The civics test: a political or educational tool for creating the perfect citizen? A historical overview of forms and processes of naturalization in the United States

Sarah Van Ruyskensvelde, PhD
Lecturer in the History of Education
Katholieke Universiteit Leuven
Research Unit Education, Culture and Society

Mary Kathryn Ketch, MSc
Independent researcher

Abstract: Naturalization, or the process through which citizenship is granted to a foreigner, is a process that has begun to increasingly look like that of the school. In the United States, as in many other countries, one of the main features of the naturalization is the civics test. This paper aims to document the historical development of naturalization procedures in the United States and shed light on how schoolish tools were introduced to decide who can be offered or denied American citizenship. Much of past research has critiqued the civics test for its unreliability, or difficulty for even natives. We argue, however, that the current civics test is rather a product of a system that began without a solid foundation. In an attempt to avoid fraud and control efficiency, the United States Citizenship and Immigration Services (USCIS) has promoted the use of a test that devalues the importance of the choice to re-align loyalties to a country and regulates it to memory testing.

Keywords: Naturalization, United States, history, civics test, immigration

Le test d’éducation civique: un outil politique ou pédagogique pour créer le citoyen idéal? Aperçu historique des formes et des processus de naturalisation aux États-Unis

Résumé : La naturalisation, ou le processus par lequel la citoyenneté est accordée à un étranger, a commencé à ressembler de plus en plus à celle de l’école. Aux Etats-Unis, comme dans de nombreux autres pays, le test d’éducation civique est l’une des principales caractéristiques de la naturalisation. Cet article vise à documenter l’évolution historique des procédures de naturalisation aux États-Unis et à mettre en lumière la manière dont les outils scolaires ont été introduits afin de décider qui peut être accordé ou refusé la citoyenneté américaine. Une grande partie de la littérature antérieure a critiqué le test d’éducation civique pour son manque de fiabilité, ou sa difficulté même pour les autochtones. Nous soutenons toutefois que le test d’éducation civique actuel est plutôt le produit d’un système qui a été mis en place sans base solide. Avec le but d’éviter la fraude et de limiter l’efficacité des contrôles, le United States Citizenship and Immigration Services (USCIS) ont préconisé l’utilisation d’un test qui dévalorise...
The scene is common: books, notes, the anxiety of passing an exam, and receiving the final result. While tests are used commonly in schools, they are increasingly being used in other areas of society, such as naturalization. Naturalization, or the process through which citizenship is granted to a foreigner, has been profoundly influenced by the ‘tools of the school.’ Problems of reliability and efficiency have risen to the forefront of how to effectively bring in new members from other countries. Today, many of the politicians, educators and agency workers that are involved in the immigration discussion in the United States and in Europe, believe the problem of naturalization can be ‘solved’ by means of educational tools, such as tests. This paper aims to document the historical development of naturalization procedures in the United States and shed light on how schoolish tools, such as learning materials, tests, and instructions were introduced to decide who can be offered or denied American citizenship. As the requirements for becoming a citizen can be strenuous and affect the lives of thousands of immigrants every year, it is important to understand the underlying, historically-grown structures of naturalization procedures that influence the future of so many immigrants.

In 2013, 990,553 immigrants were granted the status of permanent legal residency of the United States of America (Office of Immigration Statistics, 2013, pg. 5). In the same year, 777,416 individuals were naturalized (USCIS, 2014). Every foreigner seeking naturalization must pass a
naturalization test that consists of an interview, which includes an English and a civics test, all of which are organized by the United States Citizenship and Immigration Services (henceforth referred to as the USCIS). Generally speaking, civics tests offer a variety of questions that are both theoretical and practical, in order to test foreigners’ knowledge about what it means to be a citizen.

Among secondary sources, there is a wide debate about where the weaknesses are in civics tests and many of these fall into several quantitative and qualitative categories: test reliability and validity, the USCIS as a testing company, and inappropriate assessment. Paula Winke was one of the first to test the reliability and validity of the civics test. She created six separate tests by combining questions from the set of 100 questions made available by the government. After testing 414 individuals, both citizens and non-citizens, and performing a Rasch analysis, she found that the test did not distinguish knowledge between citizens and non-citizens (Winke, 2011). This Rasch analysis, or the statistical model that is used to measure individual items on a test, in which a value between 0-1 is given, helps to determine or understand underlying latent traits within the data (See Bond & Fox, 2007). Winke’s study found that not everyone pursuing citizenship takes an equally difficult test and therefore the reliability and validity of the test are called into question (Winke, 2011). Other scholars emphasize the content of the exam as their focal point of concern. The media especially has played a large role in perpetuating questions about the naturalization process by linking the concerns of the government with the concerns of the larger public (Hepp et. al., 2015). Many articles critiqued the content of the exam, and indicated that ironically, many native citizens could not easily pass it (see, for instance, Harnett, 2013a; Korte, 2012; Kunnan, 2009, Liu, 2013; Morin, 2013; Preston, 2007; and Pykett, 2010). Korte (2012), for instance, found that nearly 93% of all immigrants who take the civics test pass, while only 63% of native Americans do. This logic, that many immigrants receive higher scores despite the fact they were not born in the United States, is perhaps surprising. Korte (2012) assumes the only reason for this difference is because the immigrants in the study had time to strategically study the civics test questions and answers, while native-born Americans did not. This reflects a direct criticism that the content of the exam does not encapsulate the meaning of citizenship, but is a collection of facts that need to be memorized.

Also in other parts of the world, such as Europe and Australia, scholars have investigated the introduction of citizenship tests (see, for instance, Adamo, 2008 and 2009; Byrne, 2016; Chisari, 2015; Jacobs and Rea, 2007; Wright, 2011; Hoßmann and Karsch, 2011), and have critiqued their reliability (see, for instance, Burkholder and Fillion, 2014; Edele and Stanat, 2015). Most of these studies present a topical discussion on various aspects of a country’s integration policy, such as language testing integration requirements in various countries (see, for instance, Adamo, 2012; Ersanili and Koopmans, 2010; Kiwan, 2008 and Spotti, 2013), or their challenges for multiculturalism (See for instance de Leeuw and van Whichelen, 2012; Tate, 2009).

In contrast to these studies, it is not our intention to critique the USCIS for creating a ‘bad’ or ‘unreliable’ test. Despite their value and importance, the available studies have neglected to emphasize the history, context, materials and foundations of naturalization procedures. This article precisely reflects upon the phenomenon of naturalization, in both its past and current forms. It uses a critical social theoretical framework (CST) in order to understand the reality of the structure that either allows or excludes individuals from becoming American citizens. According to Leonardo, CST – which was popularized in the field of education by the Brazilian
The civics text

educational theorist Paolo Freire – is “an intellectual form that puts criticism at the center of its knowledge production (...) push[ing] ideas and frameworks to their limits, usually by highlighting their contradictions” (2004, pg. 12). It is a framework that provides a language from which to both describe and critique modern forms of teaching and pedagogy, and offers a rich foundation from which to highlight the relationship between ‘the educational’ and ‘the political’.

This paper includes data and recent reports concerning naturalization in the United States that were retrieved from American governmental websites. Apart from the relevant literature, the history of the naturalization process is based mainly on accounts provided by the USCIS, as well as past forms and textbooks that may have been used during naturalization in the past few decades. The primary sources provided online by the USCIS are a reliable source from which to understand the forms that are used by the government to “teach” and therefore “create” new citizens. These include the past and present versions of the civics test, naturalization guidelines, interview guidelines, and study materials. Statistics that provide evidence as to current numbers of immigrants and required passing rates for the civics tests are explored, as provided by the Office of Immigration Statistics and the USCIS.

By looking at the development of naturalization in the United States since the 18th century, this article documents that today’s civics test is a product of a system that began without a solid foundation. Gradually, naturalization procedures and requirements became more standardized and uniform, and with that, naturalization became more ‘educational’. Not only because tests were introduced, but also because naturalization is increasingly geared towards the socialization of immigrants into the norm and value system of a country. As a result, these tests are not neutral. They are a reflection of the government’s expression of what citizenship is and who should be included or excluded.

A study that explores the ways in which educational tools are being used by governments as a way to direct and influence citizenship is increasingly relevant today, as migration is and has become a major concern for policy-makers around the globe. This article contributes to educational studies research, by exploring the ways in which pedagogy is used as a political tool in the hands of governments to socialize people and govern society. On the other hand, this paper contributes to immigration studies, by delving into the implications of immigrants’ socialization, through a process that was intended to support and liberate, but is now influenced by pedagogy and standardization.

Naturalization procedures in the United States since the 18th century: a search for uniformity

Historically speaking, the United States has never had a homogeneous population of citizens, but has been defined by the diversity of people groups within its boundaries. However, once the 1787 Constitution set forth boundaries for the country, Congress was given the power to control who could become an American citizen through naturalization (USCIS, 2016b). Specifically, the Naturalization Act of 1790 limited the possibility of citizenship to only those “free white person[s]” with “good moral character” who had resided in the United States for at least two years (Englund, 2015). At the time, the federal government granted the power to establish citizenship procedures to “any court of record” (Smith, 2002, para 9). These local courts were obligated to follow the residency, race, and ‘moral judgment’ requirements that had been established federally, but they were free to design and implement the tools and tests that would
ultimately grant foreigners citizenship. Unsurprisingly, each local court developed their own unique procedural system (USCIS, 2016b). Furthermore, the federal government had not required a single set of records to be kept, which resulted in a variety of citizenship records that lacked uniformity across all states (USCIS, 2016d). Between the years of 1790 and 1906, naturalization procedures were essentially subjective and based on the discretion of local officials (Federation for American Immigration Reform, 2008). There was not one clear definition of what was required to be a citizen, and each local officer made decisions for each individual as they saw fit. However, due to fraud, racism, and a lack of unity across states in these procedures, Congress eventually passed the Basic Naturalization Act on June 29th, 1906, which established the Bureau of Immigration and Naturalization (BIN) (USCIS, 2016b). Congress wanted quick reform of these citizenship procedures, and set about to avoid the subjective nature of individual officers’ discretion about who to present certificates of citizenship to. Only four employees ran the Bureau at the time and it was their task to standardize this process and to convince local courts to follow these new procedures. States were given less than 90 days to adjust their naturalization procedures to align with those determined by the BIN. By September 27th, 1906, all local courts were using the same procedural documents and certificates of naturalization. They were numbered and kept on file at both the local and federal level (USCIS, 2016a, para 7). Although the government could not guarantee the prevention of fraud, these new requirements established a uniform procedure across all local courts that were to be followed for anyone seeking a certificate of citizenship.

In 1933, the Department of Justice merged the powers of immigration and naturalization into one organization, namely the United States Immigration and Naturalization Service (INS) (USCIS, 2016b). For several decades, the INS controlled both the affairs of immigrants and those pursuing citizenship. However, the terrorist attack on September 11th, 2001 spurred a major governmental reorganization that once again, split the responsibility of the INS. The Department of Justice relinquished control of naturalization affairs to the newly established Department of Homeland Security (DHS). The DHS established a separate bureau that would maintain its focus primarily on naturalization and citizenship affairs (USCIS, 2016b). Today this bureau remains in operation and is known as the United States Citizenship and Immigration Services (USCIS). The USCIS is featured quite frequently in the media due to the responsibility they have in controlling and performing the most infamous part of the naturalization process, namely the civics test portion (See Harnett, 2013a; Korte, 2012; Liu, 2013; & Morin, 2013). Generally speaking, civics tests offer a variety of questions that are both theoretical and practical, and usually target an understanding of the nature of a specific government.

Currently, the civics test portion of the naturalization process in the USA looks very different than it used to. In the 19th and early 20th century, judges in local courts were not mandated under naturalization law to include an educational component as a requirement for citizenship (USCIS, 2016b). Local court officers held the power to decide who could receive citizenship. Naturalization laws during that time only requested an “attachment to the principles of the Constitution” and many judges interpreted this differently by either requiring a civics component or rejecting it as unnecessary (USCIS, 2016b). Those judges who did require a civics test, universally performed these examinations orally in an open court room. Questions about American government and history were proposed at random, and as a result, many immigrants failed and were denied citizenship (USCIS, 2016b). After a re-adjustment of the naturalization
process in 1906, the BIN decided to develop an educational program that would serve to teach immigrants about American government and history (USCIS, 2016b). Although educational programs and resources were offered to immigrants, they were not mandatory and many continued to face barriers to citizenship. Judges continued to use oral examinations, and in some cases proposed “trick” questions in order to ‘really’ test an immigrant’s understanding of American history and government (USCIS, 2016b). However, with many non-native English speakers taking the oral exam, many misunderstood these questions and failed the exam.

In 1918, the BIN developed a textbook on citizenship, one that they hoped would provide a uniform manual for understanding the basics of being an American. A 1922 version of the Federal Citizenship Textbook is comprised of over 150 pages of lessons about American anthems, presidents, holidays, and the English language (Bureau of Naturalization, 1922). This textbook was disseminated into public schools, but was especially made to be included in the coursework of “Education for Citizenship” programs that had been established to encourage preparation for the final civics examination (Schneider, 2010, pg. 2387). The Federal Citizenship Textbook aimed to “more clearly define the relationship between citizenship classes and the examination as a means of encouraging immigrants to enroll in courses” (Schneider, 2010, pg. 2387). Although this textbook is by no means written in a neutral language, it does provide a rather complete overview of the systems and structures of the government. Each chapter uses straightforward language, with new vocabulary that is italicized and defined in each section. Most importantly, the textbook describes why citizens pay taxes, where this tax money goes to, and discusses questions about the role of citizens in the USA. While this text does seem to be important and relevant, it does stimulate larger questions about who can and who cannot belong as fully included members of the country. This is especially done through the use of the metaphor of a “group,” and how all men and women in the USA belong to different groups in society. The written language in this book attempts to stimulate a sense of duty and loyalty to the immigrant, to engage in and belong to groups in their communities, cities, and states. For instance, an image in the 1970 revised edition of the Federal Citizenship Textbook, depicts a smiling man that holds a picture of his Certification of Naturalization, implying that an individual cannot belong to or be fulfilled by any of these ‘groups’ unless he/she holds a certificate of naturalization. Another image in this textbook proposes a similar idea: the inscription at the top of the page reads, “Certain basic factors make the working connection within and between all groups, just as the palm of the hand supports all of the fingers and the thumb.” Authority and cooperation are two themes that are glaringly present in this image and are reflective of the need for the government to ensure that naturalization procedures were being standardized by a distinctive set of information (in the textbook).iii

By standardizing the set of information to be tested in the oral examination, examiners could ensure they could ask questions from a body of information immigrants would be familiar with. Schneider (2010) indicates the concern the INS continued to have in creating a test that immigrants could study for and pass, while at the same time attempting to move beyond a mere memory test. Many citizenship preparation courses continued to emphasize lessons that taught immigrants civic facts, to help ensure immigrants in their ability to pass the oral civics exam. It was apparent to the public that ‘memory testing’ had become the predominant means by which immigrants had to approach the naturalization process (Schneider 2010, pg. 2390).

It was not until 1950, when the Internal Security Act was ratified, that the INS established
an official body of information relating to American government and history that was to be used during civics tests (Schneider, 2010). It was also at this time that the ability to read, write, and speak in English became an explicit requirement for naturalization. Immigrants pursuing citizenship were now explicitly required to study very specific and almost scripted questions about American history and government. Schneider indicates that the INS recognized the difficulty in teaching and instilling in foreigners a sense of loyalty and democracy, and therefore pursued a more stable and reliable system of testing and questioning (2010). Teaching these concepts to non-native English speakers was increasingly difficult, and the INS wanted to avoid having large numbers of immigrants fail citizenship tests. Citizenship preparation courses began to gradually attract incoming immigrants, in that they began to emphasize a “few facts [that were] to be recited before the naturalization examiner” and could promise to help anyone pass the oral civics exam (Schneider, 2010, pg. 2392). From 1950-1970, Congress passed several acts that adjusted immigration procedures and quotas, but failed to make any changes to naturalization tests and procedures. While many other programs recognized the downfall of the current system, these ideas and programs were insufficiently supported and funded and eventually fell by the wayside in the face of the standardized procedures put in place by the INS (Schneider, 2010). The use of citizenship textbooks and preparation classes over time decreased or became limited in favor of a more efficient system.

With the arrival of the late 1970s and early 1980s, best practices in testing were brought to the forefront of many educational and political thinkers. Society was changing as well. Immigrants arriving from Western Europe were declining and vastly different waves of immigrants were now entering the country from Latin America instead. Yet, the INS did not make any adjustments to their test design, language requirements, or content despite pressure from outside organizations and changing demographics of immigrants (Schneider, 2010). The Immigration Reform and Control Act, ratified in 1986, brought about a program designed to incorporate 2.7 million undocumented immigrants as legal residents. Congress decided that in order to processes this group of immigrants as legal residents or citizens quickly, these immigrants needed to demonstrate an allegiance to and understanding of US government and history (Schneider, 2010). The INS was tasked with developing a civics exam with 100 questions, and thus the 100-question civics test was born. According to historian Marian Smith, the creation of this 100-question test was a “non-event” and was written by two INS examiners over one weekend (See: Schneider, 2010, pg. 2396). From 1986 on, the INS used this testing system and immigrants were expected to study and memorize specific answers to each of these 100 questions. The complied list of questions was related to the American flag, past and current presidents of the USA, branches of government, and various other aspects of American history (USCIS, 2008). Alongside an assessment of English proficiency, immigrants needed only to study the 100 civics questions and answers and respond correctly to six out of 10 questions during the oral examination. Born out of a system that was in need of straightening out decades of confusion, fraud, paperwork, and unclear naturalization procedures, the civics exam was admittedly a product of its time. Regardless, it remained unquestioned by many as to its validity until recently.
The civics test today

The turn of the 21st century brought the 100 question civics test under the scrutiny of the public eye. The test’s content, scoring system, and oversight were all aspects of concern for academics, pedagogues, and organizations fighting for immigrant rights (See Bohan, 2011; Harnett, 2013a; Schneider 2010; Winke, 2011). Although these concerns surrounding the naturalization process, and especially the civics test, had been present for many decades, it was not until 2000 that Congress took these concerns seriously. This outside scrutiny pushed Congress to encourage the USCIS to approach the Board on Testing and Assessment (BOTA) of the National Research Council to help them initiate a redesign of the civics test (Chudowsky et. al., 2006). This committee consisted of twenty-three specialists in education, English-language acquisition, demography, psychology, and political science (National Research Council, 2005). After a year of assessment, the committee submitted an interim report that illuminated their concern that the civics test was unreliable and unsystematic. Concerns about a lack of oversight in the creation and adjustment of the civics test were also brought forth by the committee. Although the recommendations made by the BOTA were positively received, their contract to continue research and recommendations was ended (Chudowsky et. al., 2006). The USCIS expressed a concern that the committee’s recommendations would “unnecessarily delay” the test re-design process, as they had hoped to “move ahead quickly” with its implementation (Chudowsky et. al., 2006, pg. 24). Shortly after, the USCIS hired the American Institute for Research (AIR) to continue with the redesign project. Instead of a complete redesign of the civics test, the AIR proposed continual use of the current civics test with adjustments to be made to increase its standardization (Chudowsky et. al., 2006). In 2008, a new version of the civics test was released. This newer version consisted of a master set of 100 questions and accompanying answers that in many ways look similar to the older version of the test.

Today, the civics test can be easily accessed online for anyone that wishes to pursue naturalization (USCIS, 2017). After the paperwork has been filed and an individual has met all of the requirements (See USCIS, 2016c, pg. 17-21), they must meet with an USCIS Officer to pass the civics test. The officer will choose ten questions at random from the set of 100. The civics test consists of a several sections, dealing with the principles of American Democracy (e.g. “What is the supreme law of the land?”), the system of government (e.g. “Who makes federal laws?”), rights and responsibilities (e.g. “When must all men register for the Selective Service?”), American history (e.g. “When was the Constitution written?”) and integrated civics, dealing with questions about American geography, symbols and holidays.

Although there are exceptions for those who are 65 years of age or older, or have been a legal resident for more than 20 years, everyone is expected to know the answers to each of the 100 possible questions. Questions are asked orally, and the individual must answer 6 out of 10 correctly to pass the test. Answers have been pre-determined and the officer expects for the individual to remain up-to-date about questions that may have a different answer depending on when the test was taken (for example: changes in government, names of leaders, and laws). During this individual meeting with an USCIS officer, immigrants are also tested on their knowledge of English. Officers require individuals to write several sentences, as well as to read aloud several sentences in English. Remarkably, it still is up to the discretion of the officer to decide whether or not the individual has a working knowledge of English. If an individual does
not pass either section of the civics test or the English language requirement, they are allowed to re-take the exam once more (USCIS, 2016c).

The United States were rather early in implementing a civics test, compared to other countries around the globe. In spite of the fact that there is some variation into how these tests look and how the evaluation is performed, these tests are designed to teach immigrants basic knowledge and skills about a country’s history, political structure and geography, in order to advance their integration within society. The underlying assumption is that their understanding of the history of government will result in civic nationalism or social cohesion (See: Harnett, 2013b).

However, the standardization of the naturalization process in the United States, with the intention of creating a more efficient and objective system, mirrors perhaps much more the “canonical knowledge” of what someone should have to live in a certain country (see: Harnett, 2013b). In the United States, as in many other countries, citizenship tests do not necessarily transmit the values of citizenship. This is not to say that the facts and questions in these tests do not hold importance. Yet, it remains remarkable that questions relating to the rights that citizens have are seldom included in citizenship testing. In the United States, questions such as, “How do you pay your taxes?”, or “What rights do you have if you are arrested?”, “What religious freedoms do you enjoy?” are not found in the civics test. For instance, the civics test includes the question “When is the last day you can send in federal income tax forms?”, but fails to teach immigrants how or even why American citizens pay taxes.

Ideally, the naturalization procedure should keep a balance between the responsibilities, as well as the rights that are guaranteed to new American citizens. The current system, that is the result of some of the historical developments we discuss in this article, has resulted in a system that is rife with contradiction. One the one hand, the USCIS does aim to promote the freedoms that new citizens have, as well as their responsibilities towards their new county. On the other hand, however, they propose to guarantee an understanding of these rights and responsibilities by questioning immigrants about the names of past presidents and national anthems. The civics test does include a section about “rights and responsibilities,” but rather than speaking to the core values of citizenship, these rights and responsibilities are reduced to facts about the rights and responsibilities of American citizens and the American Constitution (e.g. “What do we show loyalty to when we say the Pledge of Allegiance?”).

Furthermore, statistics today show that the gates to the USA are not open wide. In 2013, the Yearbook of Immigration Statistics (2013) indicated that immigrants from Asia (275,700), North America (271,807), and Europe (80,333) were naturalized with the highest frequency (pg. 53). This document also reveals the specific breakdown of immigrants and naturalized members for every country around the world. Although it may be that people from other areas of the world are not seeking citizenship in such high frequencies, there are explicit barriers to citizenship (e.g., English requirement, civics test, residency) that may prevent individuals from outside Asia, North America, and Europe from becoming naturalized in such high rates. Another factor to consider when analyzing these results, is that the numbers of those who apply and those who are denied citizenship fluctuate from year to year. In the case of the year 2001 (in which the terrorist attacks of September 11th took place), 501,643 petitions were filed from immigrants and 218,326 were denied. The following year in 2002, 700,649 petitions were filed (a significant increase from the previous year) and only 139,779 were denied (Yearbook of Immigration...
Statistics, 2013, pg. 52). Kunnan (2009) would argue that the temperature on the world stage including “worries over war, economic problems, and fear of immigrants as potential citizens” have always played a role in how the government views and accepts potential citizens (pg. 95). These statistics are not neutral by any means, but in fact ‘teach’ us that categories of sex, age, marital status, home/birth country are not only being recorded and calculated, but are included as more categories that can be used to include or exclude individuals from American citizenship. Also, for many decades, the yardstick of “good moral character” has been expressed as a requirement not only for all American citizens, but has acted as a barrier to deny citizenship to anyone who is outside of these bounds. This requirement sends a very clear message to immigrants. The USCIS desires to accept and create citizens that are obedient and lawful. It can be assumed that these characteristics verify what an ideal citizen should be. Citizens that are in a position of “good moral character” are better able to serve the needs of the state. Therefore, this requirement for “good moral character” is used by the state as a way of excluding or including individuals based on their social background. The Guide to Naturalization explicitly describes what a lack of good moral character is in the table below (USCIS, 2016c, pg. 25).

<table>
<thead>
<tr>
<th>Any crime against a person with intent to harm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any crime against property or the Government that involves “fraud” or evil intent.</td>
</tr>
<tr>
<td>Two or more crimes for which the aggregate sentence was 5 years or more.</td>
</tr>
<tr>
<td>Violating any controlled substance law of the United States, any State, or any foreign country.</td>
</tr>
<tr>
<td>Habitual drunkenness.</td>
</tr>
<tr>
<td>Illegal gambling.</td>
</tr>
<tr>
<td>Prostitution.</td>
</tr>
<tr>
<td>Polygamy (marriage to more than one person at the same time).</td>
</tr>
<tr>
<td>Lying to gain immigration benefits.</td>
</tr>
<tr>
<td>Failing to pay court-ordered child support or alimony payments.</td>
</tr>
<tr>
<td>Confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past 5 years (or 3 years if you are applying based on your marriage to a United States citizen).</td>
</tr>
<tr>
<td>Failing to complete any probation, parole, or suspended sentence before you apply for naturalization.</td>
</tr>
<tr>
<td>Persecution of anyone because of race, religion, national origin, political opinion, or social group.</td>
</tr>
</tbody>
</table>

Table 1: Examples of things that might demonstrate a lack of ‘good moral character’.

Once an immigrant’s moral character has been approved and passing scores have been received, the final step in achieving citizenship is attendance in a local naturalization ceremony. During this time, participants must recite the “Oath of Allegiance” in a public way (USCIS, 2016c, pg. 28). Attendance is required and the citation of the oath in front of a judge is seen as the immigrant’s public and political alignment to their new country. It is clear from the Guide to Naturalization (USCIS, 2016c) and the Oath of Allegiance, that the aim of the USCIS is to guide
both political conscience and action. Immigrants are expected to accept not only the legal, but especially the political terms of citizenship (e.g., allegiance, defense, military service). These terms are deeply political in nature, as in the government has made a uniform decision concerning naturalization, and has applied it to immigrants. This political act requires immigrants to deny their attachment to their home/birth country, and to put the goals of the American state before all else. No matter the individual’s background, the Oath of Allegiance is to be recited in English (although a translator may be present). However, due to the separation of the church and the state in the USA, individuals are not required to say, “under God” if it goes against their religious background. The direction towards these political terms highlights the political function of the state. Pursuing citizenship is a very political act, controlled by the USCIS, and only pursued by immigrants if they are able to accept all of the terms and conditions without objection. The very nature of these terms, as well as the very words that are both written in these documents and spoken aloud in the Oath of Allegiance reflect the government’s ability to steer or guide immigrants in a political way. For some, this ceremony is the

Crucible of America, the moment when the machinery of the state opens its gate and admits irrevocably those aliens who have passed the scrutiny of its bureaucrats—language tests, history tests, economic tests. Tests that impress with their enormous and amazingly indifferent power of representative Americans to deny you identity, tests that force you to compliance, tests for inclusion that threaten exclusion. (Stavans, 2009, pg. 487)

Taking the “Oath of Allegiance” is the culmination of an immigrant’s naturalization, and is a reflection of the fact that the apparatus of the state has deemed an individual worthy enough to be an American citizen.

Conclusion

The aim of this article has been to document the development of the naturalization procedures in the United States since the 18th century. In contrast with earlier studies that critiqued the test for its reliability or content, this article sheds light on the contours in which today’s naturalization procedures were formed. This article documents a process of increasing standardization, which was paralleled by a process of educationalization. In the 18th and 19th century, naturalization in the United States was marked by a high degree of diversity in procedures, and was very arbitrary in nature. More specifically, more than 5,000 different naturalization courts across the country were established, and each of them set their own requirements, tests, and fees, and awarded their own certificates of naturalization to anyone whom they believed had passed the requirements (USCIS, 2016b). Since the beginning of the 20th century, naturalization procedures were increasingly standardized, not the least as a result of the introduction of a civics test. These tests still bear the stamp of the past. Not only does the government continue to use a civics test that looks remarkably similar to those that had been used in past decades, the state remains steadfast in their assertion to give individual USCIS officers discretion to pass or fail incoming immigrants during the oral civics examination (Winke, 2011). Additionally, it was seen how the importance of ‘moral character’ and demographics
continue to play a role in today’s naturalization procedures. More specifically, economic and social background has long played a role in how immigrants are selected and approved for citizenship. Men and women were disqualified based on their birth/home country and/or their country of arrival. For many years, immigrants from western Europe were favored and naturalized over any other sub-national group of people (Schneider, 2010). As a result, immigrants from northern and western parts of Europe were increasingly gaining citizenship status, while other minority groups increasingly faced barriers to citizenship. For example, The Chinese Exclusion Act of 1882 significantly limited, and in some cases refused, anyone of Chinese descent access to immigration and naturalization procedures (Smith, 2002, para 7). Although these measures do not explicitly play a role in the selection process today, the social and cultural backgrounds of incoming citizens remain important to the USCIS. The Office of Immigration Statistics exists to analyze where people are coming from and who is receiving the legal status of citizen. The existence of this bureau alone speaks clearly about the important role of quantifying, classifying, and reporting who can and who cannot become a citizen.

From the start, naturalization requirements became specific to the point of discrimination, as categories of race and the judgment of a person’s moral character were used as barriers for both immigration and naturalization (Immigration to the United States, 2015). Today, many immigrants are disqualified due to their past ‘moral character.’ By quantifying how many and what types of people are able to be accepted as American citizens, the socio-cultural background of immigrants is used as an instrument of exclusion and inclusion.

As a result, we see that the naturalization process in not simply a neutral set of guidelines, or a stack of paperwork that simply has to be filed. Citizenship is not granted merely as a legal status, but is a political act that is required of immigrants in order to begin their new lives as members of new states. It is clear from the Guide to Naturalization (USCIS, 2016c) and the Oath of Allegiance, that the aim of the USCIS is to guide both political conscience and action. Immigrants are expected to accept not only the legal, but especially the political terms of citizenship. These terms are deeply political in nature, as in the government has made a uniform decision concerning naturalization, and has applied it to a group such as this (immigrants). Denying any allegiance to another country is not something to be taken lightly. This political act requires immigrants to deny their attachment to their birth country, and to put the goals of the American state before all else.

Negative academic and media coverage, along with the easy access of civics test through governmental websites, makes the test an easy target for speculation. As a result, the civics test is quite readily dismissed as not being a relevant or reliable measure of citizenship. Today, the media’s spotlight on the naturalization process has fizzled out and it is hardly covered anymore. This may be due to the fact that it is no longer a ‘hot topic’ and many have resigned themselves to accepting this test as just a standard procedure, whether or not it has any value. Academics and specialists in the field clearly understand the value of the test and the weight it plays in the process of naturalization. However, since no changes have been made to the civics test since its last adjustment in 2008, this topic has fallen to the wayside.

Thus, we must look at how tests are viewed in society at large. It is true that tests are a common feature of school environments today, but of course, tests do not define a school. By analyzing a test given at a school, we cannot claim to know whether that school is effective or not on a larger scale. Passing rates, measures of reliability, and examinations of content are vital.
aspects of understanding tests today. Whether tests are used by elementary schools or governmental bureaus, they are products of the values of those who have made them. Tests have influence along a spectrum, with the ability to empower or disable those who take them. As a result, we can view tests as very specific tools that are used to specifically exert pedagogical power. In agreement with Pykett, pedagogy can be understood as “a form of power which aims to unpack and rearticulate the best ways in which to develop competencies, accrue knowledge and incite people to self-govern, rather than a simple case of teaching” (2010, pg. 624). The civics test is only a piece of this pedagogical power, held within a larger view of citizenship education promoted by the USCIS. This citizenship education is deeply influenced by the explicit and implicit pedagogical values held by the USCIS, especially as these values influence the lives of thousands of immigrants every year. Overall, standardized procedures and ‘schoolish’ educational materials and tests are given enormous weight when it comes to who will be included or excluded by the state, which is not to be taken lightly.

References


---

218 • *Encounters 19, 2018, 205-220*


---


ii For a historical discussion on citizenship testing in Australia, see: Holland, 2010.

iii For reasons of copyright, we were unable to include the images in this paper. However, the 1970 revised version of the 1922 Textbook can be consulted online. See: Bureau of Naturalization. 1922, rev. ed. 1970. Federal citizenship textbook. Department of Labor. Washington, D.C: Government Printing Office. Accessed https://files.eric.ed.gov/fulltext/ED059111.pdf