

# Remembering the New Jersey-Born Physician Who Became the First Black Lawyer Admitted to Practice before the Supreme Court of the United States



John Zen Jackson

By: John Zen Jackson

Among the observations to be made during the just-concluded Black History Month were remembrances concerning Dr. John S. Rock. Born in Elsinborough Township in Salem County, New Jersey on October 13, 1825, John S. Rock was a person with amazing talents. After years of working as a physician, for health reasons he turned to the practice of law and in 1865 he became the first Black lawyer admitted to practice before the Supreme Court of the United States. But his entire life is marked by accomplishments.

With New Jersey's enactment of legislation for the abolition of slavery in 1804, Rock was a free-born African American. Unusual for the time, he remained in school until about the age of 18. He became a teacher and eventual head of a Quaker school in Salem County.

In Salem, Rock became active in the struggle for the abolition of slavery and the fair and equal treatment of his race. He was appointed secretary of the Colored Convention that met in Salem in 1849 and was one of the drafters of a petition to the New Jersey Legislature to amend the recently adopted new constitution of 1844 to remove the word "white" that had been included in Article 2, Section 1 setting out the right of suffrage giving the right to vote to "[e]very white male citizen of the United States, of the age of 21 years." He subsequently prepared comments addressing the "citizens" of New Jersey on behalf of a "disenfranchised portion of the legal taxpayers of New Jersey." He reviewed the principles set forth in the Declaration of Independence and the experience of the Founders contrasted with that of Blacks who were obligated and expected to pay taxes, comply with the laws, and fight for the country as had been done during the American Revolution. He identified the sophistry of some who said that Blacks should go back to Africa pointing out that if the national origin of forefathers was determinative, it would require that many Whites go back to Europe. He declared that "[t]he country a man is born in, is

his country." These comments were disseminated nationally in The North Star newspaper published by Frederick Douglass. Rock's intellectual appetite led him to the study of medicine. Initially this was through borrowing books from two local physicians that he studied after completing his duties at the Quaker school. However, encountering the barriers of racial prejudice, he was unable to gain admission to a medical college and was unable to pursue a medical career in New Jersey. He relocated to Philadelphia and undertook the study of dental surgery. He opened a dental practice in 1850 and in 1851 won an award for the specimens of artificial teeth he was able to make. He would later publish an article in the Boston Medical and Surgical Journal, the predecessor to the New England Journal of Medicine.

Philadelphia had one of the largest free Black populations in antebellum America. There Rock returned to his quest to become a physician. While maintaining his dental practice, he attended lectures at the American College of Medicine in Philadelphia and received his degree in 1852. In Philadelphia, he became acquainted with William Still, an important figure in anti-slavery activities and who is identified as the Father of the Underground Railroad. William Still kept detailed notes concerning fugitives passing through Philadelphia to help reunite families. He was able to reunite with his brother Peter who had remained enslaved for 40 years after their mother escaped with two daughters. Still's family settled in Burlington County, New Jersey and included an older brother James Still, an herbalist known as the Black Doctor of the Pines. It has been holding family reunions in Lawnside, New Jersey for over 150 years.

In 1853, Rock and his wife relocated to Boston where he opened a dental and medical practice. Rock lived in the African American community located in the Beacon Hill area. He frequently treated fugitive slaves who came to Boston on

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their way to Canada using the Underground Railroad. He continued to write, lecture, and speak publicly in support of equal rights for the members of his race. A speech that Rock delivered in 1858 is recognized as the source of the “black is beautiful” expression that emerged in the 1960s.

Rock began to have health problems and in 1858 he wanted to travel to France for surgical treatment of a throat condition. That plan, however, was initially blocked by his being denied a passport. Then United States Secretary of State Lewis Cass relied on the opinion of Chief Justice Roger Taney in the Dred Scott case in which he had ruled that because African Americans were not citizens, they could not be issued a passport which was evidence of citizenship. The Massachusetts legislature overcame this obstacle, however, by issuing Rock a state passport. While in France, Rock studied French and German. He achieved such a significant level of fluency that a correspondent for a German-language periodical reported this about a lecture that Rock gave in 1860 about Madame de Staël, a philosopher and political theorist in Parisian and Genevan circles in time of Napoleon: “This thinking, educated German and French speaking negro proved himself as learned in German as he is in French literature.”

Rock’s French physician had advised him that his medical condition would not permit his continued practice of medicine. While cutting back on his medical practice, Rock began to study law and was admitted to the Massachusetts Bar in 1861. He became familiar with Charles Sumner, the United States Senator for Massachusetts whose antislavery views had prompted an attack in 1856 by a Congressman from South Carolina who beat Sumner with a cane while he sat at his desk on the Senate floor.

In 1863, Rock asked Sumner to support his admission to the bar of the Supreme Court. At this time, admission to the Supreme Court bar was within the discretion of the Chief Justice. Roger Taney was still Chief Justice and Sumner cautioned against making the attempt. But on October 12, 1864, Taney died, and President Lincoln appointed Salmon P. Chase as his successor. Chase had been part of the Team of Rivals that composed Lincoln’s cabinet. Chase had a long record as an antislavery advocate and served as Secretary of the Treasury until June 1864.

Rock renewed his request to be admitted to the Bar. On February 1, 1865, Rock went to the Supreme Court and the Chief Justice granted Senator Sumner’s motion for his admission. The swearing in of Rock overlapped with significant political and historical events. On January 31, 1865, the House of Representatives approved the adoption of the Thirteenth Amendment after its earlier passage by the Senate abolishing slavery in the United States. Though not needed

for legal reasons, as a symbolic gesture of approval, President Lincoln signed the Joint Resolution submitting the proposed amendment to the state legislatures for ratification on February 1. It was ultimately ratified by the necessary number of states on December 6, 1865. The Thirteenth Amendment is the only constitutional amendment to be later ratified that was signed by a president.

Still sitting on the Court at the time of Rock’s swearing-in were four of the justices who had joined in Taney’s opinion in Dred Scott. Reporting in the New York Daily Tribune of February 7, 1865 noted that with the admission of Rock to the bar, “[t]he grave to bury the Dred Scott decision was in that one sentence dug; and it yawned there, wide open, under the very eyes of some of the Judges who had participated in the judicial crime against Democracy and humanity.”

The Dred Scott decision regarding the non-citizenship status of African Americans would not actually be overturned until enactment of the Fourteenth Amendment on July 9, 1868 with its birthright citizenship provisions. As part of his activist involvement in Boston, Rock had made a speech on March 5, 1858, condemning the Dred Scott decision that had been issued the preceding March of 1857. He did not experience the actual overturning of Dred Scott. Although admitted to the Supreme Court bar, Rock did not argue or handle any case before the Court before his death on December 3, 1866.

The memory and legacy of the contributions of Dr. John S. Rock are preserved by the Salem County Historical Society. It raised funds to restore the stone marker at his grave in Everett, Massachusetts and provides an annual scholarship in his honor to a student attending Salem County College. It will hold the twenty-first annual John S. Rock Memorial Lecture in October 2025.

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