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COMMENTARY

John S. Rock: From South Jersey Roots to SCOTUS First

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Salem County not only has the oldest active courthouse in New Jersey, it is the birthplace of an early M.D./J.D. Born in October 1825, John S. Rock was a teacher, dentist, physician, lawyer and abolitionist and early human rights activist. Moreover, he was the first black American admitted to the bar of the Supreme Court of the United States.

Rock was a free-born African American. Unusually for the time, he remained in school until age 18. After becoming a teacher in Salem, because of racial barriers he moved to Philadelphia to become a dental surgeon and then attended medical school.

Rock left Philadelphia in 1853, relocating to Boston, which was more welcoming to people of color. There, he frequently treated fugitive slaves using the Underground Railroad on their way to Canada and freedom. He became involved with the abolitionist publisher William Lloyd Garrison and had a number of speeches published in Garrison's *The Liberator*.

In an 1858 speech his comment about "the beautiful, rich color" of the Negro features would later resonate in the "black is beautiful" mantra that

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emerged in the 1960s. He also denounced the recent *Dred Scott* case and its author, Chief Justice Roger Taney. See *Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857). The Supreme Court had ruled that African Americans were not United States citizens and thus could not sue in a federal court. At length, Taney wrote of blacks as "beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect." The opinion struck down federal legislation attempting to regulate slavery in western territories. The *Dred Scott* decision was a major precipitating factor in bringing about the Civil War a few years later.

Rock began to have health problems. Wanting to travel to France for treatment in 1858, he directly experienced the consequences of Taney's ruling. The secretary of state denied Rock a passport. He cited *Dred Scott* and claimed federal passports were evidence of citizenship.

Cutting back on his medical practice, Rock began to study law. He was admitted to the Massachusetts bar in 1861 and began a law practice. He was the fourth African-American lawyer in Massachusetts.

His involvement with the anti-slavery movement continued. In January 1862, he denounced Lincoln's proposal for colonizing Haiti and Liberia with freed American slaves. But Rock later celebrated the president's signing of

the Emancipation Proclamation on Jan. 1, 1863. Rock recruited young blacks for the Union Army. This included the famous 54th Massachusetts Regiment led by Robert Gould Shaw, immortalized in the movie *Glory*.

Rock was acquainted with Charles Sumner, the anti-slavery United States senator for Massachusetts. In 1863, he asked for Sumner's support for admission to the bar of the Supreme Court of the United States. The senator informed Rock that while Taney remained chief justice there was no chance for his admission.

On Oct. 12, 1864, Taney died. President Lincoln appointed Salmon P. Chase as the new chief justice in December. Chase had a long record as a liberal and anti-slavery advocate.

Rock renewed his request of Sumner, who transmitted Rock's references to Chief Justice Chase, commenting, "I know not how far the *Dred Scott* decision may stand in the way. Of course, the admission of a colored lawyer to the bar of the Supreme Court would make it difficult for any restriction on account of color to be maintained any where." The chief justice invited Sumner to make a motion for Rock's admission.

On Feb. 1, 1865, Rock went to the court with Senator Sumner. Four of the justices who had joined in Taney's *Dred Scott* decision were still sitting on the court. Following Sumner's motion for Rock's admission to the bar, the Chief Justice nodded and Rock was sworn in.

This timing was exquisite. On Jan. 31, 1865, the House of Representatives had joined an earlier Senate vote to pass the Thirteenth Amendment, abolishing slavery in the United States.

The momentous nature of this event

in the Supreme Court was captured in the *New York Tribune* of Feb. 7, 1865. The reporter floridly described Sumner's motion as the digging of "the grave to bury the *Dred Scott* decision" with Rock's walk forward to be sworn filling it in.

Although admitted to the Supreme Court bar, Rock never actually argued a case there.

Bitter irony marked Rock's return from the Washington swearing-in. He was arrested as he boarded a train to Boston because he did not have the travel pass required of blacks in the nation's capital at that time. In another ironic twist, while in Washington, Rock developed a respiratory infection and never fully recovered. He died of tuberculosis on Dec. 3, 1866.

He is buried in Everett, Mass. Inscribed on his gravestone is "The first colored lawyer to be admitted to the Bar of the U.S. Supreme Court."

The connection to New Jersey has persisted. In 2005, the Salem County Historical Society funded the replacement of the fractured stone marker, and it has an annual memorial lecture in his name. ■