunction.” *Id.* Accordingly, the North Carolina Supreme Court vacated the North Carolina Court of Appeals' Gilbert III decision and remanded to the Court of Appeals for further remand to Wilson County Superior Court with instructions to dissolve the permanent injunction, dismiss Gilbert's substantive due process claim with prejudice, and dismiss Gilbert's procedural due process claim without prejudice. See *id.*” (*Gilbert v. North Carolina State Bar*, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

- **“On July 28, 2009, The State Bar Reconvened Its Prosecution Of Gilbert Regarding The Complaint Originally Filed In September 2003.”** “On July 28, 2009, the State Bar reconvened its prosecution of Gilbert regarding the complaint originally filed in September 2003. See N.C. State Bar, Upcoming Disciplinary Hearing Information, <http://www.ncbar.gov/discipline/DHCview.asp?DHCpkey=103> (last visited Sept. 14, 2009). The State Bar continues to assert that Gilbert misappropriated funds from his

client trust account and was tardy in paying client funds owed to a third party. See Compl., N.C. State Bar v. Gilbert, 03 DHC 16 (Disciplinary Hearing Comm'n Sept. 12, 2003), available at http://www.ncbar.gov/discipline/DHC_File_DHC_file_filename_bv.asp?DHC_file_doc=129 (last visited Sept. 14, 2009)." (Gilbert v. North Carolina State Bar, 660 F. Supp. 2d 636 (E.D.N.C. 2009))

Civil Rights

Protest Activities And Arrest

In 1968, While Participating In A Protest In Which Students Hung And Set On Fire An Effigy Of Governor Dan Moore, "Fitch Said He Was Arrested For Destruction Of Property, Went To Trial And Was Placed On Probation." "Fitch and Butterfield participated in demonstrations and struggles in the South. Fitch said those who participated in the civil rights movement not only watched what happened in their state, but in other Southern states. He said the 1968 Orangeburg Massacre in South Carolina moved North Carolina students to join them in protest. In the Orangeburg protest, students at South Carolina State University protested on their campus because they wanted the only bowling alley to be desegregated. South Carolina Highway Patrol officers opened fire on protesting students, killing three and wounding 27 others.

Fitch participated in a demonstration in Durham because he said he and other students thought the governor should have stepped in to say the killing and shooting of the students by law enforcement was wrong. "So we had gone downtown and hung the governor in effigy at Five Points Park," Fitch said. "They set the dummy on fire and the fire trucks came and turned hoses on us. So kids were running back down Main Street and some windows of some shops started falling and cops started arresting people for it." Fitch said he was arrested for destruction of property, went to trial and was placed on probation. Since it was also an election year, students went to the polls to vote. "When G.K. was coming home to cast a ballot, I couldn't walk home," Fitch said. "That was a form of demonstration to be walking home with a bunch of college kids to cast their first ballot." Those events helped to shape Fitch and set him on a path toward law." (Wilson Daily Times, 9/15/14)

Miscellaneous

Controversial Associations

In 1979, Fitch Testified As A Character Witness For Wilson County Chief Deputy Tony Owens, Who Was Charged With Conspiring To Obstruct The Enforcement Of State Laws By Taking Bribes. (News And Observer, 2/24/79)



(News And Observer, 2/24/79)

- **NOTE:** Owens appears to have eventually been acquitted.

Conspiracy Theories

In 2008, Fitch Noted His Belief In A Conspiracy Behind The Assassination Of Martin Luther King Jr. And Expressed Doubts In The Warren Commission's Explanation Of The JFK Assassination. "Milton F. 'Toby' Fitch Jr. was a student at N.C. Central University in Durham and a civil rights activist. His father was instrumental in bringing King to Wilson and was likely the person who made the anonymous calls to Shreve. G.K. Butterfield Jr. was also a student at NCCU, a close friend of Toby Fitch and a civil rights activist. His father, who had been elected to Wilson City Council in the 1950s, was a member of the Good Neighbor Council. Unlike the assassinations of John F. Kennedy and Bobby Kennedy, a suspect was not apprehended right away in the King assassination. James Earl Ray, who eventually pleaded guilty to the murder, was not arrested until two months later in England. Butterfield and Fitch described the conspiracy fears that surrounded the King funeral in Atlanta. Sensible people worried about a conspiracy to eliminate all black leaders -- a fear that seemed rational enough at the time. Ray's guilty plea did not end the fears and speculation. Dexter King, MLK's son, met with Ray before he died and said he didn't think Ray killed his father. Both Jesse Jackson and Andrew Young, aides to King at the time of his death, have said they think a conspiracy was behind the assassination. Fitch agrees. "My position still is that I don't think this deranged man with this inaccurate weapon did this on his own," Fitch told me. "He may have been involved." He also has his doubts about the Warren Commission's conclusions about the Kennedy assassination. Shreve shares Fitch's doubts about Ray's role. "It didn't make much sense to me that he would do something like that without somebody sponsoring him," he said. In 1993, the House Select Committee on Assassinations concluded that James Earl Ray fired one bullet and

killed King. However, the committee did not have complete access to FBI files, and it could not rule out the possibility that others might have been involved.” (*Wilson Daily Times*, 4/5/08)

Free Masonry

In 2003, Fitch Was “Installed As Most Worshipful Grand Master Of The Prince Hall Grand Lodge Of Free & Accepted Masons Of North Carolina, The State's Black Masonic Group.” “On a warm Saturday in November, before a crowd of 800 packed into the pews of the L.N. Forbes Tabernacle Baptist Church in Wilson, two men -- one black, the other white -- stood face to face for the first time. "What you see here now is what some of you never thought you would see," said Milton "Toby" Fitch Jr., a Superior Court judge who had just been installed as Most Worshipful Grand Master of the Prince Hall Grand Lodge of Free & Accepted Masons of North Carolina, the state's black Masonic group. Fitch then grasped the hand of Leonard Safrit Jr., a Beaufort businessman who will soon lead the state's white Masons, and held it aloft.” (*The News & Observer*, 12/7/03)