A More Meaningful Citizenship Test? 
Unmasking the Construction of a 
Universalist, Principle-Based Citizenship Ideology

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INTRODUCTION

In September 2007, the United States Office of Citizenship and Immigration Services (USCIS1) unveiled the final one hundred questions to the new citizenship test, created by USCIS to be “more standardized, fair, and meaningful”2 than the current naturalization exam.3 The new exam is the result of USCIS’s seven-year test development project, costing a reported 6.5 million dollars.4 Focusing on American civic values, the new test includes one hundred

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1. On March 1, 2003, the services and benefits function of the U.S. Immigration and Naturalization Service (INS) became USCIS, one of three Immigration and Naturalization organizations to join the U.S. Department of Homeland Security. It is in charge of administering as well as setting policies and priorities for immigration and citizenship services. See USCIS, About Us, http://www.uscis.gov (last visited Mar. 11, 2008).
4. Press Briefing, USCIS, Pen and Pad: New Naturalization Test 30-33 (Sept. 27, 2007),
revised questions, from which ten will be randomly selected during a given citizenship interview. The other parts of the exam, including the English reading and writing portions, will generally remain the same, except that they will include more civic-based content. According to former USCIS Director Emilio Gonzales, the new exam is more about testing "meaning and understanding than rote memorization." The revised test emphasizes "the fundamental concepts of American democracy and the rights and responsibilities of citizenship" and "genuinely captures the applicant's knowledge of what it is he's about ready to be—a United States citizen." In this way, USCIS's goal is "to inspire immigrants to learn about the civic values of this nation so that after they take the oath of citizenship they will participate fully in our great democracy." USCIS will implement the new test nationwide beginning October 1, 2008.

The change to the citizenship test marks the first time that USCIS has revised the test since INS, the predecessor organization of USCIS, implemented an official naturalization exam in 1986. USCIS began a test development project in 2000 and launched a four-month pilot program in February 2007. During the pilot phase, USCIS sampled 142 revised exam items in ten U.S. cities with more than 6,000 volunteer citizenship applicants. USCIS,


5. I have attached both the current and the new test questions and their answers in the appendix. The current test, consisting of ninety-six items, is also available at http://www.uscis.gov/files/nativedocuments/Flashcard_questions.pdf; the new test questions are available at http://www.uscis.gov/files/nativedocuments/100q.pdf.


8. Press Briefing, Pen and Pad: New Naturalization Test, supra note 4, at 23.

9. USCIS, Redesigned Naturalization Test, supra note 2.


15. The new exam has been tested in Albany, N.Y.; Boston, Mass.; Charleston, S.C.; Denver, Colo.; El Paso, Tex.; Kansas City, Mo.; Miami, Fla.; San Antonio, Tex.; Tucson, Ariz.;
together with external stakeholders, used the feedback from the pilot test to revise and pare down the questions to the final one hundred in the new exam.

The prevailing criticism of the current exam was that it simply tested rote memorization of trivia, such as the number of stripes and colors on the American flag. As one spokeswoman for USCIS stated, the current exam "did not elicit enough civics knowledge and values we as Americans hold true," and the test did not indicate a "demonstrable knowledge that the new citizens were ready to participate in our government on the federal, state or community level."

To USCIS's credit, the new citizenship test is a marked improvement from the current exam. USCIS has taken a systemic approach to the naturalization process and has supplemented the new test with a range of study materials and opportunities for immigrants to learn about American history, civic responsibility and values, and the naturalization process. The new test also covers more substantive ground, includes a range of possible answers, has replaced many confusing and redundant items, and presents the questions in a more organized, coherent fashion. USCIS has also added some (albeit limited) items about women and Native Americans and reworded outdated, exclusionary language. Most significantly, the new test stresses the core concepts of American democracy, such as self-government, First Amendment freedoms, and the rule of law. By doing so, USCIS claims to have made the test more "meaningful"—that is, by following a basic U.S. history and civics curriculum, the new test provides applicants with opportunities to learn about,
and presumably internalize, the rights and responsibilities of citizenship. USCIS further claims that a principle-based citizenship test is more inclusive since many people can identify with democratic values, irrespective of their individual backgrounds. As Aguilar put it, the new naturalization exam is a "test for new Americans of all backgrounds, of all ethnic[ies], of all religions, of all cultural backgrounds." Ultimately then, a principle-based citizenship is more "meaningful" because it promotes a universalist citizenship.

Despite these improvements, however, we must ask whether the principle-based citizenship test described above is truly "meaningful." What does a citizenship defined in terms of core republic values suggest and assume? In remaking the citizenship test, USCIS has also redefined the very meaning of citizenship: by selecting, revising, and eliminating the particular questions it chooses to ask, USCIS has implicitly shaped the contours and substance of citizenship. A close reading of the citizenship test items themselves reveal that, while seemingly neutral on their face, the questions reflect deep-seated assumptions about citizenship: who can be citizens, who is excluded, what the applicant acquires and must give up in becoming a U.S. citizen, and what historical legacy citizens share. In this Comment, I use the citizenship test as a lens in critiquing USCIS's construction and reconstruction of citizenship. I argue that the new principle-based citizenship test promotes the fiction of a universalist citizenship ideology. A principle-based citizenship is premised on limited notions of certain disfavored groups—most notably, immigrants and nonwhite minorities—who are positioned as antithetical to democratic values. It demands that these groups relinquish their "otherness" to assimilate into the citizenship community. Thus, a principle-based citizenship does not actually advance a universalist ideology but instead masks an exclusionary construct.

Particularly in the wake of September 11, 2001 and President George W. Bush's 2007 Comprehensive Immigration Bill, there has been a great surge in citizenship scholarship, as evidenced in recent symposia devoted entirely to the subject. Nevertheless, legal scholars have not yet explored the meaning of citizenship through the context of the citizenship test itself, partially because many viewed the current test as only a logistical hurdle in attaining citizenship. The new citizenship test, however, not only provides a valuable blueprint of the government's shifting understanding of citizenship from a post-War World II to a post-9/11 era, but it also perpetuates a particular citizenship ideology.

This Comment proceeds in four parts. In Part I, I begin with a brief background on naturalization and the new citizenship test. Part II then closely

21. See id. (explaining what it means to make the test more "meaningful").
22. Press Briefing, Pen and Pad: New Naturalization Test, supra note 4, at 35.
examines the questions in the current and new tests to show how the meaning of citizenship shifts from a power-centered to a principled-centered construct, respectively. I argue that upon a closer examination of the current test (in what ostensibly appears as a collection of random civics trivia), a dominant notion of citizenship emerges: citizenship means allegiance to a strong federal government headed by a powerful executive in a post-war community. The new test, by contrast, reveals a citizenship construct that is much more concept-oriented: citizenship involves the process of identification with—and ultimately assimilation of—fundamental democratic values. In Part III, I ask whether USCIS’s new principle-based citizenship test is more “meaningful”—that is, whether it promotes a more inclusive citizenship ideology. I conclude that it has not. A principle-based citizenship is ultimately an exclusionary ideology that forecloses certain disfavored groups, such as immigrants and nonwhites, from full membership into the citizenship community. Like the theory of colorblind constitutionalism, a principle-centered citizenship is based on a rhetoric of neutrality, purporting to promote an all-inclusive ideology while actually masking a contradictory construct. Finally, in Part IV, I call for a new citizenship ideology that is people-centered, not principle-centered. A truly meaningful citizenship involves embracing the rhetorical and ideological challenge of communicating universal values through, rather than disembodied from, “we the people”—through race, the immigrant, and the ethnic other.

I

BACKGROUND: NATURALIZATION AND THE NEW CITIZENSHIP TEST

The Citizenship Clause of the Fourteenth Amendment guarantees that “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” A person may obtain U.S. citizenship in one of three ways. First, a person born on U.S. soil is a U.S. citizen under the common law doctrine of \textit{jus soli} (right of birthplace). Second, a child born abroad may acquire “derivative” citizenship, known as \textit{jus sanguinis} (right of blood), if one or both of the child’s parents becomes a U.S. citizen and meet specific residence requirements. Third, a person may become a U.S. citizen by naturalization. Exceptions are made for children of foreign heads of state or diplomats.

\begin{itemize}
  \item \textbf{24.} Plessy v. Ferguson, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting) (stating that “[o]ur Constitution is color-blind”). Colorblind constitutionalism is a theory based on a seemingly neutral ideology that serves to mask and perpetuate the racial status quo. See Neil Gotanda, \textit{A Critique of “Our Constitution is Color-Blind,”} 44 \textit{STAN. L. REV.} 1, 2-3 (1991) (“A color-blind interpretation of the Constitution legitimates, and thereby maintains, the social, economic, and political advantages that whites hold over other Americans.”). See infra note 106 and accompanying text.
  \item \textbf{25.} U.S. Const. amend. XIV, § 1.
  \item \textbf{27.} \textit{Id.} A child who is born outside the United States becomes a citizen at birth if both parents are U.S. citizens and one has had residency in the United States prior to the child’s birth. \textit{Id.}
\end{itemize}
a U.S. citizen by naturalization.\textsuperscript{28}

Naturalization refers to the process by which a foreign citizen or national becomes a U.S. citizen after fulfilling the requirements set by Congress in the Immigration and Nationality Act of 1952 (INA).\textsuperscript{29} The basic requirements for citizenship are as follows: (1) minimum age of eighteen years;\textsuperscript{30} (2) lawful admission to the U.S. as a permanent resident;\textsuperscript{31} (3) a period of continuous and physical residence in the United States;\textsuperscript{32} (4) good moral character for the statutory period;\textsuperscript{33} (5) attachment "to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States";\textsuperscript{34} (5) "an ability to read, write, and speak words in ordinary usage in the English language"\textsuperscript{35} (waived for some applicants);\textsuperscript{36} (6) a demonstration of "knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States"\textsuperscript{37} (waived for some applicants);\textsuperscript{38} and (7) the oath of allegiance.\textsuperscript{39}

\begin{itemize}
\item U.S.C. § 1401(c) (2005). However, if the child’s parentage is unknown or only one parent is a U.S. citizen, the rules become more complex. See Sungjee Lee, \textit{The Parent/Child Relationship: Derivative Citizenship Through Parents}, 16 J. CONTEMP. LEGAL ISSUES 43, 43-44 (2007).
\item USCIS, \textit{CITIZENSHIP IN THE UNITED STATES}, supra note 26, at 6.
\item The Immigration and Nationality Act of June 27, 1952, Pub. L. No. 82-414, 66 Stat. 163 [hereinafter INA].
\item INA § 316(a), 8 U.S.C. § 1427(a) (2006).
\item \textit{Id.} For a fuller explanation on the residence requirement and the effect of absences from the United States, see 7 CHARLES GORDON, STANLEY MAILMAN, & STEPHEN YALE-LOEHR, \textit{IMMIGRATION LAW AND PROCEDURE} § 95.02 (2007) [hereinafter IMMIGRATION LAW AND PROCEDURE].
\item INA § 316(e), 8 U.S.C. 1427(e) (2006).
\item INA § 312(a)(1), 8 U.S.C. § 1423(a)(1) (2006). The INA also specifies that the literacy test must be “reasonable” and “no extraordinary or unreasonable condition shall be imposed upon the applicant.” \textit{Id.}
\item Exemptions are made for applicants who cannot comply with the requirement because of physical, developmental, or mental impairment, INA § 312(b)(1), 8 U.S.C. § 1423(b)(1) (2006), and those who meet certain age and residency requirements, INA §§ 312(b)(2)(A), (B), 8 U.S.C. §§ 1423(b)(2)(A), (B) (2006).
\item The Attorney General provides "special consideration" for applicants, who on the date of filing the citizenship application, is sixty-five years of age and has been in living in the U.S. for at least twenty years after attaining permanent resident status. INA § 312(b)(3), 8 U.S.C. § 1423(b)(3) (2006). The phrase “special consideration” means that these applicants will take a less difficult test where they are asked ten questions from a special list of twenty-five items, and only six must be answered correctly to pass. See Memorandum from Louis D. Crocetti, Jr., to all INS field offices, File No. CO 70/33.2-P (Dec. 22, 1995), \textit{reported in} 73 Interpreter Releases 66, 86 (Jan. 16, 1996).
Occurring during the applicant's interview by a USCIS officer, the civics exam tests the applicant's knowledge of English (oral comprehension) and knowledge of U.S. history and government. The oral comprehension portion of the test is ongoing in that if the applicant cannot understand the interview questions and instructions, the examiner may disqualify the applicant. For the written part, the examiner recites a simple sentence for the applicant to write on paper. The examiner may repeat the sentence if necessary, and simple spelling errors generally will not disqualify the applicant so long as the words are recognizable. The civics portion of the exam consists of ten questions that the examiner selects randomly from a standardized list. All potential questions and answers are posted on USCIS's website. The applicant must correctly answer six to pass. For older applicants, examiners will select questions from a shorter list of "easier" questions (also available on the website). Applicants who do not pass the English or civics portion of the test may retake the exam several months later.

In the last ten years, the current naturalization exam has come under increased scrutiny. USCIS reported that various studies determined that "the exam lacked standardized content, instruments, protocols, or [a] scoring system", was inconsistently administered, and merely tested rote memorization of facts instead of substantive knowledge of U.S. history and concisely discuss the nuts and bolts of naturalization, see Lichter, supra note 30, at 353.

40. Lichter, supra note 30, at 353.
41. Id.
42. Id.
43. See infra note 5 and accompanying text.
44. If the applicant does not pass the first time, she may retake the exam with one application fee. An applicant that does not pass a second time must reapply and pay appropriate fees. In addition to the new test, USCIS has also implemented a new fee structure, effective July 2007. See USCIS, Building an Immigration Service for the Twenty-First Century, http://www.uscis.gov (search for "Building an Immigration Service") (last visited Mar. 11, 2008). The adjustment increased fees for immigration and naturalization benefit applications and petitions, including nonimmigrant applicants and visa petitions. See Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule, 72 Fed. Reg. 29,851 (May 30, 2007) (to be codified at 8 C.F.R. pt. 103). The application fee for naturalization (form I-400) increased from $330 to $595 while the application fee to register as a permanent resident (form I-485) increased from $325 to $930. Id. at 29,854. USCIS explained that these fee adjustments were necessary to provide sufficient funding for meeting its "national security, customer service, and processing time goals, and to sustain and improve service delivery." Id. at 29,851. This marks the first time USCIS increased fees since October 2005, when it updated the Immigration Examination Fee Account (IEFA) to reflect inflation. Id.
45. Applicants may be exempt from the English exam if, upon the filing date of their application, they are over fifty years old and have been living in the U.S. for periods totaling more than 20 years. Alternatively, applicants age fifty-five or older who have resided in the U.S. for periods exceeding fifteen years are also exempt from the English proficiency requirement. See 8 C.F.R. § 312.1(b) (2008). For the civics exam, only those who suffer from "medically determinable physical or mental impairment" are exempt. Id.
46. Fact Sheet, USCIS, supra note 14, at 1.
47. Id.
civic values. To address these concerns, INS launched a test redesign project in 2000 and a pilot program in 2005. The redesign project involved input from a comprehensive list of experts and interested parties. USCIS further involved a team of experts chosen by the association of Teachers of English to Speakers of Other Languages (TESOL) in developing the English items. The TESOL panel assisted in drafting and reviewing civics questions using a "content framework" that the Office of Citizenship identified from a review of a variety of sources: government authorized civics and citizenship texts, the U.S. Department of Education’s National Standards for Civics and Government, the current naturalization test, and the study guide developed by USCIS in 2004.

In February 2007, USCIS piloted 142 new and revised civics items. The pilot exam followed the same format as the current test but had two significant differences. First, the reading and writing portions of the test incorporated more civics-based vocabulary. Second, USCIS included more substantive questions about the principles of American democracy, our system of government, the rule of law, rights and responsibilities of citizenship, American history, and geography, along with a wider range of possible responses. The intent was "to encourage civic learning and patriotism among prospective citizens" and help them "learn and identify with the basic values that we all share as Americans." Moreover, USCIS established more uniform testing protocols and procedures to ensure that the test is standardized and fair throughout the country. All applicants who were scheduled to take the pilot exam received advance copies of the civics questions and two vocabulary lists for the reading and writing portions of the exam. People who failed the pilot exam were allowed the option of taking the current test. USCIS complemented the pilot

48. See Kim, supra note 13, at 155; see also Yvonne Abraham, City to Try an Updated Citizenship Test Soon, BOSTON GLOBE, Nov. 13, 2006, at B1.
49. The various entities provided technical assistance, including: the National Academy of Sciences, a panel of history and U.S. government scholars, and a panel of English as a Second Language (ESL). Input was also given by stakeholders like immigration advocacy groups, citizenship instructors, ESL teachers, and USCIS District Adjudication Officers. See Fact Sheet, USCIS, supra note 14, at 1.
50. Id. at 2.
51. Id. at 3.
52. Id. at 2.
53. Id. For the reading component, the civic words include: American flag, Bill of Rights, capital, citizen, Congress, country, Father of our Country, flag, government, President, right/rights, Senators, state/states, and White House. Under the writing vocabulary, these words include: American Indians, capital, Civil War, Congress, Father of Our Country, flag, free, freedom of speech, President, right/rights, Senators, state/states, and White House. The vocabulary lists for the new test are available on USCIS’s website, supra note 6.
54. Fact Sheet, USCIS, supra note 14, at 1.
55. Id.
56. See id.
57. See id. at 2.
program with a secondary study in which it tested the exam questions on English learners in sixty-four adult education sites. Then, in finalizing the new test questions, USCIS discarded and reworded items that were confusing or not at the appropriate language level.59

II
CONSTRUCTING AND RECONSTRUCTING THE MEANING OF CITIZENSHIP

The citizenship exam tests more than the applicant's understanding of American history and civics. At a deeper level, it also implicitly conveys a particular meaning of "citizenship"—that is, the questions construct a certain citizenship ideology via what they cover and the way they frame the information being asked.

The concepts of citizenship and citizen derive from the Latin word for city, civitas, and originated in Ancient Greece, where citizens governed independent city-states.60 Above all else, the classical construction of citizenship stressed equality. In his foundational statement on citizenship, Aristotle posited that "a state is composite, and, like any other whole, made up of many parts; these are the citizens, who compose it."61 Classical expositions on citizenship deeply influenced eighteenth century philosophers, such as John Locke, Alexis de Tocqueville, and John Stuart Mill—who each emphasized the central role of equality among the members of a citizenship community.62 Drawing on Locke's Two Treatises on Government,63 Thomas Jefferson incorporated the ideas of equality into the Declaration of Independence. Similarly, the authors of the Federalist papers defined "American Citizen" as expressing "the general principles that ought to govern membership in a free society . . . and it ought to confer equal rights."64

The modern rhetorical construction of citizenship follows this theoretical line.65 American citizenship, for example, stresses "equal membership" and "incorporation into the body politic."66 It embodies the "universalist ethic," the "inclusion and incorporation of everyone."67 This universal citizenship—citizenship for all—has been the "normative touchstone" in the United States as

60. USCIS, CITIZENSHIP IN THE UNITED STATES, supra note 26, at 1.
65. Román, supra note 61, at 572.
66. Id.
well as in most other liberal democratic states.\textsuperscript{68} However, a universal citizenship is an “inward-looking framework”; it views citizenship from a closed, endogenous perspective.\textsuperscript{69} But with increasingly porous borders and global migration, contemporary theorists have begun to emphasize another dimension of citizenship: citizenship as a border concept that emphasizes both inclusion and exclusion. Citizenship is a “boundary-focused citizenship” understood “to denote not only community belonging but also community exclusivity and closure.”\textsuperscript{70} Thus, on the one hand, citizenship aspires to be all-inclusive, to be what political theorist Iris Marion Young called the “ideal of universal citizenship.”\textsuperscript{71} On the other hand, citizenship is a threshold that necessarily implies exclusion. In the formal sense, citizenship sets up physical, national borders that regulate who may and may not cross into a nation’s territory. But beyond territorial boundaries, citizenship is also an ideology that imposes an “internalized border”\textsuperscript{72} that determines who is an alien and who may cross into the privileged circle of citizenship. Remaking citizenship therefore involves negotiating this dual character, between “universalism and boundedness.”\textsuperscript{73}

Contemporary discussions of citizenship have been contentious and varied. As Linda Bosniak points out in \textit{Varieties of Citizenship}, citizenship has become the touchstone for discussion about a wide range of things: “enjoyment of rights of various kinds, about political and civic engagements, about experiences of collective identity and solidarity, and about the possession of formal national membership status or nationality.”\textsuperscript{74} Despite numerous studies on and via citizenship, however, legal scholars have not yet closely scrutinized the citizenship test itself. In this section, I analyze USCIS’s construction and reconstruction of citizenship through the lens of the current and new citizenship tests. I examine the shift in USCIS’s citizenship ideology from a power-centered to a principle-centered construct in the current and new test, respectively. I argue that upon close examination of the test items, the principle-based citizenship test promotes an exclusionary construct that—in contrast to USCIS’s universalist rhetoric—denies certain historically disfavored groups full membership in the citizenship community.

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\item \textsuperscript{68} \textit{Id.} at 30.
\item \textsuperscript{69} \textit{Id.} at 1-2.
\item \textsuperscript{70} \textit{Id.} at 2.
\item \textsuperscript{72} Linda Bosniak, \textit{Varieties of Citizenship}, 75 FORDHAM L. REV. 2449, 2451 (2007).
\item \textsuperscript{73} \textit{Id.} In \textit{The Citizen and the Alien}, Bosniak argues that citizenship theory should not limit itself to either perspective, but should instead map the interplay between the two. She posits the person of “alien status” as embodying the convergence of the universalist and exclusionary citizenship ideologies. \textit{BOSNIAK, supra} note 67, at 9.
\item \textsuperscript{74} \textit{Id.} at 2449.
\end{enumerate}
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A. The Current Test: A Power-Centered Citizenship

The current citizenship test draws from a pool of ninety-six questions, which, along with the answers, are published on USCIS’s website. USCIS has also developed study aids that are available on the web, including civics flash cards and Learn About the United States: Quick Civics Lessons75 (translated into Spanish and Chinese). The questions are presented in a simple list, covering material on the American flag, the three branches of government, American history, rights and freedoms of citizenship, the Constitution, and national holidays. As discussed in Part I, the current test has been repeatedly criticized for consisting of what appears as a loose string of factual knowledge. But a closer examination of the questions themselves reveals a more systematic citizenship ideology: one that is constructed around a rhetoric of power—specifically, around symbolic, textual, and executive sources of authority to which the applicant, if naturalized, owes unwavering allegiance.

Foremost, citizenship in the current exam is centered around a powerful federal government with a strong executive. Notably, there are twenty-six questions exclusively devoted to the executive branch of government. In contrast, there are no questions about the power of state or local government, only about the name of their respective executive heads (governor and mayor). Twenty-two questions alone concern the U.S. President and the attendant powers of the office, while only one item is about the Vice President. There are other questions about the legislative and judiciary branch, but no mention of checks and balances or shared power.

Most items about the President are simply phrased questions concerning the name of the first and the current President, who becomes the President if the President dies, the length and number of terms the President may serve, and the month of inauguration. Question 46 deals with the eligibility requirements: in order to be President, a person must be a minimum of thirty-five years old, must have lived in the United States for at least fourteen years, and be native-born (that is, not a naturalized citizen). The last requirement, of course, means that the immigrant—as a naturalized citizen—can never be President. Other items about the President address the respective executive powers: who nominates judges for the Supreme Court (no. 48); who signs the bills into law (no. 60); and who is the Commander-in-Chief of the United States military (no. 81)? The federal executive is further anchored to another symbolic center of power—the White House. Three questions are about the President’s executive office: what is the name of the President’s official home (no. 78); where is the White House located (no. 79); and what is the White House (no. 94)? Finally, several items concern specific presidents: who was the President during the

75. Quick Civics Lessons is a supplemental booklet that provides brief civics lessons based on the naturalization test questions. USCIS, Civics and Citizenship Materials, www.uscis.gov (search for “Civics and Citizenship Materials”) (last visited Apr. 18, 2008).
Civil War (no. 62) and which President was the first Commander-in-Chief of the U.S. Army and Navy (no. 66)?

The questions devoted exclusively to the President underscore a particular citizenship ideology. Citizenship means membership in a state headed by a powerful federal executive to whom the citizen must defer. This executive head is above and beyond the naturalized immigrant, who cannot legally become President. And the emphasis on the President as the “Father of our Country” (no. 65) suggests a strong paternal figure. Thus, in this construct of citizenship, a citizen is not necessarily what Calvin Coolidge extolled as the “peer of kings” or a member among equals in an Aristotelian state, but rather, is more aptly described as a subject of a republican ruler.

Moreover, based on the current exam questions, citizenship means belonging to a post-war community. Most of the approximately fifteen historical questions focus on war: the Revolutionary War against Great Britain, the Civil War, and World War II. The most potentially controversial question is no. 42, which asks who were our “enemies” of the U.S. during World War II. Question no. 90 is about the purpose of the United Nations; an international organization created in 1945 as a successor to the League of Nations to prevent war, promote human rights, and facilitate international cooperation. These two items shape American citizenship as specifically a World War II legacy. Seen in this light, the nationalistic rhetoric of citizenship becomes clear: citizenship means belonging to a war-torn community that emphasizes strong leadership—the President as commander-in-chief, a Congress that has the power to declare War, and states united as the “Union” against our enemies (Germany, Italy, and Japan).

Finally, the citizenship test’s post-war legacy also explains why the exam emphasizes the importance of allegiance to the American flag from the outset. USCIS devotes the first seven questions solely to the American flag—its colors, stars, and stripes. Though on their face these questions seem rather trivial, their larger significance lies in the way they ground citizenship as an act of allegiance, patriotism, and attachment to republican ideals.

Thus, upon closer examination, the current exam reflects a patriotic citizenship. Being a U.S. citizen means belonging to a post-war community that values strong executive leadership. The citizenship community is tied together by a strong, central power (the federal government and executive), to which the citizen pledges her allegiance in a world divided by World War II alliances.

B. The New Test: A Principle-Centered Citizenship

In the redesigned civics test, the meaning of citizenship shifts from a power-centered to a principle-centered construct. First, the new test reflects a
more decentralized and diffused sense of power away from the federal executive. Second, the new test focuses on a much deeper identification with republican ideals. In the current test, citizenship requires allegiance to the United States and its civic principles. The new test, by contrast, redefines citizenship as an assimilative process in which the immigrant must not only show loyalty to constitutional principles, but also internalize them in a manner that disavows the “alien” (racial and cultural) aspects of their identity that have no place in the republican civitas. Citizenship defined in this manner renders the citizenship community into an abstract ideal that serves to exclude, rather than include, the immigrant from full membership.

The most significant change in the new test is the predominance of principle-based questions. The new test is organized under three categories in order of their importance—American Government, American History, and Integrated Civics—which, in turn, are divided into subtopics. Questions about the American flag have been pared down and appear at the end of the test instead of at the beginning. The first topic is “Principles of American Government,” under which twelve items deal exclusively with democratic values. These items consist of five new questions and seven rephrased or recycled questions from the old exam. Instead of focusing solely on religious or constitutional freedoms, USCIS has integrated a wider range of ideas, including self-government (no. 3), the market economy (no. 11), and the rule of law (no. 12).

The dominant principle underlying the new test is the notion of citizenship as a legal construct. The first question ties citizenship not to the American flag but to the Constitution. As the supreme law of the land, the Constitution sets up the government, defines it, and protects the basic rights of Americans. The Constitution further confers power onto individual citizens to govern themselves. For example, the third question asks: “The idea of self-government is in the first three words of the Constitution. What are these words?” The answer, “We the People,” emphasizes that power is vested, foremost, in the people, rather than in the federal government. Citizenship thus means belonging to a community of self-governing people who are bound not by the Commander-in-Chief, but by the “rule of law,” which everyone (including leaders and the government) must follow. Since no one is above the law, the law acts as the great equalizer.

Under the second topic, “System of Government,” the next thirty-five questions reflect a shared notion of power binding the citizen community. The emphasis here is on checks and balances, federalism, and separation of powers instead of power concentrated in the federal executive branch. For example, USCIS has added two new questions (no. 41 and no. 42) about the powers the Constitution confers on both the federal and state governments. The federal government has the power to print money, to declare war, to create an army, and to make treaties, while the state government has the power to provide
schooling and education, protection (police), and safety (fire departments); to
give a driver’s license; and to approve zoning and land use. The topics of the
questions focus more evenly on each of the three branches of government. For
instance, in the new test, there are only eight questions about the President,
compared to nineteen in the current test. More items are devoted to other
government organs and figures, such as the President’s Cabinet positions (no.
36) and the Speaker of the House of Representatives (no. 47).

Another key principle of citizenship is that it confers both rights and
responsibilities. The third American Government section on “Rights and
Responsibilities” defines citizenship as giving exclusive rights (the ability to
apply for a federal job, to vote, run for office, and to carry a U.S. passport).
Yet, the majority of the questions in the new test stress the responsibilities of
citizenship over its rights. Only two out of the ten questions are about rights,
and even the rights referenced are enfolded into the responsibilities of
citizenship (for example, voting is both a right and responsibility). Meanwhile,
there are six new questions dealing with responsibilities of citizenship. Under
question 53, becoming a citizen means making promises to give up loyalty to
other countries; to defend the Constitution and laws of the United States; to
obey the laws of the United States; to serve in the U.S. military (if needed); to
serve (do important work for) the nation (if needed); and to be loyal to the
United States.77 Question 55 further defines citizenship in terms of civic
participation through such activities as voting; helping with a campaign; joining
a civic group, a community organization, or political party; expressing one’s
opinion to an elected official; publicly supporting or opposing an issue or
policy; running for office; or writing to a newspaper.78 Finally, a citizen must
pay taxes on a timely basis (no. 56), and all men must register for Selective
Service between the age of eighteen and twenty-six (no. 57).

The new test thus promotes a principle-based ideology of citizenship. This
ideology is further enforced by the explicit rhetoric of USCIS and the Bush
Administration. President George W. Bush stated that “[w]e are bound by
ideals that move us beyond our backgrounds, lift us above our interests and
teach us what it means to be citizens.”79 Likewise, Alfonso Aguilar, Chief of
the Office of Citizenship, described being a U.S. citizen as “not based on race
or ethnicity or culture or religion,” but “on a shared sense of history, common
civic values, and a common language.”80 As Aguilar put it, the main goal of the
new test is actually to require applicants to study the principles of American
democracy with the theory that if “they study the fundamentals of [American]
history and civics, they will also identify with them and become attached to our

77. The applicant need only give one of these answers.
78. The question asks the applicant to name two of these items.
79. USCIS, THE CITIZEN’S ALMANAC, supra note 76, at 84.
80. Press Briefing, Pen and Pad: New Naturalization Test, supra note 4, at 34.
Citizenship for the twenty-first century thus means more than just knowing and showing loyalty to American principles. Citizenship also means that immigrants incorporate abstract principles into their very identity in becoming "American."

USCIS’s goals are further consistent with the Bush Administration’s larger reform efforts to remake citizenship into a process that promotes integration of immigrants into American society. In June 2006, President Bush created the Task Force on New Americans by Executive Order 13404. The Task Force is an inter-agency effort that helps “legal immigrants embrace the common core of American civic culture, learn English, and fully become American.”

The Task Force works to develop a more cooperative federal approach to assimilation, one of President Bush’s five pillars in his now defunct Comprehensive Immigration Bill. In June 2007, the Task Force introduced several new initiatives to help immigrants assimilate: (1) WelcometoUSA.gov, a website providing access to a wide variety of federal agencies with critical information for newcomers; (2) the New Americans Project, an initiative that promotes volunteerism among U.S. citizens and new immigrants; and (3) education initiatives that provide “public libraries, adult educators, volunteers, and others who work with immigrants with better training and increased resources”—for example, the Civics and Citizenship Toolkit.

In addition, in April 2007, USCIS released The Citizen’s Almanac, a publication specifically developed for new citizens. While the Task Force assimilation initiatives are designed for immigrants before they become citizens, the Almanac is intended to help enhance the naturalization process after acquiring citizenship. The 112-page Almanac contains a collection of documents and symbols endorsed by the National Endowment for the Humanities and reviewed by U.S. history experts. It includes a statement on the rights and responsibilities of U.S. citizenship; patriotic anthems and symbols of the United States; presidential and historical speeches; foundational

81. *Id.* at 8. To implement its heuristic goals, USCIS will develop educational materials to help immigrants study for the test. USCIS also plans to hold outreach sessions about the new test as well as training sessions for educators and volunteers on how to teach civics and citizenship to immigrants. *See id.* at 11.


83. *Id.*

84. *See id.*

85. *Id.*


87. *Id.*

88. *Id.*
documents of American Democracy; landmark decisions of the U.S. Supreme Court; presidential statements on citizenship and immigration; and descriptions of prominent foreign-born American.89 The Almanac, along with a pocket-sized book that includes the Declaration of Independence and the U.S. Constitution, is distributed to new citizens at all naturalization ceremonies and are available on USCIS's website.90 Jonathan Scharfen, USCIS Deputy Director, remarked that the Almanac is a valuable resource that will remind new citizens of their rights and responsibilities, helping them continue “to learn about the founding ideals, achievements and history of the United States” so that they can “preserve and ensure freedom and liberty for future generations.”91 Alfred Tecson, a Philippines-born immigration lawyer who recently obtained his citizenship, stated that it is a “good idea to give [the Almanac] to every new citizen” to help start their involvement in the country’s affairs “so they can be an active participant and not just a bystander.”92

Seen in the context of these assimilation initiatives, citizenship involves a dynamic engagement and identification with the nation’s civic values. The process of becoming an American citizen calls for more study, greater civic participation, and deeper integration of democratic principles. Yet, an abstract citizenship ideal based on democratic principles leaves a significant gap. It ironically ignores the core of American citizenship: “We the People.” Missing from this citizenship ideology is a sense of who are “We the People,” who are those who compose the citizenship body in the United States. In my next Section, I examine how this principle-based citizenship excludes certain disfavored groups from the citizenship community.

III

UNMASKING THE EXCLUSIONARY CONSTRUCT OF A UNIVERSALIST, PRINCIPLE-BASED CITIZENSHIP

In Citizenship in the United States, USCIS defines citizenship as a status that signifies “inclusion and participation in the national community and carries with it both rights and obligations.”93 Consistent with this definition, USCIS has developed a principle-based citizenship test that is purportedly more inclusive. Ironically, however, the effort to define citizenship in terms of neutral, abstract principles has created a construct that is premised on the exclusion of certain historically disfavored groups from the citizenship community. In this Section, I critique the exclusion of two key groups from

89. USCIS, THE CITIZEN'S ALMANAC, supra note 76.
90. Press Release, USCIS Introduces The Citizen's Almanac, supra note 86.
91. Id.
93 USCIS, CITIZENSHIP IN THE UNITED STATES, supra note 26, at 2.
citizenship: immigrants and nonwhite minorities. I argue that while certain statutory exclusions from citizenship no longer exist, ideological exclusions still persist and reflect deeply held assumptions about who is and can be an American citizen, what qualities an American citizen must possess, and what historical legacy the citizenship community shares.

The new citizenship test promotes an exclusionary citizenship, one that shifts from what historically has been a facially legal construct to an ideological one. Since the eighteenth century, legal citizenship has become much more inclusive as Congress lifted categorical restrictions on the certain class of immigrants who could be citizens. In 1790, only a “free white person” could be a naturalized citizen. 94 This exclusionary citizenship gradually gave way to Congress’ more encompassing policy: in 1870, aliens of African descent became eligible for naturalization, and in 1922, white women could be citizens irrespective of their marital status or their husbands’ social status. 95 However, Congress continued to exclude some categories of immigrants, like the Chinese, who were barred from naturalization with the passage of the Chinese Exclusion Act of 1882. 96 Congress revised the Nationality Act in 1940, which allowed descendants of races indigenous to the Western Hemisphere to naturalize. 97 Chinese persons became eligible for naturalization in 1943. 98 In 1952 that Congress extended naturalization to all races. 99

However, as Congress widened the categories of people eligible for citizenship, it also increased other requirements for citizenship. In 1790, the only additional citizenship requirements for the white, male immigrant included a two-year residency period in the United States, good moral character, and a willingness to take an oath or affirmation to support the Constitution. 100 At the turn of the twentieth century, Congress enacted language and knowledge-based requirements for naturalization. In 1906, Congress required that applicants demonstrate the ability to speak the English language if they were physically able to do so. 101 In 1952, Congress further incorporated the requirement that

94. 1 Stat. 103 (Mar. 26, 1790), repealed by 1 Stat. 414 (Jan. 29, 1795) (re-enacting the “free white person” provision of the 1790 Act, along with most other provisions, but incorporating additional requirements, including: an increased residency requirement of five years, renunciation of former allegiance, swearing allegiance to the United States, and swearing attachment to the U.S. Constitution).


99. 66 Stat. 163.

100. 1 Stat. 103.

applicants understand the principles of American government.\textsuperscript{102}

Congress has thus gradually moved toward a more inclusive policy of naturalization and citizenship. Yet, the exclusions of certain groups from citizenship have become more subtle: an exclusionary ideology, as reflected in the new principle-based citizenship test, has replaced an expressed policy of exclusion. In the next two Sections, I focus on how the citizenship test, though seemingly neutral on its face, promotes a universalist ideology that masks the alienation of immigrants and nonwhite minorities from the construct of citizenship.

Issues of immigration and race are not distinct but are inextricably intertwined since the majority of contemporary immigrants are nonwhite. Both immigration and race have also influenced contemporary citizenship theory. Immigration legal theorists have explored what some have called the “shifting parameters of national citizenship” arising from patterns of globalization and mass migration.\textsuperscript{103} In particular, critical race theorists have examined citizenship vis-à-vis the legal and social constructions of race.\textsuperscript{104} In White By Law, for example, Ian Haney López analyzes the construction of race through restrictions in citizenship laws between 1790 to 1870 (when only whites were able to naturalize) and between 1870 and 1952 (when both whites and blacks were able to naturalize, but Asians, beginning with 1882 Chinese Exclusion Act, were excluded).\textsuperscript{105}

Besides immigration and race, scholars have addressed other key factors excluded from citizenship. Leti Volpp critiques the exclusion of culture from citizenship theory in her article The Culture of Citizenship.\textsuperscript{106} Using the French headscarf debate\textsuperscript{107} as context, she argues that, as a practical matter, citizenship is not disconnected from culture but is rather defined in opposition to the cultural other. Hence, the “cultural other is constitutive of the citizen.”\textsuperscript{108} While

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\textsuperscript{102} 66 Stat. 163.


\textsuperscript{105} Haney López, supra note 104.


\textsuperscript{107} The French headscarf debate concerns the controversy that resulted when the French legislature passed an amendment to the French Code of Education in February 2004 banning students from wearing “conspicuous religious symbols” in public schools—a ban thought to reflect French republicanism that espouses a strict separation between church and state. Id. at 572.

\textsuperscript{108} Id. at 574.
culture and gender exclusions merit close study, this Comment addresses only immigrants and nonwhite minorities—two groups that are more clearly excluded from the citizenship construct in the new citizenship test.

A. The Exclusion of Immigrants

The new principle-based citizenship test excludes the historical role of immigrants in its citizenship construct. As historian Oscar Handlin famously noted: “Once I thought to write a history of immigrants in America. Then I discovered that immigrants were American history.”\(^{109}\) In the seventeenth century, approximately 600,000 immigrants moved to North America, with the vast majority being English immigrants, along with African slaves, Irish and Germans settlers, and Spanish and French colonists.\(^{110}\) European immigration, mostly from Ireland and Germany, peaked sharply in the First Great Wave (1840-1860), with 2.6 million individuals arriving in the United States during the 1850s.\(^{111}\) In the Second Great Wave (1870-1920), more than 26 million people arrived in the United States.\(^{112}\) This latter influx constituted not only a vast numerical increase, but also a diversification.\(^{113}\) The “new” immigrants came from southern and eastern Europe (Italy, Austria-Hungary, and Russia), as opposed to northern and western Europe.\(^{114}\) Canadians, Mexicans, and Chinese immigrants, though still few in numbers, also began to arrive in the late nineteenth century.\(^{115}\)

Contemporary immigration since 1965 has witnessed another major shift: increasing numbers of immigrants are from Latin America and Asia. According to the Department of Homeland Security, in the year 2006 approximately 1.3 million immigrants attained permanent legal status and about 700,000 people were naturalized—a 16% increase from 2005.\(^{116}\) The top three countries from which naturalized citizens immigrate are Mexico (12%), India (6.8%), and the Philippines (5.8%).\(^{117}\) Aside from legal immigrants, as of January 2006 there are also an estimated 11.6 million undocumented immigrants,\(^{118}\) with the

\(^{109} \)Oscar Handlin, The Uprooted: The Epic Story of the Great Migrations That Made the American People 3 (1951) (emphasis in original).


\(^{111} \)Id. at 29.

\(^{112} \)Id. at 32.

\(^{113} \)Id. at 32-33.

\(^{114} \)Id. at 32.

\(^{115} \)Id. at 33.


\(^{117} \)Id.

The majority from Mexico (about 6.6 million) and Central America. The 2006 survey of the U.S. Census Bureau reported that of the approximately 300 million people in the United States, 37.5 million are foreign born (12.5% of the national population), of whom 15.8 million are naturalized citizens and 21.8 million are not yet U.S. citizens. The Center of Immigration Studies (CIS) recently reported that immigration is a determinant factor in population growth and projected that the current level of net immigration (1.25 million a year) will add 105 million to the nation’s population by 2060. This projected growth exceeds the total population growth that occurred in the first 130 years of the nation’s history after its independence. CIS’s report indicates that by 2060 legal immigration will include 67.4 million people, fueling the majority of population growth, as opposed to illegal immigration which is only expected to account for 37.9 million new people. Thus, over the next fifty years, 67.4 million people may be potential candidates for naturalized citizenship.

It is fair to state, as USCIS concluded in The Citizen’s Almanac, that the United States is “a nation of immigrants,” or, at the very least, that immigrants significantly shape America’s national landscape. Today, the United States has one of the world’s most open immigration and naturalization policies. Yet, each surge of immigration has also led to anti-immigration backlashes and restrictive legislation. For example, in response to the Second Wave of immigration, Congress passed the 1882 Chinese Exclusion Act (suspending immigration of Chinese contract laborers) and the Quota Acts.


119. PASSEL, supra note 118, at i.

120. The U.S. Census defines “foreign born” as “anyone not a U.S. citizen at birth,” including “naturalized U.S. citizens, lawful permanent residents (immigrants), temporary migrants (such as foreign students), humanitarian migrants (such as refugees), and people illegally present in the United States.” U.S. Census Bureau, Immigration, http://www.census.gov/policy/www/socdemo/immigration.html (last visited Mar. 8, 2008).

121. Data is available at U.S. Census Bureau, Selected Characteristics of the Native and Foreign-Born Populations, http://factfinder.census.gov/servlet/STTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2006_EST_G00_S0501&-ds_name=ACS_2006_EST_G00_ (last visited Mar. 8, 2008).


123. Id. at 2.

124. Id. at 6.

125. USCIS, THE CITIZEN’S ALMANAC, supra note 76, at 85.

126. See, e.g., LEONARD DINNERSTEIN & DAVID M. REIMERS, ETHNIC AMERICANS: A HISTORY OF IMMIGRATION 73-75 (4th ed. 1999) (analyzing the Chinese Exclusion Act of 1882 and anti-Chinese sentiment that became virulent in California following the completion of the transcontinental railroad). The root of “anti-Chinese sentiment was racism, the belief that there
of 1921 and 1924.\textsuperscript{127} Similarly, contemporary immigration, particularly the rise of undocumented immigration, has also stirred up anti-immigration movements. These include the English-only movements that began in Miami where Cuban immigrants raised tensions with U.S.-born whites over language and culture.\textsuperscript{128} Anti-immigration sentiment was also evident in California’s 1994 ballot initiative, Proposition 187, which (held largely to be unconstitutional in late 1997) sought to deny undocumented aliens and their U.S.-born children social welfare and education benefits.\textsuperscript{129}

Immigration has become an even more contentious issue recently, having ignited a firestorm of political, academic, and legal commentary in the wake of 9/11, the collapse of President Bush’s Comprehensive Immigration Reform Act of 2007, and the concomitant rise in state legislation related to immigration.\textsuperscript{130} President Bush’s 2007 bill represented the first effort to overhaul the nation’s federal immigration laws for the first time since the 1980s. Highlights of the bill included provisions for border security and enforcement, a temporary guest worker program, and a path to legal citizenship for undocumented immigrants.\textsuperscript{131} It also contained the Strengthening American Citizenship Act, which directed DHS to provide grants to assist legal residents who declare an intent to apply for U.S. citizenship in meeting naturalization requirements. The Reform Act further declared English as the national language and incorporated the goals of the Citizenship Test Redesign project. But the bill, a bipartisan effort, collapsed among rancorous debate in the Senate this past June, 2007.\textsuperscript{132} Critics, such as Senator David Vitter (R-LA), opposed the bill, calling it an

\begin{itemize}
  \item Were vast cultural and racial differences between whites and Asians. The Chinese were accused of having low morals, specifically of practicing prostitution and smoking opium; of low health standards; and of corrupt influences and practices.\textsuperscript{127} \textsuperscript{127} See id. at 86-87. In 1965, the Immigration and Nationality Act eliminated national-origin quotas enacted in the 1920s. DeSIPIO & DE LA GARZA, supra note 110, at 42.
  \item 128. DeSIPIO & DE LA GARZA, supra note 110, at 55. The English-Only movement was “an effort to promote English as the ‘official’ language of the jurisdiction.” Id.
  \item 129. Id. at 55-56.
  \item 131. For a copy of the Bill, see Library of Congress: Thomas, S. 1348: Comprehensive Immigration Reform Act of 2007 (Placed on Calendar in Senate), available at http://thomas.loc.gov/cgi-bin/query/z?c110:S.1348:.
  \item 132. The Comprehensive Immigration Reform Act was introduced in the Senate on May 9, 2007. The bill collapsed on June 28, 2007 with a vote of 46-53, fourteen votes short of the sixty needed to end the floor debate and move the bill forward to a vote. Thus, the bill never reached a floor vote. This represented a major defeat for President Bush, who had pushed hard for what he had hoped would be his final major domestic initiative. See Nicole Gaouette, The Immigration Debate: Bill Fails in Senate, L.A. TIMES, June 29, 2007, at A1.
\end{itemize}
“amnesty” for illegal immigrants. Before the bill’s collapse, however, the Bush Administration and USCIS had already launched several programs through the Task Force to help immigrants study for the naturalization exam and promote their assimilation.

Despite the overwhelming role of immigration in shaping the American citizenry, however, there is a significant disconnect between “the immigrant” and “the citizen.” In the current citizenship test, the historical questions before the nineteenth century establish the nation’s origin and birth—the Pilgrims’ voyage to America on the Mayflower, the Declaration of Independence, the thirteen original colonies, and break from Great Britain. The only immigrants mentioned are the Pilgrims (“Why did the Pilgrims come to America?” (no. 50), “Who helped the Pilgrims in America?” (no. 68), and “What is the name of the ship that brought the Pilgrims to America?” (no. 69)). A brief narrative of the Pilgrims’ voyage to America is related in Civics Lessons: in search of religious freedom, the Pilgrims left Plymouth, England in 1620 on the Mayflower, crossing the ocean to what is now Massachusetts, signed the Mayflower Compact (an agreement to unite into a “Civil Body Politic”), were helped by American Indians, from whom European settlers eventually took land. The Pilgrims’ journey to America is certainly foundational and represents the first symbolic immigration to America. Nevertheless, this reference to the Pilgrims hardly does justice to nearly four hundred years of immigrant history, which USCIS entirely ignores.

The new citizenship test does little better to adequately integrate immigrant history. USCIS eliminated the old question about the Mayflower and revised the other two questions referring to the Pilgrims (“What is the one reason colonists came to America?” and “Who lived in America before Europeans arrived?”). It also added the question “Where is the Statue of Liberty?” The image of Ellis Island (the answer), paired with the Statue of Liberty, represents an important symbol of the Second Wave of immigration in the popular mind and is more easily related to contemporary immigrants than the Pilgrims’ journey in 1620. Nevertheless, the question focuses on the location of the Statue of Liberty, thereby deflecting attention from the immigrants themselves. Notably, there are no items about who the immigrants were, where they came from, or why they came to the United States.

Instead, the new citizenship test questions focus on delimiting citizenship in terms of national borders. The last Section of the new exam, Integrated Civics, includes questions on geography, symbols, and holidays. The most notable change is the addition of geography questions that focus less on the

133. Id.
134. See supra notes 82-93 and accompanying text.
136. These are questions 88 to 100 in the new citizenship test.
symbolic center of power (the capital and the White House) and more on territorial boundaries. While the sense of physical place present in the current test remains important to the concept of citizenship, the new test contextualizes that place as surrounded by oceans (the Atlantic and Pacific) and bodies of water (the Missouri and Mississippi rivers), U.S. territories (Puerto Rico, Virgin Islands, American Samoa, Northern Mariana Islands, and Guam), and bordering countries (Canada and Mexico).\footnote{137} Whereas on the surface level of analysis, these borders delimit the geographic boundaries of the United States, on a more symbolic level, they reinforce the limits of American citizenship: immigrants may become legal U.S. citizens and are encouraged to assimilate and engage in civic participation, but at the same time, they are denied a deeper sense of historical integration and belonging to the land itself.

Seen through the lens of the citizenship exam, therefore, even as thousands of immigrants each year legally adopt the titular role of being U.S. citizens, our nation’s citizenship community is casting out the immigrant. A purely principle-based notion of citizenship, in contrast to its deceptive rhetoric of inclusion, masks and rationalizes an exclusionary policy. An extreme form of this tendency was evident in the anti-immigration platform of the mid-nineteenth century Know-Nothing Party, which collectivized under the slogan: “Nationalize, Then Naturalize.”\footnote{138} The Party, later adopting the name “American Party,” originally called itself “Know-Nothing” because its members defined themselves as being pure Americans—that is, as not knowing anything beyond core American values.\footnote{139}

While the new citizenship test does not approach the extreme exclusionary politics of the Know-Nothing Party, it nevertheless proffers an abstract, monolithic citizenship that does not properly reflect the diversity of American citizenry. This diversity has been expressed by many popular metaphors: melting pot, mosaic, necklace of varied stone, or “jazz ensemble, with each member improvising as an individual but having to play together under the agreed-on framework of a song.”\footnote{140} The predominant image of America as the

\footnote{137. These are questions 88 to 93 in the new citizenship test.}

\footnote{138. Charles S. Clark, The New Immigrants, 7 CQ Researcher 51, 60 (1997). The Know-Nothing Party emerged in the early 1850s as a nativist political organization in response to the flood of Irish and German immigrants. The Party advocated both for an extension of the permanent residency period from five to twenty-one years before immigrants could become citizens and for severe restrictions on alien immigration to the United States. See Encyclopedia Britannica Online, Know-Nothing Party, available at http://search.eb.com/cb/article-9045808 (last visited Oct. 26, 2007). The Party reached its height of power in 1855 (with forty-three representatives in Congress as avowed members), but fell apart in the midst of the “sectional strife” leading up to the American Civil War. See DESIPIO & DE LA GARZA, supra note 110, at 137. However, two groups named the “American Party” subsequently appeared in the 1870s and 1880s. One of these groups emerged in California, advocating the exclusion of Chinese immigrants and other Asians from industrial employment. Id.}

\footnote{139. DESIPIO & DE LA GARZA, supra note 110, at 137.}

\footnote{140. Clark, supra note 138, at 59.}
“melting pot”\textsuperscript{141} has been rejected by some as an unrealistic, transcendent ideal and has been displaced by that the notion of America as a nation constituted by “cultural pluralism” (the “salad bowl” metaphor). As philosopher Horace Kallen described it, America is “a federation or commonwealth of national cultures . . . a democracy of nationalities, cooperating voluntarily and autonomously through common institutions . . . a multiplicity in a unity.”\textsuperscript{142} Whether one ascribes to America as a melting pot or a multiplicity in unity, the important point is that a purely principle-based citizenship construct is not enough. It imposes an artificial unity that distorts American citizenry and creates a group of second class citizens—naturalized citizens, who, though entitled to almost identical legal rights as native-born citizens, will never fully cross the border into national territory.

\textbf{B. The Exclusion of Nonwhite Minorities}

Other key groups excluded from the citizenship test are nonwhite minorities. According to a recent New York Times article, minority groups now make up a majority in one-third of the nation’s most populous counties and in nearly one in ten of all 3,100 counties.\textsuperscript{143} In thirty-six counties with more than 500,000 residents each, non-Hispanic whites comprise a minority, an increase from twenty-nine counties of that size in 2000.\textsuperscript{144} However, in both the current and new citizenship tests, USCIS has consciously avoided any race-laden terms or references. Under the American History section in the revised test, USCIS has expanded historical coverage and divided the questions into (a) Colonial Independence, (b) the 1800s, and (c) Recent American History and Other Important Historical Information. USCIS has added and revised questions about Native Americans (“Who lived in America before the Europeans arrived?” and “Name one American Indian tribe in the United States.”).\textsuperscript{145} USCIS has also added more questions dealing with slavery (“What group of people was taken to America and sold as slaves?”).\textsuperscript{146}

Nevertheless, USCIS has largely left out race from its current and new test in an effort to be more inclusive. In the current test, citizenship means membership in a community that is predominantly white and male. There is no

\textsuperscript{141} This phrase was first popularized by a play written and produced in 1908 in Washington D.C. by Israel Zangwill, an immigrant. The play concerned a Russian Jew and Christian who fell in love in New York City and included images of America as comprising many eras [generations] of immigrants fusing together into a whole: “East and west, and north and south, the palm and the pine, the pole and the equator, the crescent and the cross, how the Great Alchemist melts and fuses them with his purging flame!” \textit{Id.} at 60.

\textsuperscript{142} \textit{Id.} at 60.


\textsuperscript{144} \textit{Id.}

\textsuperscript{145} These are questions 59 and 87 in the new citizenship test.

\textsuperscript{146} This is question 60 in the new citizenship test.
mention of Native Americans living in America before the Pilgrims arrived, only reference to Native Americans helping the Pilgrims (no. 68). Questions about historical figures include those about George Washington, Abraham Lincoln, Patrick Henry, Thomas Jefferson, and Francis Scott Keys. Question forty-five asks who Martin Luther King, Jr. was, but the answer ("a civil rights leader") and the longer explication in Civics Lesson make no mention that he was a black civil rights leader, or more importantly, that he worked for racial equality (to end segregation and racial discrimination). The historical blurb in Civics Lesson only states: "He was the main leader of the civil rights movement of the 1950s and 1960s. . . . King believed in the ideals of the Declaration of Independence. He advanced the idea that every citizen deserves America’s promise of equality and justice." The text carefully excludes any allusions to race and attempts to universalize King’s belief system in race-neutral language. In the new test, USCIS has rephrased the question from who King was to what he did (no. 85). Again, the answer (that he fought for civil rights or worked for equality of all citizens) bypasses race. Moreover, the new test excludes any Hispanic or Asian figures, related legislation, or historical events, even though Hispanics and Asians comprise the two largest ethnic groups who take the exam and are currently naturalized.

During USCIS’s press conference in September 2007, one participant, noting these oversights, remarked that although one question asks the applicant to name a Native American tribe (no. 87), there are no questions about Hispanic contributions to American history. There is a question about Martin Luther King Jr., but not about César Chávez. Alfonso Aguilar’s attempt to address this gap is revealing:

First of all, let me say that this [the new citizenship test] is not a treatise on American government, on American history. It does not include every single aspect of U.S. history. If it did, then we wouldn’t have [one hundred] questions. We would have at least 5,000 questions.

Secondly, we looked in history, which is the more controversial part, we looked at – we did a literature review of standard history curriculums that are being used in adult education sites. We also had a panel of experts that advised us.

And we look at landmark moments of American history that apply to every citizen. For example, MLK is not only an African American leader, he’s an American leader that spearheaded the civil rights movement not only for African Americans but for every single

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148. Admittedly, a picture of King accompanies the historical blurb, suggesting that it would be redundant to mention his race. Yet, it is puzzling that the text fails to state the obvious and, more disturbingly, that it effaces the fact that King’s civil rights activism was a response to the blatant racial discrimination against African Americans.
149. Press Briefing, Pen and Pad: New Naturalization Test, supra note 4, at 32.
150. ld.
minority in the country.

So, indeed, there are important figures from different ethnic groups that haven’t been included, but the purpose is not—but we admit that we can’t include absolutely everything. . . . We believe, and this is part of our vision on integration and assimilation, that there is a U.S. history; that immigrant[s] as they become citizens [have] to see U.S. history not as their history, but my history, with the good and the bad. Because I think we acknowledge in history the negative periods of our history.

But that essential shared history . . . leads to a sense of belonging, and it has to be a history that applies to everyone regardless of ethnicity, religious belief, or racial identity.

And I think President Bush has been very clear on this that, you know, our nation is not based on race or ethnicity or culture or religion. It’s based on a shared sense of history, common civic values, and a common language. As long as you speak English and identify with our political system and our history, then you’re as American as anybody else. Questions of ethnicity, race, [and] religion are up to the individual in a liberal democracy.151

Aguilar reiterates the point that citizenship is not based on race, ethnicity, culture, or religion, but on a shared sense of history, common civic values, and a common language. He states that Martin Luther King is included in the test because King spearheaded the civil rights movement not only for African Americans but for all minorities. There are many gaps in this logic. What qualifies as a landmark moment applicable to every citizen as “American”? On what basis is it assumed that one minority group cannot identify with another? Why is being black somehow antithetical to being an American citizen? How can I see United States history as “my history” if I am excluded from it? And how can the individual be separated from the citizen? Later on, the same participant asks Aguilar why, if the test is for all Americans, applicants are asked to name a Native American tribe.152 Again, this gives Aguilar significant pause:

Well, because I think it’s fundamental to realize that when the settlers arrived here, there were Native Americans that’s [sic] already settled the country. But, you know, if you go down that path, I mean, I think every single—you know, we’re going to start getting into a discussion of, you know, why didn’t you include this or that group, and it would be [a] test of 5,000 questions. And that’s not the purpose of the test . . . . There are fundamental aspects of history that are not included in the test. We recognize that. But there’s no purposeful exclusion of any group. And, again, I think we have to emphasize what binds us

151. Id. at 32-34.
152. Id. at 35.
A MORE MEANINGFUL CITIZENSHIP TEST?

On the one hand, it is fundamental to recognize that Native Americans settled in this country before the Pilgrims came. Even though this historical fact concerns a minority group, it has become part of our shared history. On the other hand, Aguilar repeatedly emphasizes that all groups cannot be included in the test. Martin Luther King can be known as a civil rights leader, but not as a black civil rights leader because this excludes other minority groups, which, it is assumed, can only identify with their own groups. Thus, minorities, such as Hispanics and Asians, are paradoxically excluded from the citizenship test despite making up the majority of test-takers. Yet, Aguilar insists that there are really no oversights because USCIS was “not developing a test for minority groups,” but for people from all ethnic, racial, and cultural backgrounds.154

Nonwhites are cast out of the citizenship construct because they threaten the common ground of American citizenship. What is behind USCIS’s inclusive rhetoric is the assumption that race is antithetical to citizenship—that being colored somehow inhibits identification with common civic values. Of course, one racial group is clearly not excluded: the white majority remains the normative group defining citizenship. Thus, a principle-centered citizenship is necessarily a white citizenship presupposed to be somehow colorless and universal. Haney López has called this the “transparency phenomenon”—the “tendency of whites not to think about whiteness” as a race.155 To be white is not to think about it, and race only becomes an issue for nonwhites. In short, whiteness provides the normative model for a principled-based citizenship promoted as being inclusive of all races.

A principle-based citizenship proposes to be race-blind. However, it is premised on a rationale that resembles the perverse logic of colorblind constitutionalism—the “insistence that government should never take race into account.”156 As Haney López points out, colorblindness is an abstract ideal that ignores the realities of how race permeates our society, both ideologically and materially.157 Colorblindness is the theory that the way to combat racial injustice is to ignore race altogether, to banish race conscious remedial policies—such as affirmative action—and treat everyone equally irrespective of race. While this is appealing as an idea, it backfires as a method of social justice because banishing race-words actually functions to maintain and perpetuate the racial status quo.158 But, as Justice Harry Blackmun advocated, “[i]n order to get beyond racism, we must first take account of race.”159

153. Id. at 36.
154. Id. at 35.
155. HANEY LÓPEZ, supra note 104, at 22.
156. Id. at 176.
157. Id. at 176-77.
158. See id.
Similarly, espousing a principle-based citizenship stripped of race is tantamount to a white citizenship masked in universalist rhetoric. Espousing principle-based citizenship is to abstract citizenship into a rhetorical fiction that artificially homogenizes people into a monolith that simply does not exist. In *Citizenship Dialectic*, Ediberto Román has argued that society champions a citizenship rhetoric based on an egalitarian and inclusive ideal, but in practice “disfavored groups suffer repeated denial of full social, civil, and political citizenship rights” and thereby creates a gradation of citizenship membership. Law is a powerful tool for constructing and reconstructing certain ideologies, such as who can and cannot be a citizen. But there are other extra-legal sites, such as the citizenship test, that further reinforce these ideologies.

IV

*"WE THE PEOPLE"—A PEOPLE-CENTERED CITIZENSHIP*

If a principle-based citizenship is a rhetorical fiction, what is to be done? How can we move toward a citizenship that is genuinely more inclusive? On what ideological foundation should this new citizenship be based? And how, as a practical matter, can a more inclusive citizenship be reflected in the citizenship test itself?

A. *The New Rhetorical and Ideological Challenge*

The first step in making citizenship more inclusive is to acknowledge the hypocrisy of the principle-based notion of citizenship. A principle-based citizenship construct rests on the racist assumption that nonwhites cannot form the backdrop for more universal principles, that we cannot be both colored and aspire to republican civic values, and that we cannot be simultaneously colored and have more transcendent appeal. This is precisely the assumption that Ralph Ellison challenged in his 1952 novel *Invisible Man*:

[M]y task was one of revealing the human universals hidden within the plight of one who was both black and American, and not only as a means of conveying my personal vision of possibility, but as a way of dealing with the sheer rhetorical challenge involved in communicating across our barriers of race and religion, class, color and region—barriers which consist of the many strategies of division that were designed, and still function, to prevent what would otherwise have been a more or less natural recognition of the reality of black and white fraternity. Ellison's overriding point was that race can be the medium through which society communicates universal values. We need not ignore race, but can

communicate through race. That was the "rhetorical challenge" that Ellison embraced in *Invisible Man:* We, too, need to take up this rhetorical challenge in constructing a citizenship that transmits American civic values through race, through the immigrant and ethnic other.

This means returning to the basic premise of citizenship: "We the People"—the three words that begin the U.S. Constitution and define the members of the citizenship community. If, as Aristotle described, a state is a composite, an aggregation of citizens, we must acknowledge the individuals who make up the citizenry. The contours and substance of citizenship will change according to the people who compose it. Citizenship, then, should be people-centered, not principle-centered. The individual cannot be separated from the citizen. We need to find common ground by first acknowledging that "We the People" is a diverse group that makes up our citizenship community instead of subordinating the citizenry to abstract principles.

**B. A People-Centered Citizenship Test**

Promoting a people-centered citizenship entails a citizenship test that acknowledges the role of immigrants and nonwhite minorities in shaping American history and the meaning of citizenship. Obviously, the citizenship test is limited and cannot incorporate everyone into the test. But it need not include everyone in order to be more comprehensive. Sample questions may include: "Who was the first Asian-American elected to Congress?" (Dalip Singh Saund, who emigrated from India in 1920 and became a U.S. citizen in 1949, served as the Representative from California from 1956 to 1963); "Why was Mae Jemison a pioneer?" (She was the first black woman to fly into space in 1992); and "What office did Alberto R. Gonzales serve?" (He served as U.S. Attorney General from 2001 to 2005). Yet skeptics may argue

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162. **ARISTOTLE,** supra note 61, at 100.


164. Mae C. Jemison (1956-) was the first African American woman to be admitted to NASA's astronaut training program in 1987. On September 12, 1992, Jemison became the first woman of color to fly into space aboard the Endeavour on mission STS47 as NASA's first Science Mission Specialist, conducting experiments on weightlessness and motion sickness on the six-member crew and herself. See NASA, Biographical Data, http://www.jsc.nasa.gov/Bios/htmlbios/jemison-mc.html (last visited Apr. 24, 2008).

that this is falling into tokenism. Why include some and not others? Do these figures adequately represent the diverse American population? What standard do we use in determining who is selected and excluded?

These are questions that historians, educators, ethnic organizations, and other stakeholders that aided USCIS should grapple with to come up with a carefully selected number of important historical figures. While these questions are difficult, the answer is not to erase our immigrant history or race from notions of citizenship, but rather to embrace the diversity of our heritage. One guideline we may use in crafting test questions is the extent to which actions of immigrant and minority leaders convey the principles of American democracy. Besides Martin Luther King, Jr., important minority leaders include Harriet Tubman, Frederick Douglass, Thurgood Marshall, Rosa Parks, César Chávez, and Fred Korematsu, to name only a few. While they all fought for the rights of a group of people, their actions also transcended colorlines in that their work set examples of civic resistance, the struggle for equality and liberty, and the pursuit of justice.

A people-centered citizenship test does not mean ignoring the importance of civic values. Rather, it is precisely through the struggles of immigrants and minorities that the principles of democracy poignantly emerge. For example, questions that include minority figures may be phrased in this way: “What important work is Harriet Tubman known for?” (She helped free slaves through the Underground Railroad\textsuperscript{166}); “Who said ‘I would unite with anybody to do right and with nobody to do wrong’?” (Frederick Douglass, a black abolitionist who lectured about his experience as a slave, defended women’s rights, and was a trusted advisor to Abraham Lincoln\textsuperscript{167}); “Name one important work

\begin{itemize}
  \item \textsuperscript{166} Harriet Tubman (1820-1913), a runaway slave from Maryland, was reverently known as the “Moses of her people.” Starting in the early 1850s, Tubman helped lead hundreds of slaves to free states and Canada through the Underground Railroad, a network of houses, tunnels, and roads established by abolitionists and former slaves. See America’s Library, Harriet Tubman, http://www.americaslibrary.gov/cgi-bin/page.cgi/aa/tubman (last visited Apr. 24, 2008). Recent biographies of Harriet Tubman include CATHERINE CLINTON, HARRIET TUBMAN: THE ROAD TO FREEDOM (2004); KATE CLIFFORD LARSON, BOUND FOR THE PROMISED LAND: HARRIET TUBMAN: PORTRAIT OF AN AMERICAN HERO (2005); BEVERLY LOWRY, HARRIET TUBMAN: IMAGINING A LIFE (2007); and MILTON C. SERNETT, HARRIET TUBMAN: MYTH, MEMORY, AND HISTORY (2007).

\end{itemize}
Thurgood Marshall is known for? (He served as the chief counsel for the NAACP, the attorney for the landmark case Brown v. Board of Education,\textsuperscript{168} and the first black Supreme Court Justice from 1967 to 1991\textsuperscript{169}); “What did Fred Korematsu’s refusal to obey the 1942 executive order for Japanese internment represent?\textsuperscript{170} (It symbolized the importance of dissent in a free society\textsuperscript{171}); and “Why is César Chávez important to our history?”\textsuperscript{172} (He worked as a labor leader, a civil rights activist, and co-founded the United Farm Workers\textsuperscript{173}). These questions underscore not only the significant roles of minorities in our nation’s history, but more importantly, their actions of civic resistance through which the pursuit of freedom, equity, and justice are passionately conveyed and become identifiable to many citizenship applicants.

Further, as Aguilar states, citizenship involves allowing immigrants to see U.S. history as “my history.”\textsuperscript{174} This means acknowledging the significant roles immigrants have played in shaping our nation’s history. Questions may include: “Which countries did the people during the First Great Wave of immigration come from?” (Ireland and Germany); “Approximately how many immigrants were naturalized last year?” (in 2006, 700,000\textsuperscript{175}); “Who helped

\textsuperscript{168} 347 U.S. 483 (1954).
\textsuperscript{170} Fred Korematsu (1919-2005), a Japanese-American born in Oakland, California, was later arrested and sent to a Japanese internment camp in 1942. In 1944, the Supreme Court upheld his conviction in Korematsu v. United States, 323 U.S. 214, 219-20, 223 (1944) (upholding the constitutionality of Japanese-American internment on the West Coast of the United States because of military necessity). In Korematsu v. United States, 584 F. Supp. 1406 (N.D. Cal. 1984), Judge Marilyn Hall Patel voided Korematsu’s earlier conviction, holding that “there [was] substantial support in the record that the government deliberately omitted relevant information and provided misleading information in papers before the court,” and that the information was critical to the Supreme Court’s 1944 decision. Id. at 1420. For an account of Fred Korematsu’s story, see STEVEN A. CHIN, WHEN JUSTICE FAILED: THE FRED KOREMATSU STORY (Alex Haley ed., 1993).
\textsuperscript{172} I would like to thank Angela Hollowell-Fuentes for coming up with this question.
\textsuperscript{174} Press Briefing, Pen and Pad: New Naturalization Test, supra note 4, at 33.
\textsuperscript{175} Simanki, supra note 116, at 1.
build America’s transcontinental railroad in 1865?” (Nearly 1,200 Chinese immigrant laborers\textsuperscript{176}). Recognizing immigrants as significant members of our national heritage enables newcomers to identify more readily with this country and become the nation’s future builders.

Seeing U.S. history as “my history” also necessitates understanding not only the good, but as Aguilar admits, the “negative periods of our history.”\textsuperscript{177} This means that we have an obligation to acknowledge such moments as \textit{Dred Scott v. Sanford}\textsuperscript{178} (holding that persons of African descent could not be U.S. citizens under the Constitution); the 1882 Chinese Exclusion Act—the only U.S. legislation ever to exclude by name a particular nationality from citizenship;\textsuperscript{179} and the internment of Japanese-American citizens during World War II. These historical moments give us a more honest, fuller notion of our national history and help us understand how immigrants and minorities have influenced the formation of citizenship.

\textbf{CONCLUSION}

Today, America faces a special challenge: how do we forge a common identity in the midst of an increasingly diverse, polyglot, and multicultural population? Unlike our European or Asian counterparts, who share a deep historical, cultural, and linguistic tradition, the United States is a young nation in which the urgency of the “new” drives its technology, the arts, and our way of life. It is the land of the modern and the postmodern, and the home of many immigrants. It is this very diversity and multiplicity, however, that increases the yearning for unity, a center, and a common heritage. In a world in which everything solid melts into air, identification with rational, Enlightenment ideals is a natural impulse since they provide us with principles that enable us to transcend our differences. By taking shelter in these ideals, we are able to move beyond the noise, clutter, and confusion into a serene monolith as envisioned by Kazimir Malevich in his painting \textit{White on White} (1918). But doing so comes at a price. It requires us to nullify parts of ourselves inconsonant with those principles—our race, cultural heritage, language, immigrant past, and so forth. Ultimately, then, a principle-based citizenship involves a process of exclusion and alienation.

I have shown through the lens of the citizenship test how USCIS has constructed a principle-centered citizenship test that promotes a seductive, universalist ideology. I have also argued that this universalist ideology actually masks an exclusionary construct that alienates the immigrant and the ethnic


\textsuperscript{177} Press Briefing, Pen and Pad: New Naturalization Test, \textit{supra} note 4, at 33.

\textsuperscript{178} 60 U.S. 393, 406 (1857).

\textsuperscript{179} \textit{HANEY LÓPEZ}, \textit{supra} note 104, at 44.
other from a privileged circle of white citizenship. The error is not in upholding a principle-based citizenship, but rather, in assuming that a principle-based citizenship is incompatible with being black, Hispanic, or Asian—that is, anything but white. The goal should not be to integrate immigrants into an abstract, principle-centered community, but to expand the notion of citizenship to include notions of otherness, through which we can identify with democratic principles and forge a unified identity. This is the rhetorical and ideological challenge we face. Only then will citizenship be sufficiently inclusive and truly meaningful.
I. THE CURRENT CITIZENSHIP TEST QUESTIONS

The following are sample U.S. History and Government Questions that may be asked during the Naturalization Exam.

Typical Questions

1. What are the colors of our flag?
2. What do the stars on the flag mean?
3. How many stars are there on our flag?
4. What color are the stars on our flag?
5. How many stripes are there on our flag?
6. What do the stripes on the flag represent?
7. What colors are the stripes on the flag?
8. How many states are there in the Union (the United States)?
9. What do we celebrate on the 4th of July?
10. Independence Day celebrates independence from whom?
11. What country did we fight during the Revolutionary War?
12. Who was the first president of the United States?
13. Who is the President of the United States today?
14. Who is the Vice President of the United States today?
15. Who elects the President of the United States?
16. Who becomes President if the President dies?
17. What is the Constitution?
18. What do we call changes to the Constitution?
19. How many changes, or amendments, are there to the Constitution?
20. What are the three branches of our government?
21. What is the legislative branch of our Government?
22. What makes up Congress?
23. Who makes the Federal laws in the United States?
24. Who elects Congress?
25. How many Senators are there in Congress?
26. For how long do we elect each Senator?
27. Name two Senators from your state.
28. How many voting members are in the House of Representatives?
29. For how long do we elect each member of the House of Representatives?
30. Who is the head of the Executive Branch of the U.S. Government?
31. For how long is the President elected?
32. What is the highest part of the Judiciary Branch of our Government?
33. What are the duties of the Supreme Court?
34. What is the supreme law of the United States?
35. What is the Bill of Rights?
36. What is the capital of the state you live in?
37. Who is the current Governor of the state you live in?
38. Who becomes President if both the President and Vice President die?
39. Who is Chief Justice of the Supreme Court?
40. What were the original 13 states?
41. Who said, "Give me liberty or give me death"?
42. Name some countries that were our enemies during World War II.
43. What was the 49th state added to our Union (the United States)?
44. How many full terms can a President serve?
45. Who was Martin Luther King, Jr.?
46. What are some of the requirements to be eligible to become President?
47. Why are there 100 Senators in the United States Senate?
48. Who nominates judges for the Supreme Court?
49. How many Supreme Court Justices are there?
50. Why did the Pilgrims come to America?
51. What is the executive of a state government called?
52. What is the head executive of a city government called?
53. What holiday was celebrated for the first time by American colonists?
54. Who was the main writer of the Declaration of Independence?
55. When was the Declaration of Independence adopted?
56. What are some of the basic beliefs of the Declaration of Independence?
57. What is the national anthem of the United States?
58. Who wrote The Star-Spangled Banner?
59. What is the minimum voting age in the United States?
60. Who signs bills into law?
61. What is the highest court in the United States?
62. Who was President during the Civil War?
63. What did the Emancipation Proclamation do?
64. What special group advises the President?
65. Which President is called the "Father of our Country"?
66. Which President was the first Commander-in-Chief of the U.S. Army and Navy?
67. What was the 50th state to be added to our Union (the United States)?
68. Who helped the Pilgrims in America?
69. What is the name of the ship that brought the Pilgrims to America?
70. What were the 13 original states of the United States called before they were states?

71. What group has the power to declare war?

72. Name the amendments that guarantee or address voting rights.

73. In what year was the Constitution written?

74. What are the first 10 amendments to the Constitution called?

75. Whose rights are guaranteed by the Constitution and the Bill of Rights?

76. What is the introduction to the Constitution called?

77. Who meets in the U.S. Capitol building?

78. What is the name of the President's official home?

79. Where is the White House located?

80. Name one right or freedom guaranteed by the first amendment.

81. Who is Commander-in-Chief of the United States military?

82. In what month do we vote for the President?

83. In what month is the new President inaugurated?

84. How many times may a Senator or Congressman be re-elected?

85. What are the two major political parties in the United States today?

86. What is the executive branch of our government?

87. Where does freedom of speech come from?

88. What U.S. Citizenship and Immigration Services form is used to apply for naturalized citizenship?

89. What kind of government does the United States have?

90. Name one of the purposes of the United Nations.

91. Name one benefit of being a citizen of the United States.

92. Can the Constitution be changed?

93. What is the most important right granted to United States citizens?

94. What is the White House?

95. What is the United States Capitol?

96. How many branches are there in the United States government?

ANSWER SHEET

1. Red, white, and blue
2. One for each state
3. There are 50 stars on our flag.
4. The stars on our flag are white.
5. There are 13 stripes on our flag.
6. The first 13 states
7. The stripes on the flag are red and white.
8. 50 states
9. Independence Day
10. Independence from Great Britain
11. We fought Great Britain in the Revolutionary War.
12. George Washington
13. George W. Bush
14. Dick Cheney
15. The Electoral College
16. The Vice President
17. The supreme law of the land
18. Amendments
19. Twenty-seven amendments
20. Executive, Judicial, and Legislative
21. Congress
22. The Senate and the House of Representatives
23. Congress
24. The citizens of the United States
25. There are 100 Senators in Congress, 2 from each state.
26. 6 years
27. The answer to this question depends on where you live.
28. There are 435 voting members in the House of Representatives.
29. For 2 years
30. The President
31. The President is elected for 4 years.
32. The Supreme Court
33. To interpret and explain the laws
34. The Constitution
35. The first 10 amendments to the Constitution
36. The answer to this question depends on the state where you reside. To learn the capital of your state, go to http://www.firstgov.gov and select the state government link.
37. The answer to this question depends on where you live. To learn the name of the Governor of your state, go to http://www.firstgov.gov and select the state government link.
38. The Speaker of the House
40. Virginia, Massachusetts, Maryland, Rhode Island, Connecticut, New Hampshire, North Carolina, South Carolina, New York, New Jersey, Pennsylvania, Delaware, and Georgia
41. Patrick Henry
42. Germany, Italy, and Japan
43. Alaska
44. Two full terms
45. A civil rights leader
46. A candidate for President must be a native-born, not naturalized, citizen, be at least 35 years old, and have lived in the U.S. for at least 14 years.
47. Each state elects 2 Senators.
48. The President nominates judges for the Supreme Court.
49. There are 9 Supreme Court Justices.
50. To gain religious freedom
51. The Governor
52. The Mayor
53. Thanksgiving
54. Thomas Jefferson
55. July 4, 1776
56. That all men are created equal and have the right to life, liberty, and the pursuit of happiness
57. The Star-Spangled Banner
58. Francis Scott Key
59. 18 is the minimum voting age.
60. The President
61. The Supreme Court
62. Abraham Lincoln
63. The Emancipation Proclamation freed the slaves.
64. The Cabinet advises the President.
65. George Washington
66. George Washington
67. Hawaii
68. The American Indians/Native Americans
69. The Mayflower
70. Colonies
71. Congress has the power to declare war.
72. The 15th, 19th, 24th and 26th amendments
73. The Constitution was written in 1787.
74. The Bill of Rights
75. All people living in the United States
76. The Preamble
77. Congress
78. The White House
79. Washington, DC
80. The rights of freedom of religion, of speech, of the press, of assembly, and to petition the Government
81. The President
82. November
83. January
84. There is no limit.
85. The Democratic and Republican parties
86. The President, the Cabinet, and departments under the cabinet members
87. The Bill of Rights
88. Form N-400 (Application for Naturalization)
89. A Republic
90. For countries to discuss and try to resolve world problems or to provide economic aid to many countries
91. To obtain Federal government jobs, to travel with a U.S. passport, or to petition for close relatives to come to the United States to live
92. Yes, the Constitution can be changed.
93. The right to vote
94. The President's official home
95. The place where Congress meets
96. There are 3 branches

II. THE NEW CITIZENSHIP TEST QUESTIONS

* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

AMERICAN GOVERNMENT

A: Principles of American Democracy

1. What is the supreme law of the land?
   • the Constitution

2. What does the Constitution do?
   • sets up the government
   • defines the government
   • protects basic rights of Americans

3. The idea of self-government is in the first three words of the Constitution. What are these words?
   • We the People

4. What is an amendment?
   • a change (to the Constitution)
   • an addition (to the Constitution)

5. What do we call the first ten amendments to the Constitution?
6. What is one right or freedom from the First Amendment?*
   - speech
   - religion
   - assembly
   - press
   - petition the government

7. How many amendments does the Constitution have?
   - twenty-seven (27)

8. What did the Declaration of Independence do?
   - announced our independence (from Great Britain)
   - declared our independence (from Great Britain)
   - said that the United States is free (from Great Britain)

9. What are two rights in the Declaration of Independence?
   - life
   - liberty
   - pursuit of happiness

10. What is freedom of religion?
    - You can practice any religion, or not practice a religion.

11. What is the economic system in the United States?*
    - capitalist economy
    - market economy

12. What is the “rule of law”?
    - Everyone must follow the law.
    - Leaders must obey the law.
    - Government must obey the law.
    - No one is above the law.

B: System of Government

13. Name one branch or part of the government.*
    - Congress
    - legislative
    - President
    - executive
    - the courts
    - judicial

14. What stops one branch of government from becoming too powerful?
    - checks and balances
    - separation of powers

15. Who is in charge of the executive branch?
    - the President
16. Who makes federal laws?
- Congress
- Senate and House (of Representatives)
- (U.S. or national) legislature

17. What are the two parts of the U.S. Congress?
18. How many U.S. Senators are there?
- one hundred (100)

19. We elect a U.S. Senator for how many years?
- six (6)

20. Who is one of your state’s U.S. Senators?*

Answers will vary. [For District of Columbia residents and residents of U.S. territories, the answer is that D.C. (or the territory where the applicant lives) has no U.S. Senators.]

21. The House of Representatives has how many voting members?
- four hundred thirty-five (435)

22. We elect a U.S. Representative for how many years?
- two (2)

23. Name your U.S. Representative.

Answers will vary. [Residents of territories with nonvoting Delegates or resident Commissioners may provide the name of that Delegate or Commissioner. Also acceptable is any statement that the territory has no (voting) Representatives in Congress.]

24. Who does a U.S. Senator represent?
- all people of the state

25. Why do some states have more Representatives than other states?
- (because of) the state’s population
- (because) they have more people
- (because) some states have more people

26. We elect a President for how many years?
- four (4)

27. In what month do we vote for President?*
- November

28. What is the name of the President of the United States now?*
- George W. Bush
- George Bush
- Bush

29. What is the name of the Vice President of the United States now?
- Richard Cheney
- Dick Cheney
- Cheney

30. If the President can no longer serve, who becomes President?
31. If both the President and the Vice President can no longer serve, who becomes President?

32. Who is the Commander

33. Who signs bills to become laws?

34. Who vetoes bills?

35. What does the President's Cabinet do?

36. What are two Cabinet-level positions?

37. What does the judicial branch do?

38. What is the highest court in the United States?

39. How many justices are on the Supreme Court?

40. Who is the Chief Justice of the United States?

41. Under our Constitution, some powers belong to the federal government. What is one power of the federal government?
• to print money
• to declare war
• to create an army

42. Under our Constitution, some powers belong to the states. What is one power of the states?
• provide schooling and education
• provide protection (police)
• provide safety (fire departments)
• give a driver’s license
• approve zoning and land use

43. Who is the Governor of your state?
• Answers will vary. [Residents of the District of Columbia and U.S. territories without a Governor should say “we don’t have a Governor.”]

44. What is the capital of your state?*
• Answers will vary. [District of Columbia residents should answer that D.C. is not a state and does not have a capital. Residents of U.S. territories should name the capital of the territory.]

45. What are the two major political parties in the United States?*
• Democratic and Republican

46. What is the political party of the President now?
• Republican (Party)

47. What is the name of the Speaker of the House of Representatives now?
• (Nancy) Pelosi

C: Rights and Responsibilities

48. There are four amendments to the Constitution about who can vote. Describe one of them.
• Citizens eighteen (18) and older (can vote).
• You don’t have to pay (a poll tax) to vote.
• Any citizen can vote. (Women and men can vote.)
• A male citizen of any race (can vote).

49. What is one responsibility that is only for United States citizens?*
• serve on a jury
• vote

50. What are two rights only for United States citizens?
• apply for a federal job
• vote
• run for office
• carry a U.S. passport

51. What are two rights of everyone living in the United States?
• freedom of expression
*freedom of speech
*freedom of assembly
*freedom to petition the government
*freedom of worship
*the right to bear arms

52. What do we show loyalty to when we say the Pledge of Allegiance?
*the United States
*the flag

53. What is one promise you make when you become a United States citizen?
*give up loyalty to other countries
*defend the Constitution and laws of the United States
*obey the laws of the United States
*serve in the U.S. military (if needed)
*serve (do important work for) the nation (if needed)
*be loyal to the United States

54. How old do citizens have to be to vote for President?*
*eighteen (18) and older

55. What are two ways that Americans can participate in their democracy?
*vote
*join a political party
*help with a campaign
*join a civic group
*join a community group
*give an elected official your opinion on an issue
*call Senators and Representatives
*publicly support or oppose an issue or policy
*run for office
*write to a newspaper

56. When is the last day you can send in federal income tax forms?*
*April 15

57. When must all men register for the Selective Service?
*at age eighteen (18)
*between eighteen (18) and twenty-six (26)

AMERICAN HISTORY
A: Colonial Period and Independence
58. What is one reason colonists came to America?
*freedom
*political liberty
• religious freedom
• economic opportunity
• practice their religion
• escape persecution

59. Who lived in America before the Europeans arrived?
• Native Americans
• American Indians

60. What group of people was taken to America and sold as slaves?
• Africans
• people from Africa

61. Why did the colonists fight the British?
• because of high taxes (taxation without representation)
• because the British army stayed in their houses (boarding, quartering)
• because they didn’t have self-government

62. Who wrote the Declaration of Independence?
• (Thomas) Jefferson

63. When was the Declaration of Independence adopted?
• July 4, 1776

64. There were 13 original states. Name three.
• New Hampshire
• Massachusetts
• Rhode Island
• Connecticut
• New York
• New Jersey
• Pennsylvania
• Delaware
• Maryland
• Virginia
• North Carolina
• South Carolina
• Georgia

65. What happened at the Constitutional Convention?
• The Constitution was written.
• The Founding Fathers wrote the Constitution.

66. When was the Constitution written?
• 1787

67. The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.
• (James) Madison
68. What is one thing Benjamin Franklin is famous for?
• U.S. diplomat
• oldest member of the Constitutional Convention
• first Postmaster General of the United States
• writer of "Poor Richard's Almanac"
• started the first free libraries

69. Who is the "Father of Our Country"?
• (George) Washington

70. Who was the first President?*
• (George) Washington

71. What territory did the United States buy from France in 1803?
• the Louisiana Territory
• Louisiana

72. Name one war fought by the United States in the 1800s.
• War of 1812
• Mexican-American War
• Civil War
• Spanish-American War

73. Name the U.S. war between the North and the South.
• the Civil War
• the War between the States

74. Name one problem that led to the Civil War.
• slavery
• economic reasons
• states' rights

75. What was one important thing that Abraham Lincoln did?*
• freed the slaves (Emancipation Proclamation)
• saved (or preserved) the Union
• led the United States during the Civil War

76. What did the Emancipation Proclamation do?
• freed the slaves
• freed slaves in the Confederacy
• freed slaves in the Confederate states
• freed slaves in most Southern states

77. What did Susan B. Anthony do?
• fought for women's rights
• fought for civil rights

C: Recent American History and Other Important Historical Information

78. Name one war fought by the United States in the 1900s.*
• World War I
• World War II
• Korean War
• Vietnam War
• (Persian) Gulf War

79. Who was President during World War I?
• (Woodrow) Wilson

80. Who was President during the Great Depression and World War II?
• (Franklin) Roosevelt

81. Who did the United States fight in World War II?
• Japan, Germany, and Italy

82. Before he was President, Eisenhower was a general. What war was he in?
• World War II

83. During the Cold War, what was the main concern of the United States?
• Communism

84. What movement tried to end racial discrimination?
• civil rights (movement)

85. What did Martin Luther King, Jr. do?*
• fought for civil rights
• worked for equality for all Americans

86. What major event happened on September 11, 2001 in the United States?
• Terrorists attacked the United States.

87. Name one American Indian tribe in the United States.
*[Adjudicators will be supplied with a complete list.]*
• Cherokee
• Navajo
• Sioux
• Chippewa
• Choctaw
• Pueblo
• Apache
• Iroquois
• Creek
INTEGRATED CIVICS

A: Geography

88. Name one of the two longest rivers in the United States.
   - Missouri (River)
   - Mississippi (River)

89. What ocean is on the West Coast of the United States?
   - Pacific (Ocean)

90. What ocean is on the East Coast of the United States?
   - Atlantic (Ocean)

91. Name one U.S. territory.
   - Puerto Rico
   - U.S. Virgin Islands
   - American Samoa
   - Northern Mariana Islands
   - Guam

92. Name one state that borders Canada.
   - Maine
   - New Hampshire
   - Vermont
   - New York
   - Pennsylvania
   - Ohio
   - Michigan
   - Minnesota
   - North Dakota
   - Montana
93. Name one state that borders Mexico.
- Idaho
- Washington
- Alaska

94. What is the capital of the United States?*
- Washington, D.C.

95. Where is the Statue of Liberty?*
- New York (Harbor)
- Liberty Island

[Also acceptable are New Jersey, near New York City, and on the Hudson (River).]

B: Symbols
96. Why does the flag have 13 stripes?
- because there were 13 original colonies
- because the stripes represent the original colonies

97. Why does the flag have 50 stars?*
- because there is one star for each state
- because each star represents a state
- because there are 50 states

98. What is the name of the national anthem?
- The Star-Spangled Banner

C: Holidays

99. When do we celebrate Independence Day?*
- July 4

100. Name two national U.S. holidays.
- New Year’s Day
- Martin Luther King, Jr., Day
- Presidents’ Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving
- Christmas