

HOUSING AND THE LAW: LESSON 6: HANDOUT 1**SUMMARY: JONES V. ALFRED H. MAYER CO. (1968)**

In 1965, Joseph Lee Jones, an African American man, and his wife Barbara Jones, a White woman, attempted to purchase a home in a suburb north of St. Louis. Alfred H. Mayer's real estate company, however, refused to sell them the home because Joseph was Black. Mayer would sell homes to African Americans, but only in certain communities.

The Joneses decided to sue. They claimed that the developer had violated the 1964 Civil Rights Act and the 13th and 14th Amendments. The



FIGURE 1

lower courts dismissed the lawsuit, and the case was appealed to the U.S. Supreme Court.

The Supreme Court overturned the lower court rulings in favor of The Joneses. In their 7-2 decision, they argued that all home rentals and sales of property, private or public, could be regulated by Congress to prevent racial discrimination. This power was granted to Congress by the 13th Amendment, they decided. In addition, the court claimed that the Civil Rights Act of 1866 made this type of racial discrimination unconstitutional.

Going against previous precedent, the *Jones v. Alfred H. Mayer Co.* decision marked the first time the Supreme Court held that Congress could intervene and prohibit racial discrimination in the sale of private property. Previous decisions had focused on regulating public property.

After the decision, Barbara Jones said, "We are just two nobodies who wanted a house." Unfortunately, due to the length of the case, they were unable to buy the home they originally wanted because it had sold to someone else. The court's decision came just months after the passage of the 1968 Civil Rights Act which included the Fair Housing Act. This act prohibited discrimination in housing based on race, religion, or national origin.¹

Figure 1: Joseph Lee and Barbara Jones outside their home in St. Louis, MO.

¹ Retrieved from *Jones v. Alfred H. Mayer Co. (1968)*,

https://www.law.cornell.edu/supremecourt/text/392/409#writing-USSC_CR_0392_0409_ZD;

https://www.stltoday.com/news/archives/june-a-st-louis-couple-wins-a-landmark-housing-rights/article_08928410-2a54-5da6-b749-243ac259a83f.html;

Darrell A.H. Miller, "White Cartels, the Civil Rights Act of 1866, and the History of *Jones v. Alfred H. Mayer Co.*" *Fordham L. Rev.* 77 (2008): 999.