

SENATOR WARNER: If I may, Mr. President, in citing the rule, Rule 7, Section 5 which states that "if all absentees are to vote on one side of the question, if their combined vote would be insufficient to change the result of the vote the President can declare the Call raised".

PRESIDENT: I can't do that.

SENATOR WARNER: My question is, Mr. President, it's obvious, how can you announce the vote with that provision which you could not make....

PRESIDENT: Senator Warner, I have explained this before. Raising the Call and announcing the vote have nothing to do with one another. We're still under Call.

SENATOR WARNER: With that I would disagree, Mr. President.

PRESIDENT: Well disagree if you will, but appeal or sit down.

SENATOR WARNER: I ask for an appeal of your decision, Mr. President.

PRESIDENT: What ruling are you appealing from? What did I rule that you want to appeal?

SENATOR WARNER: Mr. President, I'm referring to Rule 7, Section 5 which obviously cannot have any impact.

PRESIDENT: State the rule that I made that you're appealing from.

SENATOR WARNER: Rule 7, Section 5 which you stated that the vote would be announced before the Call was raised. Obviously, there is no way to ascertain whether the absent members would make a difference without the vote. It seems to me the body would have the option of either not raising the Call, waiting for additional members to come or if, in the Chair's opinion, the additional members would make no difference on the outcome then the vote would be announced.

PRESIDENT: I've made no ruling. It's my option to declare the Call raised if I find the circumstances are such. I did not find that.

SENATOR WARNER: Then I think, Mr. President, it was inappropriate to announce the vote.

PRESIDENT: No.

SENATOR WARNER: Then I would appeal your decision to announce the vote.

PRESIDENT: Well because there was intervening business, you can't appeal that. That was not a ruling to make an appeal from, anymore than you can appeal from the fact that it's (inaudible).

SENATOR WARNER: Can I appeal that then? Mr. President, I don't know how to go about this.