from the office of President to which he was reelected by the people of the United States in 1996.

SPECIAL PROSECUTOR STARR

Justice Robert Jackson, when he was Attorney General in 1940, observed that the most dangerous power of the prosecutor is the power to ''pick people that he thinks he should get, rather than cases that need to be prosecuted.'' When this happens, he said, ''it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then . . . putting investigators to work, to pin some offense on him.'' ''It is here,'' he concluded, ''that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.''

In the case of President William Jefferson Clinton, things became personal a long time ago. I am not alone in questioning Mr. Starr's conduct. His own ethics advisor felt compelled to resign his position after Mr. Starr appeared before the House Judiciary Committee as the head cheerleader for impeachment.

It now appears that Mr. Starr has gone from head cheerleader to the chief prosecutor for impeachment. Over the last week he forced Ms. Lewinsky to cooperate with the House Republican managers as part of her immunity agreement. She must ''cooperate'' under the threat that Mr. Starr may decide to prosecute her, her mother or her father if he is not satisfied.

THE SENATE

It is now up to the Senate to restore sanity to this process, exercise judgment, do justice and act in the interests of the nation. We will be judged both today and by history on whether we resolve this case in a way that serves the good of the country, not the political ends of any political party or particular person.

I doubt that any Senator can impartially say that the case against the President has been established beyond a reasonable doubt. In this matter, my view is that is the appropriate standard of proof. Here the Senate is being asked to override the electoral judgment of the American people with respect to the person they elected to serve them as the President of the United States. In this matter the charges have not been established beyond a reasonable doubt in a criminal case.

The inferences the House Managers would draw from the facts are not compelled by the evidence. Indeed, the House Managers fail to take into account Ms. Lewinsky's admitted interest in keeping her relationship with President Clinton from the public and out of the Jones case. They ignore the role of Linda Tripp in Ms. Lewinsky's job search and the fact that it was Ms. Tripp who suggested that Ms. Lewinsky involve Vernon Jordan. In light of these and other fundamental flaws in the House Manager's case, I doubt whether many can vote that the articles have been established by clear and convincing evidence.

I know that Republican Senators as well as Democratic Senators have told me that they do not believe there is any realistic possibility that the Senate will convict the President and remove him from office. I agree. Having heard the arguments from both sides and considered the evidence, I do not believe that there is any possibility that the Senate will convict the President on the Articles of Impeachment and remove him from office. That being so, I believe that the interests of the nation are best served by ending this matter now, at the earliest opportunity.

As a consequence of the House's action, the impeachment process is continuing to preoccupy the Congress into this year. This unfinished business of constitutional dimension will necessarily displace the other important business facing the country until it is resolved. I believe this matter should be concluded and we should turn our attention to legislative matters.

History has judged harshly the Radical Republicans who pursued impeachment against President Andrew Johnson. I believe that history will likewise render a harsh judgment against those who have fomented this impeachment of William Jefferson Clinton on the charges brought forward by the House of Representatives. I do not believe those charges have been or can be proven. I do not believe that the House Managers have justified the Senate overriding the 1996 presidential election and ordering the duly elected President of the United States removed from office.

When the Chief Justice as presiding officer sustained objection to the House Managers' mischaracterization of the Senate in this matter, it highlighted the House Managers' misconceptions of the trial. Senators are not merely serving as petit jurors who will be instructed on the law by a judge and are asked to find facts. Senators have a greater role and a greater responsibility in this trial. As the Chief Justice properly observed: ''The Senate is not simply a jury; it is a court in this case.''

Our job is to do justice in this matter and to protect the Constitution. In that process, I believe we must serve the interests of the nation and fulfill our responsibilities to the American people. I believe that this impeachment trial should have been concluded now and that the Articles of Impeachment should be dismissed.●

ORDERS FOR JANUARY 29, FEBRUARY 2, AND FEBRUARY 3, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, January 29, for a pro forma session only.

I further ask consent that immediately after convening on Friday, the Senate then adjourn over until Tuesday, February 2, at 10 a.m., for a pro forma session only.

I further ask that immediately upon convening on Tuesday, the Senate then adjourn automatically until 12 noon on Wednesday, February 3.

I ask unanimous consent that when the Senate convenes on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period for morning business until the hour of 2 p.m. with the time divided as follows: 60 minutes under the control of the majority leader, or his designee; 60 minutes under the control of the minority leader, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE MATTERS

Mr. LOTT. I finally ask unanimous consent that, notwithstanding the pro forma sessions, it be in order for committees to file legislative and executive matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. As just announced, the Senate will be conducting pro forma sessions on Friday and Tuesday. No business will be transacted. The Senate will be in legislative session on Wednesday and may consider any legislative or executive items that may be available. The Court of Impeachment will next meet at 1 p.m. on Thursday.

Mr. ROBB addressed the Chair.

Mr. LOTT. I yield, Mr. President, the floor so that the Senator can offer a bill.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 329 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until 10 a.m. on Friday, January 29, 1999.