The consent decree was negotiated with the Justice Department under Jimmy Carter’s administration. However, by the time Chicago’s school officials began to develop their desegregation plan, the national political winds had blown to the right. As Ronald Reagan’s administration took over, the Justice Department’s politics also shifted. The shifting political climate made it easier for the Justice Department to approve the city’s desegregation plans because the city would not be held to the same Carter administration standards for desegregation.

The right turn in American politics began in the late 1960s and early 1970s as conservatives claimed the civil rights policies had gone too far. They expressed concern that the meaning of civil rights had gone from the rights of individuals to the rights of groups. Since the rights of individual whites were trumped for the rights of blacks as a group some viewed affirmative action as reverse discrimination. President Ronald Reagan shared this sentiment, and told the American Bar Association, “The promise in the Declaration of Independence, that we are endowed by our creator with certain inalienable rights, was meant for all of us. It was not meant to be limited or perverted by special privilege, or by double standards that favor one group over another.”

Historian Raymond Walters argues that Assistant Attorney General William Bradford Reynolds, appointed by Reagan to head the Justice Department’s Civil Rights Division, was the purveyor of Reagan’s policies. Reynolds was a direct descendent of Puritan Governor William Bradford and came from a well-to-do family. He attended private schools, including the prestigious Phillips Andover Academy, Yale University, and Vanderbilt University School of Law. Reynolds had worked for a prominent New York law firm and for the solicitor
general of the United States where he tried cases before the Supreme Court. He was also a partner at a Washington firm. In his appointment as assistant attorney general, he was in a position to change the meaning of civil rights, and his contacts in the position led him to influence judicial nominations. Reynolds’s agenda for civil rights policy was as follows: “I think we should bring the behavior of the government on all levels into line with the idea of according equal opportunity for all individuals without regard to race, color, or ethnic background. In my view this means that we should remove whatever kinds of race- or gender-conscious remedies and techniques that exist in the regulatory framework, to ensure that the remedies that are put in place are sensitive to the non-discrimination mandate that is in the laws.”

In terms of school desegregation, Reynolds asserted, “The Supreme Court has told us, I don’t know how many times that there is nothing wrong with a school that is racially imbalanced. That’s not unconstitutional at all. It’s only unconstitutional when that’s a forced situation because the school board has basically put in place, intentionally, certain practices and procedures that preclude children from going to one school because of their race.”

Some conservatives viewed race- and gender-based policies as a threat to white male privilege because civil rights policies meant that whites would have to compete with everyone. As provocative as the conservative arguments were, they typically disregarded the systematic discrimination that people of color and women have faced in spite of laws that have appeared just. What a number of policy makers and activists found was that having the right laws in place was an important first step to end discrimination—but it was only a first step. Prior to the Civil Rights Movement, southern blacks who migrated to the North in search of jobs and better opportunities often found the laws alone were not enough to end racial discrimination. As they migrated, many faced housing and job discrimination. Since they were racially contained in certain neighborhoods, they faced increasingly segregated schools. Consequently, the federal government set up policies such as affirmative action and passed and enforced laws such as the Civil Rights Act to further correct past discrimination.

The Justice Department under Carter had operated under the assumption that these types of policies were necessary, regardless of the administration’s ability to effectively enforce them. Drew Days had certainly set the tone for equal educational opportunity in Chicago by advancing ambitious strategies in the consent decree, including federal interagency cooperation, and state liability and interdistrict investigations. The Reynolds-led Justice Department had a different