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A Critical Lesson not yet Learned in America: Intelligence Ethics Matter

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Introduction

Intelligence ethics matter because mistakes here can result in loss of thousands of innocent lives, and in worst cases to destruction of whole governments and their peoples. The Cold War swung as much on moral factors as political, economic or military, but bureaucracies learn slowly. Deep history shows that political hubris can bring any empire down.

When mistakes have such large potential consequences, accuracy is critical. The modern world must deal with diffuse terrorist and “failed state” threats, and complex, non-military threats to civilization like global warming, international crime and rogue financial entities that can ruin entire economies. Accuracy in complex problems requires close cooperation among intelligence systems, both national security and law enforcement focused. Close cooperation requires trust. When one intelligence entity in a cooperative system becomes immoral, corrupt or unreliable in protecting methods and sources, cooperation declines, accuracy declines, and somewhere down the line innocent people may suffer or even die.

Many examples could be considered, but a particularly relevant case is what happened before the United States of America attacked Iraq on 19 March, 2003. The *causus belli* alleged were aggressive weapons of mass destruction (WMD) programs in Iraq, with a secondary concern that Saddam Hussein was helping Al Qaeda. After many over 100,000 Iraqis were killed, the country laid waste, occupied and thoroughly searched, no WMDs were found. And Hussein had been hostile to Al Qaeda, not a friend. In the short space available, we will consider this case in detail.

Some have called this an “intelligence failure,” but most call it a policy failure blamed on intelligence agencies. Either way, the cost to the USA has been huge. Thousands of billions of dollars were wasted attacking Iraq, and thousands of US and allied troops were killed or gravely wounded. The costs to Iraq were relatively much larger. I will focus on how these costs reflect failures of ethics at the level of intelligence professionals who knew that bad things were being done for false reasons, but remained silent. That was the biggest ethical lapse for many of them. But do not forget the policy people who actually ordered this unjustified carnage, or the citizens like me who let them do it. In America we sacrificed a modest reputation of respect for rule of law, for due process, for human rights and for many other things like honest cooperation with allies as we rationalized these mortal sins that killed so many innocent others.

Cold War contests helped set the stage for this illegal and immoral war so we will comment on that also. But we begin with some specific lies that led to the deaths of perhaps a million people if all casualties were properly counted.

The Big Lies that Led to Disaster for so Many

Several policy people in the George Walker Bush administration decided they wanted to attack Iraq within days of Sept. 11, 2001 when three major office buildings in New York City were brought down, and the Pentagon was attacked by forces unknown. The official story of this iconic event is that 19 Arabs dispatched by Osama bin Laden in Afghanistan defeated the strongest defense establishment ever created with box cutters and bravado. But that story is not consistent with evidence of the events themselves (1). Three modern, steel frame, high rise buildings came down in New York on that day, and World Trade Center building #7 in particular shows clear physical and other evidence of being brought down by controlled demolition, not by fires as alleged in the official story. The Report of the Official Commission (2) does not even mention that WTC 7 was destroyed, a gross anomaly. There were many other omissions and distortions. For example, while something explosive certainly happened at the Pentagon that day, the resulting hole was much too small for the wide body aircraft alleged to have struck it, and large, inflammable parts found in other air crashes like landing gear and 3 meter wide, titanium steel engines designed to withstand fire in normal operation were not recovered.

This very important “big lie” noted, many controversies remain on that topic. So the rest of this paper will focus on things that can be proven beyond shadow of doubt, specifically the rest of the genesis of the decision to attack Iraq, and the tragically real consequences of that decision.

US Secretary of Defense Donald Rumsfeld penned notes about using the excuse of 9/11 to attack Iraq almost immediately, certainly within days, even though the administration would maintain for 17 months that no decisions had been made. Vice President Dick Cheney shared Rumsfeld’s view about unfinished business left over when the younger Bush’s father, President George Herbert Walker Bush, declined to press on to Baghdad during the first war against Iraq in 1991. Several other actors of a group called the “neo-conservatives” had been preparing for years for an excuse to launch preemptive wars in the Middle East. Very specific, citable records of these and many other administration decisions leading to the invasion of Iraq in 2003 can be found in “The Greatest Story Ever Sold” by New York Times columnist, Frank Rich (3).

Aware that any full-scale war would have to be approved in some way by the U.S. Congress, men like Cheney and Rumsfeld began a systematic search for “reasons” to attack Iraq that could be “sold” to the Congress and to a lesser degree to the American people. Irritation that Bush’s father had not “finished the job” in Iraq would not be enough. The most important real reason for this war was a desire to place an army permanently in the Persian Gulf (but not in Saudi Arabia) for power projection. That could not and would not be mentioned in public. Oil could not be cited. Neither could domestic political pressures for war in the United States and Israel. But weapons of mass destruction had resonance with many constituencies, and a plausible evidence base, since Iraqi President Saddam Hussein had undoubtedly used chemical weapons against his neighbor Iran and against dissident Kurds in his own country in the past.

One of Rumsfeld’s top deputies, Paul Wolfowitz, told Vanity Fair in an interview that picking weapons of mass destruction was “the one reason everyone could agree on” (4). The BBC in Britain characterized this as “The decision to highlight weapons of mass destruction as the main justification for going to war in Iraq was taken for ‘bureaucratic reasons’ according to the U.S.

Deputy Defence Secretary.” (5) Wolfowitz also noted the need to pull U.S. troops out of Saudi Arabia in that interview. He was quoted as saying “Just lifting that burden from the Saudis is itself going to open the door to a more peaceful Middle East.” How wrong that would be.

This tight inner circle also knew that actual evidence to support these conclusions was razor thin, and that resistance to rash conclusions existed at both the CIA and State Department intelligence bureaus. So they collaborated in creating a specialized office within the Pentagon to go over all raw intelligence about Iraq and WMDs searching for bits of information that could help sell the war they desired. In intelligence this is called “cherry picking.” The office would be called the “Office of Special Plans” (OSP) run by another neo-conservative named Douglas Feith (6).

Objections from many career intelligence analysts were overrun by cherry picking items in the OSP that might support the cabal’s goals, and avoiding normal interagency review processes designed to guard against exactly this kind of “politicized” intelligence errors. Reports went to President Bush directly through VP Dick Cheney’s office without any real fact checking. When British Prime Minister Tony Blair sent his head of foreign intelligence (MI6) Sir Richard Dearlove to Washington to check things out, Dearlove wrote Blair a now infamous “Downing Street Memo” (7) that bluntly declared **“the intelligence is being fixed around the policy.”**

One of many false claims promoted by this process was an allegation that Iraq had tried to purchase uranium “yellowcake” from Niger in Africa. That claim was based on a document originally passed to the US by Italian military intelligence (SISME) that was later shown by several entities including the UN to be an obvious forgery. Who forged it is one of those great questions we will not have time for in this summary of causes and consequences. But the CIA was suspicious, and it happened that the husband of one of their better covert operators was a former Ambassador to Niger. He was Joseph Wilson, and his wife who worked on nuclear proliferation issues for the CIA was Valerie Plame Wilson. So the former Ambassador was asked to go back to Niger to assess the validity of the dubious document with its damning allegation.

He did and concluded that the document was quite false, not least from his contacts with French mining companies that knew every detail of actual yellowcake production and sales. Since there was obviously a great push by the US administration to justify a war against Iraq, and since other items of the case appeared to be “thinly sourced” or frankly false, Mr. Wilson finally decided to write some truth in the op-ed pages of the New York Times (8). The Vice President’s cabal was enraged, so they decided to destroy Mr. Wilson’s wife’s career by leaking to many reporters the fact that she worked under cover for the CIA (9).

One seminal moment in this long tragedy was a speech that U.S. Secretary of State Colin Powell gave on the floor of the United Nations on 5 Feb., 2003, laying out a case for Security Council approval of war against Iraq. In addition to the false allegations about yellowcake, Mr. Powell alleged that aluminum tubes had been purchased by Iraq to manufacture centrifuges (disputed by Energy Department specialists on nuclear technology, who correctly but secretly said they were more likely for artillery) and that Iraq had an aggressive biological weapons program including mobile bioweapons production trucks (based on a single source we had never met, and whom German intelligence warned us was a “drunken fabricator” code named Curveball). In the end, the UN Security Council did not give the desired approval, but the U.S. invasion was launched

anyway. Later, as evidence accumulated of many flagrant ‘errors’ in his allegedly hard proofs, Powell would say that this speech was the single most embarrassing episode of his long and eventful career (10).

Consequences of the Illegal Invasion of Iraq

Three thousand billion U.S. dollars wasted on destroying another nation that had not attacked us is one cost of this illegal and immoral war (11). Derivatives of that will echo for decades. An absolute minimum of over 100,000 Iraqis were killed (and responsible sources like the British medical journal Lancet estimate more like 650,000 killed through the end of 2006, 12).

Countless more wounded is another obvious cost. Meanwhile others were dying in Afghanistan, a related armed conflict that cannot end until we leave. America and many other allied countries lost over 8,200 dead in both wars, with between 50,000 and 100,000 wounded depending on how you count the wounded. All of their families were wounded too, from every nation involved. But the cost in dollars and blood merely begins a thorough review.

For two hundred years my country prided itself on respect for rule of law, democracy, freedom, human rights, and other high ideals expressed in our Declaration of Independence and our U.S. Constitution. We always fell short of perfection, sometimes gravely as witness our Native Americans. But most Americans sincerely tried, and there was dignity and strength in trying to uphold such ideals.

All that is shattered now. For decades, many other countries forgave us sins of imperfect people and imperfect governments, because we tried, we really tried to exemplify concepts like human rights, equality and the dignity of every human being. That was trashed when we rationalized torture by calling it “enhanced interrogation” and violated our own domestic law, and many international laws that we had signed and ratified like the Geneva Conventions and the United Nations Convention on Torture. Who will trust us now? And for what did we sacrifice such valuable strategic assets? For trivial scraps of “actionable intelligence” mixed with lots of false information. In short to get a few bad guys faster, we sacrificed priceless strategic strengths.

As noted in the introduction, intelligence agencies have been collaborating in many ways for decades, because the world is vast and many criminal and national security challenges are just too large or complex for any one group to master. For liaisons to work well, trust is essential. The Chinese might say that we have lost the “Mandate of Heaven” and thus must be in serious decline. Since each of these topics can fill books, I will focus briefly on torture and how the embrace of that has ruined both moral standing, and many practical advantages of having friends who will share their intelligence with us, or even their armies when danger is great.

Cooperation with allies was especially damaged by abduction and/or torture of several innocent citizens thereof. Italy eventually convicted 23 CIA personnel of abducting “Abu Omar” from the streets of Milan (13). Germany decided not to indict, but condemned the arrest of their citizen Khalid al Masri in Macedonia, who was then tortured for five months and dumped on a hillside in Albania after the CIA recognized that they had grabbed an innocent man with a name similar to someone else they were looking for. Canada’s case was of citizen Maher Arar, who was tortured in Syria for ten months before being returned to Canada and \$9 million of compensation. The point for this essay is providing some graphic examples of what happens when loyalty to

intelligence organizations (and indifference to ordinary laws or to any dignified professional ethos) overwhelms the consciences of people who pledged to protect and serve a noble Constitution that forbids violating U.S. laws and Treaties signed by Presidents and ratified by the U.S. Senate. Countless U.S. intelligence professionals knew that this was happening and was wrong, but they did not alert the citizens who theoretically own and run our country, or the Congress that theoretically represents them. **That moral sin had vast practical consequences.**

To this day, no one at the CIA has been indicted, demoted or punished in any known way for these violations of the laws of God and Man, because a President ordered them and lawyers in his “Office of Legal Counsel” claimed that “terrorists” have no human rights despite the plain language of both national and international laws that admit of no exceptions to bans on torture. The CIA was not the primary offender – this was a systemic failure of our entire national command system. But it was enabled every step of the way by obedience to “secrecy” and to particular bureaucracies, overriding oaths that every one of these people swore to uphold the U.S. Constitution. They were told to do things forbidden since at least the Nuremburg trials, and to use the excuse of “following orders” that Nuremburg declared insufficient. And they did.

There were other casualties of our reckless attempt to define away “torture” in a fevered rush to get “actionable intelligence” at any cost. As though governments can justify evils understood by polite society for millennia. A 2006 report by Human Rights First (14) claimed that almost 100 prisoners (98) had died in U.S. custody as of February of that year, like a totally innocent Afghan taxi driver who was beaten to death by interrogators. His case is covered in “Taxi to the Dark Side” which won the US film Academy Award for documentaries in 2007 (15). Even the U.S. government’s own reporting classified 34 of these deaths as “confirmed or probable homicides.” Such data can be found in Army investigations like Gen. Taguba’s Report on Abu Ghraib (16). Simultaneously our CIA was running a number of “black prisons” (secret prisons) in countries like Poland, Romania and Thailand where people were tortured clandestinely (17). This brought us new words like “extraordinary renditions,” “enhanced interrogations” and “waterboarding.” Some of those people were guilty of many things, but others were utterly innocent victims.

We depend every day on information exchange with close allies like Canada, Germany and Italy. That cannot be helped by abducting and torturing their citizens. We also urged them all to join our troops in “Coalitions of the Willing” when we invaded Afghanistan and Iraq. Some of their troops died there too: in Afghanistan 158 Canadians, 56 Germans and 50 Italians as of June 15, 2012 (18, 19). 33 Italians also died with us and so many Iraqis in Iraq, but it is noteworthy that neither Canada nor Germany followed us there, because the evidence of a just war was so flimsy. When the alleged causes for these wars turned out to be at best huge mistakes and at worst deliberate frauds, many good citizens of these close allies found reasons to distrust us for the rest of their natural lives. These are strategic costs of great magnitude.

Loss of trust is especially significant in intelligence affairs. We have mentioned the delicacy of liaison relations among allies. It is remarkable that espionage, a domain of secrecy, propaganda, deception, betrayal and occasional death would be so sensitive to trust. But cultivation of human sources in hostile countries requires exceptional trust between agents and those who manage them. Unlike signals or imagery intelligence, human intelligence is an intimate process, because the agents we employ and often their families live with exceptional risks. It is imperative that agents trust the people they share secrets with, and therefore that we be trustworthy.

An example with many faces would be every person Valerie Plame Wilson contacted during her many years under cover in other countries cultivating sources who could help the U.S. to restrain proliferation of weapons of mass destruction. Helping the CIA is often called *treason* in the target countries. We will never know how many friends of America who trusted Mrs. Wilson were “burned” when she herself was betrayed by ambitious, immoral people in and near our President’s White House. Trust is important and betrayal bad, in life, and in intelligence affairs.

So, while “intelligence ethics” is often called an oxymoron by skeptics, it is still quite important. The world of espionage is filled with bizarre situations and strange liaisons as agents joust in the shadows, each striving to protect the “interests” of their peoples, and sometimes their people’s lives. It is a world of worst case scenarios, and occasional life or death decisions that sometimes must be made under great time pressure. It is a world where sometimes all the realistic options look horrible, and the least evil path seems to be the best path one can take.

Far better for everyone if the Special Agents who enter this strange domain have strong moral foundations that can withstand the winds of deception and the urgencies of combat.

Figuring out how to teach ethics to spies is a challenge, of course, but so is teaching ethics to the political leaders who assign spies their missions. Both matter, and neither group is notoriously concerned about ethical nuances. In fact, one of the hardest questions intelligence professionals must sometimes answer is what to do when sovereigns become grossly immoral or insane.

Connections to the “Cold War”

Thousands of factors affect politics at any level, much less international affairs. So singling out one or two factors to focus on is always somewhat arbitrary. That noted, I will reflect here on moral elements that helped America and the “free world” to outlast the Soviet Union and its version of authoritarian rule. Of course military power was relevant, and economic efficiency. But in thousands of ways across hundreds of countries, we gained cooperation from people who preferred freedom to authoritarian rule. Their help enabled us to “win” the Cold War.

We learned during that long Cold War that occupying the moral ‘high ground’ had practical consequences, so for both moral and practical reasons we became leaders in concepts like “human rights” and “rule of law.” And many emerging nations copied elements of our Declaration of Independence and Constitution when they wrote their founding documents.

But as the Soviet Union dis-integrated relatively peacefully into its constituent republics, a school of thought emerged in some powerful circles that this should mark the beginning of a “New American Century” of exceptional dominance, where our preeminent military should go beyond “defense” to actively transform smaller nations we did not like. Our Secretary of State in 2006, Condoleezza Rice, called this “transformational diplomacy.” But her active implementation of a strategy was preceded by blunt documents written by neoconservatives calling for military operations around the world under less restraint than any American government since World War II. One example was a group called the Project for a New American Century (PNAC, 20).

PNAC promoted the views that “American leadership is both good for American and good for the world” and supported a “Reaganite policy of military strength and moral clarity” (21). The fundamental ethical issue is that their idea of “moral clarity” was militarism in support of their interests, untroubled and unconstrained by concerns like international law and human rights. Launching what they truly perceived to be a moral mission, they set out to promote war against Iraq and several others long before 9/11 provided an excuse that could be “sold” to the public and international partners.

This kind of hubris is tragically common in international affairs, and has preceded the breakdown of many empires in human history (22) (23).

Therefore I leave you scholars with some words of wisdom from the incomparable Sun Tzu of China, who advised the generals and emperors of his time (~2,500 years ago) about secrecy and other important issues.

“Secret operations are essential in war; upon them the army relies to make its every move.” (24, Ch. 13: 23) (This entire chapter is about the proper employment of spies.)

“Generally, in war the best policy is to take a state intact; to ruin it is inferior to this. To capture an enemy’s army is better than to destroy it; to take intact a battalion, a company or a five-man squad is better than to destroy them. For to win one hundred victories in one hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill.” (24, Ch. 3:1-3).

“If not in the interests of the state, do not act. If you cannot succeed, do not use troops. If you are not in danger, do not fight. A sovereign cannot raise an army because he is enraged, nor can a general fight because he is resentful. For while an angered man may again be happy, and a resentful man again be pleased, a state that has perished cannot be restored, nor can the dead be brought back to life. Therefore the enlightened ruler is prudent and the good general is warned against rash action. Thus the state is kept secure and the army preserved.” (24, Ch. 12: 17-19).

There is a reason Sun Tzu is still read millennia after the generals and emperors who hired him have been forgotten. Sun Tzu was wise; the others were merely intelligent or powerful. We should all aspire to that virtue during these difficult times for responsible nations. My country still has not learned the importance of ethics in intelligence affairs. Therefore we have crippled ourselves while we laid waste others. I encourage all Europeans to avoid this kind of tragedy. Intelligence ethics matter even when you are the strongest nation on earth. Hubris, and rationalizations for grossly immoral behavior like initiating “discretionary wars” and ignoring the common law about human rights, freedoms and things like torture, can destroy you.

People often cite words written by George Santayana “Those who cannot learn from history are doomed (or condemned) to repeat it.” (25). Ethics and national security intelligence are not notoriously friendly topics, but a world of WMDs and terrorists suggests they get together soon.

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