



Name of Property: Boulder County Courthouse

City, State: Boulder, Colorado

Period of Significance: 1975

NHL Criteria: 1

NHL Theme: IV, Shaping the Political Landscape
1, parties, protests, and movements
2, government institutions

Previous Recognition: 1980 National Register of Historic Places (contributing to Downtown Boulder Historic District)
2018 National Register of Historic Places amendment

National Historic Context: *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender and Queer History* (2016)

NHL Significance:

- The Boulder County Courthouse was the site at which in 1975 Boulder County Clerk Clela Rorex issued a series of six marriage licenses to same-sex couples in a deliberate decision to apply without discrimination the state marriage law, which did not prohibit same-sex marriages or stipulate the required genders of a married couple. As such, the Courthouse played a unique and pivotal role in bringing national attention to the issue of same-sex marriage.
- The diverse gay liberation movement of the late 1960s and early 1970s had diverging opinions on the value of pursuing marriage as a civil right, with many activists considering the institution the epitome of a patriarchal society that did not tolerate deviations from strict gender roles. Other activists, however, embraced marriage-equality demands as a means to question and upend gender roles and marriage's primacy in society.
- Although earlier instances of marriage licenses issued for same-sex couples occurred in Minnesota (1971), Texas (1972), and Arizona (January 1975), each was an isolated instance that eventually would



demonstrate an unwillingness of local authorities to follow the letter of the law as applied to same-sex couples. Rorex's ideologies of equal treatment regardless of gender, rooted in the women's liberation movement, led her to issue a license to a same-sex couple in March 1975. This action inspired couples from elsewhere in the nation to travel to Colorado with the express purpose of obtaining a marriage license. Rorex continued to issue same-sex marriage licenses until the Colorado Attorney General's office released an opinion several weeks later that they were invalid. However, the six licenses issued were never invalidated or challenged in court.

- The Boulder licenses inadvertently helped to trigger a national backlash against gay rights in the late 1970s, which continued through the rise of the conservative "family values" movement in the 1980s and 1990s. Yet they also foreshadowed how the concept of sex discrimination as intrinsically part of sexual-orientation discrimination would be a basis for legal cases that would eventually result in same-sex marriage becoming legal nationally in 2015, with the US Supreme Court's ruling in *Obergefell v. Hodges*.

Integrity:

- The Boulder County Courthouse retains excellent integrity to its period of significance. The 1934 Courthouse remains in its original location, and its integrity of setting is maintained at a high level by the National Register-listed Downtown Boulder Historic District that surrounds it. The Courthouse Square grounds were also renovated in 1996, but key character-defining landscape features present in 1975 remain intact.
- The Courthouse retains excellent integrity of design, materials, and workmanship from 1975. Wings to the east and west were added in 1961, which connect to the main building through subterranean tunnels. The only notable alteration to the Courthouse's exterior outside the period of significance is construction in 1977 of a transparent hyphen connecting the Courthouse with the West Wing, which touches the Courthouse lightly. Although some office interior spaces were reconfigured in the 1980s to accommodate expanding county government services, interior routes that members of the public took to reach the Clerk and Recorder offices in 1975 retain excellent integrity.
- The Courthouse conveys a strong feeling and association with the time that the same-sex marriage licenses were issued by Rorex's office. Overall, the experience of approaching and entering the 1934 Boulder County Courthouse, passing through the first-floor public spaces, and stopping at a public service counter to receive assistance from a government employee remains essentially unchanged.

Owner of Property: Boulder County

Acres of Property: 2

Origins of Nomination: The NPS Heritage Partnerships Program, working in cooperation with Boulder County, sought to prepare an NHL nomination for Boulder County Courthouse in recognition of its contribution to the history of LGBTQ civil rights in the United States.

Potential for Positive Public Response or Reflection on NHL Program: This NHL nomination will provide expanded and detailed documentation to allow for interpretation to the public of Boulder County Courthouse's role in the LGBTQ civil rights and marriage equality movement.

Potential for Negative Public Response or Reflection on NHL Program: None known



Landmarks Committee Comments:

- Consider inclusion of additional context related to public debate in Hawai'i in the 1990s regarding same-sex marriage.
- Add reference to Jaye Cee Whitehead's scholarship, *The Nuptial Deal: Same-Sex Marriage and Neoliberal Governance* (2011).
- Suggest revisiting periodization of family values discussion, citing the work of historian Patrick McCreery, "Save Our Children/Let Us Marry: Gay Activists Appropriate the Rhetoric of Child Protectionism" in *Radical History Review* (2008).

Landmarks Committee Recommendation: The Committee recommends that the National Park System Advisory Board recommend to the Secretary of the Interior the designation of the Boulder County Courthouse in Boulder, Colorado, as a National Historic Landmark, with any additions and corrections as noted by the Committee being made prior to the nomination being forwarded to the Secretary of the Interior for action.

Public Comments Favoring Designation (received as of August 20, 2024):

- Patrick Eidman, Chief Preservation Officer and Deputy SHPO, History Colorado
- Dan W. Corson, Boulder, CO
- Kathleen Corbett, Principal and Owner, Corbett AHS, Inc.
- Mardi Moore, Executive Director, Out Boulder County, Boulder, CO
- Ashley Stolzmann, Claire Levy, and Marta Loachamin, Board of County Commissioners, Boulder County, CO
- Denise Grimm, Boulder County Historic Preservation Advisory Board
- Governor Jared Polis, State of Colorado

Advisory Board Recommendation: