

## AFFIDAVIT OF DAVID TWOMBLEY

David Twombley, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on April 11, 1941, in Osceola, Iowa, and am 65 years old.
3. I am in a permanent committed relationship with Larry Hoch, who also has provided an affidavit.
4. I attended school at Drake University and graduated in 1963 with a Bachelor of Music Education degree. I received my Master of Music Education degree from Drake in 1968. I taught music theory and performance in middle and high school for 37 years until I retired in 2000. I'm currently an adjunct clarinet instructor at Graceland University and a member of the Iowa High School Music Association for which I am an active music contest adjudicator and All-State Band auditor.
5. Larry and I are active in our respective churches. I belong to the Disciples of Christ Church, which has been quite supportive of my relationship with Larry. I am currently Co-Chairman of the Worship Committee at my church and have been asked to continue this position for the next year.
6. Larry and I enjoy many of our hobbies together. We both sing in a gay men's chorus. We're both interested in political matters, and Larry has a collection of about 5,000 presidential campaign buttons going all the way back to the election of 1840. Both of us were longtime Republicans until recently. I also am an avid marathon runner, although Larry does not join me in this particular hobby. I have run 21 marathons, including 3 "Bostons."
7. Larry and I are totally committed to each other and to our relationship. We have drafted wills that include each other, we have a joint checking account, and we've drawn up

health care powers of attorney. In 2001, on Easter Sunday morning at dawn, Larry and I exchanged rings and vows on a beach in Florida in our own private ceremony. On January 15, 2002, we went to Vermont and privately entered into a civil union in Bennington, a lovely place. I felt married to him then even though we understood that a civil union is not the same as a marriage. We haven't had any public ceremony yet because we want to do something religious and public with our friends and families present after we are able to get married.

8. Larry and I are feeling increasingly vulnerable as we get older. We don't have the protections that married couples have. I worry about whether we will be able to visit each other in the hospital if one of us gets sick. We have drawn up health care powers of attorney, but we fear that we may not have them with us in an emergency, or that they may not be respected. In January, 2004, Larry had surgery in a New York hospital and I flew there to be by his bedside. I was concerned about whether the hospital would even permit me to be with him, as well as worrying about his health condition. Luckily, the hospital staff and doctors treated us well, but next time we might not be as lucky.

9. I also worry about how to protect Larry if anything happens to me. If I die before Larry, he won't be able to receive benefits from my pension with the Iowa Public Employees Retirement System that would go automatically to a spouse.

10. Also disturbing to me is that, if one of us dies, the other won't have the right to claim the body or to make funeral or burial arrangements under Iowa law because Iowa law does not consider us "next of kin." We would have to rely on the kindness of each other's relatives who could disrespect our wishes or even bar the survivor from attending the funeral altogether if they wanted to.

11. I want to marry Larry because we love each other. I'm not trying to make a political statement; if I'd fallen in love with a woman it would be the same. We want to show everyone that we are committed to each other.

12. I have strong values, and marriage is one of those values. In my 37 years of teaching, I always have tried to set a strong example for my students. My parents did the same for me by demonstrating that marriage is part of a couple's commitment to each other. They married in 1926 and had a wonderful life together until my father passed away in 1973. My brother and I often have commented to each other on how fortunate we were that our parents' relationship was so strong and loving. My parents' marriage was a Norman Rockwell-type marriage, and it's what I always understood marriage to be and wanted for myself.


13. I've intuitively known since I was 5 years old that I was 'gay.' As I got older, I came to understand that to marry a woman would be a mistake, and unfair to both of us, as I could never be emotionally and physically attracted to a woman in the way a married heterosexual man would be to his wife. I was in eighth grade when my brother and sister-in-law got married. While I was very happy for my brother and his new wife, I remember being conscious of a great sense of loss that I myself could not marry.

14. I understand that marriage is not necessarily for everyone, but I think it is very important, both for me and for society. All my life I have suppressed the feeling of loss at being unable to marry someone I love. I feel an especially pronounced sense of longing when we attend other peoples' weddings. I would like to be a role model for marriage as my parents were for me.

15. Marriage would give Larry and me a sense of completion. It would let us know that our relationship belongs. I couldn't love Larry any more than I do now, but marriage would be a recognition of our commitment, and we no longer would feel "less than" everyone else.

16. Larry and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person. On Tuesday, November 29, 2005, Larry and I went to the Office of the Polk County Registrar, along with our witness, Carol Leach, who is over the age of 18, competent, and disinterested regarding the result of our marriage, and capable of attesting to our ages and qualifications. We brought with us our identification documents and were prepared to tender the \$35 fee required to submit an application to marry. We asked to submit an application to marry each other. Two clerks, named Sue and Ron, refused to accept our application, and told us that doing so would violate Iowa law.

17. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

  
David Twombly 12/29/06

Sworn to before me this  
28 day of December, 2006

  
Notary Public

