

## Congress

WHAT DOES THE FATE OF TRUMP'S MOST CONTROVERSIAL CABINET NOMINEES TELL US ABOUT SENATE OVERSIGHT?



**Summary:** In January and February 2025, the Senate voted along party lines to confirm Tulsi Gabbard, Robert F. Kennedy Jr., and Pete Hegseth to President Trump's new Cabinet, while nominee Matt Gaetz withdrew following bipartisan opposition. These nominations provide a key case study in evaluating Congress's oversight function. Supporters argue that Gaetz's withdrawal proves the Senate can block unsuitable nominees, while critics contend that the confirmation of Gabbard, Kennedy, and Hegseth - despite significant concerns - shows that partisan loyalty, rather than genuine scrutiny, determines most confirmation votes.

## Why do cabinet secretaries need Senate confirmation?

The U.S. Constitution gives the Senate a key role in executive appointments to ensure that high-ranking officials are qualified and accountable. Article II, Section 2 states that the president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" key officials, including cabinet secretaries. This process acts as a check on executive power, preventing the president from unilaterally appointing unfit or controversial figures. Four of President Trump's new cabinet nominees were considered particularly controversial, and the most likely to be blocked by the Senate:



**Matt Gaetz** - A Republican Member of the House of Representatives, who was regarded as an extremely controversial nominee for Attorney General, due to his history of legal and ethical scandals, including a past federal investigation into alleged sex trafficking. His staunch loyalty to Donald Trump and hardline partisan rhetoric also raised concerns about his impartiality in enforcing the law.



**Tulsi Gabbard** - A former Democratic congresswoman from Hawaii, and Army National Guard veteran, who was seen as a divisive pick for Director of National Intelligence. Amongst other controversial comments, her support for Edward Snowden, who in 2013 leaked highly classified documents from the National Security Agency, raised concerns over her approach to national security.



**Robert F. Kennedy Jr** - The nephew of Democratic President John F. Kennedy, RFK ran as independent in the 2024 presidential election before withdrawing and endorsing Trump. Kennedy was a contentious choice for Secretary of Health and Human Services largely due to his history of promoting vaccine misinformation, including debunked claims linking vaccines to autism.



**Pete Hegseth** - A former Fox News host and Army National Guard veteran, who was a controversial pick for Secretary of Defense, due to allegations of sexual assault and misconduct, claims of longstanding alcohol issues, accusations that he had financially mismanaged veterans' organisations he led from 2008 to 2016, and his public opposition to women holding combat roles in the US army.

# How does the Senate confirmation process work?



**1) Nominee announcement & background checks** - The president publicly announces the nomination and formally submits it to the Senate, usually after FBI background checks, financial disclosures, and tax reviews have been carried out to identify any legal, financial or ethical concerns.

Donald Trump announced that he would be nominating Matt Gaetz, Tulsi Gabbard, Robert F. Kennedy Jr., and Pete Hegseth for his new Cabinet between Nov 12-14, 2024. While all four nominees immediately faced intense media scrutiny, it was Gaetz that provoked the strongest and most bipartisan opposition from key Senators. Gaetz was previously under investigation by the Department of Justice - the very department he had been nominated to lead - for the alleged sex trafficking of a minor. While the investigation was closed without charges, Gaetz was still subject to an ongoing investigation by the House Ethics Committee, on allegations of sexual misconduct and illicit drug use. Gaetz's repeated defiance of Republican Party leaders since joining the House in 2017, including his role in ousting House Speaker Kevin McCarthy in 2023, had also alienated many of his colleagues. With his nomination provoking bipartisan opposition, Gaetz swiftly withdrew his name from consideration on 21st November.

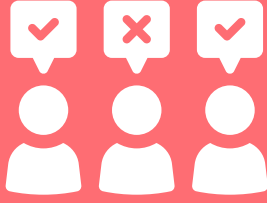


**2) Senate committee hearings** - The nomination is sent to a relevant Senate committee, which reviews qualifications and holds hearings in which senators question the nominee on their experience, policies, and any controversies. The nominee testifies, and external witnesses may provide statements.

Hegseth appeared before the Senate Armed Services Committee on 14th Jan 2025, followed by Kennedy's hearing before the Senate Finance Committee on 29th Jan, and Gabbard's hearing before the Senate Intelligence Committee on 30th Jan. While all three hearings were highly partisan, Hegseth's was particularly contentious.

Democrats focussed on Hegseth's character and competence, devoting much of their questioning to sexual assault allegations and reports of heavy alcohol use, which had both surfaced post-nomination. Some senators asked awkward personal questions about Hegseth's multiple divorces and personal conduct, arguing that his history raised concerns about his judgment and temperament. Others challenged his lack of executive experience, noting that the Department of Defense employs three million people and controls an \$849 billion budget, while pressing him on reports that two significantly smaller veterans' organisations he led had been financially mismanaged.

Republicans took a different approach, framing many questions around Hegseth's military experience, encouraging him to elaborate on how his frontline experiences in Iraq and Afghanistan would shape his leadership. Several used their time to portray criticism of Hegseth's personal life as unfair and politically motivated.



**3) Committee vote** - After hearings, the committee votes on whether to send the nominee to the full Senate. The committee can: approve the nominee (with or without recommendation), reject the nominee (effectively ending their confirmation chances), or take no action (stalling the process indefinitely).

Committee	Nominee	Vote	Party split
Senate Committee on Armed Services	Pete Hegseth	14-13	All 14 Republicans in favour All 13 Democrats opposed
Senate Intelligence Committee	Tulsi Gabbard	9-8	All 9 Republicans in favour All 8 Democrats opposed
Senate Committee on Finance	Robert F. Kennedy	14-13	All 14 Republicans in favour All 13 Democrats opposed

There was considerable speculation that each nominee might fail at the committee stage, as each committee involved included at least one Republican senator who appeared open to voting with the Democrats, who were united in opposition.

On the Armed Services Committee, Senator Joni Ernst, an Iraq War veteran and sexual assault survivor, who had long pushed for reforms in the military's handling of sexual misconduct, expressed reservations about the sexual assault allegations made against Hegseth, as well as his past comments opposing women in combat roles. However, following intense outside pressure from conservative groups, including threats of a primary challenge if she opposed his nomination, and after an "encouraging conversation", in which Hegseth agreed to appoint a senior official dedicated to preventing sexual assault, Ernst announced that she would support his nomination.

On the Finance Committee, Senator Bill Cassidy, a liver doctor, said he was 'struggling' to support Kennedy due to his vaccine skepticism. However, it was also noted that, having voted to convict Trump in his 2021 impeachment trial, Cassidy was already vulnerable to a primary challenge in his 2026 re-election bid. With his conservative credentials under scrutiny, Cassidy backed Kennedy after "intense conversations", in which Kennedy made several promises to Cassidy regarding vaccine policy.

Finally, on the Intelligence Committee, Todd Young, a former Marine Corps intelligence officer, raised concerns about Gabbard's past support for whistleblower Edward Snowden and her sympathetic remarks about Russia. However, shortly before the vote, Young received a last-minute letter from Gabbard, in which she pledged to punish those who leak sensitive intelligence, ultimately securing his support.

In the end, all three Senators voted to advance the nominees in party-line votes that sent Hegseth, Kennedy, & Gabbard to the full Senate without a single Democrat vote.



**4) Floor debate & vote** - If approved by a committee, the nomination moves to the Senate floor. Since 2013, cabinet nominees cannot be filibustered, but debate can still be extensive. A simple majority (51 votes, or 50 with the Vice-President’s tie-breaking vote) is needed for confirmation.

Date	Nominee	Vote	Party Split
Jan 24th	Pete Hegseth	51-50	50 Republicans in favour 47 Democrats & 3 Republicans opposed (VP cast a tie breaking vote)
Feb 12	Tulsi Gabbard	52-48	All Republicans except Senator Mitch McConnell in favour All Democrats opposed
Feb 13	Robert F. Kennedy	52-48	All Republicans except Senator Mitch McConnell in favour All Democrats opposed

The final Senate votes were similarly partisan, with all Democrats united in opposition to each nominee. The Hegseth vote was particularly close. After three Republicans (Mitch McConnell, Susan Collins, and Lisa Murkowski) joined Democrats to oppose his nomination, the vote resulted in a 50-50 split, requiring Vice-President JD Vance, who also holds the role of Senate President, to cast the tie-breaking vote in his favour.

The most noteworthy Republican votes came from Senator Mitch McConnell, who was the only Republican to oppose all three nominees. First elected to the Senate in 1985, McConnell became the leader of the Senate Republican Conference in 2007, and only stood down as Majority Leader in Jan 2025, citing his age (82) and growing health concerns. Despite stepping down from his leadership position, McConnell expressed his intention to serve out the remainder of his Senate term, set to conclude in Jan 2027. Having reached the end of a long 40-year career, McConnell was arguably more politically free than other Senators, who have future elections and possible promotions to consider, to vote based on personal convictions rather than political calculations.

McConnell was vocal in his opposition to all three nominees. He argued that Hegseth had “failed, as yet, to demonstrate” that he was ready to take on a position “with staggering consequences for the security of the American people and our global interests.” He argued that Gabbard had a well documented “history of alarming lapses in judgment” regarding Russia, China, and Edward Snowden. Finally, as a survivor of childhood polio, he denounced Kennedy’s promotion of vaccine skepticism, stating that, “A record of trafficking in dangerous conspiracy theories and eroding trust in public health institutions does not entitle Mr. Kennedy to lead these important efforts.”

## Exam focus: Is congressional oversight still effective?

EDEXCEL: 2.2 THE FUNCTIONS OF CONGRESS  
AQA 3.2.1.2 THE LEGISLATIVE BRANCH OF GOVERNMENT: CONGRESS



### Yes: Bipartisan Senate opposition can block the most unsuitable candidates, and secure key commitments from nominees

Critics argue that partisanship has undermined congressional oversight, by turning confirmation votes into party-line battles rather than genuine scrutiny of a nominee's fitness for office. However, the *bipartisan opposition* to Matt Gaetz's nomination arguably demonstrates the on-going effectiveness of this important constitutional check on executive power. A congressional investigation into Gaetz's conduct played a crucial role in derailing his nomination before hearings even began. Meanwhile, more conventional nominees also received *bipartisan support* - Marco Rubio was confirmed as Secretary of State in a unanimous 99-0 Senate vote.

The confirmation hearings also pressured Hegseth, Gabbard, and Kennedy into giving Senators key assurances that, while not legally binding, could prove politically difficult to break without consequences. While critics accused Republican Senators of bowing to outside pressure, and approving unsuitable candidates for fear of political repercussions, others argued that they followed a longstanding tradition of recognising that presidents with a strong mandate should be free to appoint a Cabinet of their choosing. The last time a cabinet nominee was blocked by a Senate controlled by the president's own party was in 1925.



### No: Political polarisation has turned the Senate confirmation process into a partisan loyalty test

Critics argue that the bipartisan opposition to Gaetz was the exception that proves the rule - in today's partisan era, confirmation votes typically follow party lines, with senators backing or opposing nominees based on party affiliation rather than genuine scrutiny. Gaetz's unique unpopularity with his colleagues, made his case a rare outlier. Once he withdrew, Republicans largely united behind Trump's other nominees, despite their concerns. Many commentators compared Hegseth's successful confirmation as Defence Secretary to John Tower's failed nomination for the same role in 1989, following similar reports related to drinking and sexual misconduct. However, both votes were largely along party lines - the key difference was that the Democratic opposition controlled the Senate in 1989.

Critics argue that the hearings also failed to produce any meaningful checks. While nominees made key assurances, it remains unclear whether these were genuine commitments or mere political cover. Senators like Ernst and Cassidy, who initially expressed skepticism but ultimately fell in line, may have been more influenced by threats of primary challenges. Critics argue that the fact that McConnell, a uniquely experienced and politically unencumbered Republican, was alone in opposing each nominee, confirms their suspicion that oversight is not functioning as intended.