

## ***Why This Veteran Is Suing One of the Joint Chiefs for Sexual Assault***

Twenty-eight-year veteran Kathryn Spletstoser couldn't get the military to take her claims against a decorated Air Force general seriously. Now she's making those claims in court.



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Army Col. Kathryn Spletstoser just wanted to fade into retirement. She'd served 28 years in various posts and had done four combat deployments: two in Iraq, and two in Afghanistan. She'd been a White House fellow. She had earned three master's degrees. She was one of the most accomplished officers of her generation. She was ready to go into private sector work, spend time with her aging mother, and go back to her native Wisconsin.

But in April 2019, when President Trump nominated Air Force Gen. John Hyten, then the commander of the U.S. Strategic Air Command and her boss, to serve as vice chairman of the Joint Chiefs of Staff—the second highest ranking military officer in the United States and the second most powerful position in the U.S. armed forces—she put those plans aside.

She claims that Hyten sexually assaulted her numerous times throughout 2017. For two years, she had said nothing about the alleged incidents, but when the oft-decorated Hyten stood to be elevated to such a high position, she went public, reporting him in April.

*“My decision to report the behavior was excruciating.”*

— Kathryn Spletstoser

More recently, on Nov. 25, Spletstoser took the step she had long resisted: She filed a civil suit in California seeking punitive damages and a jury trial. (The suit was first reported by [Law 360](#).) “I didn’t want to destroy people publicly and their entire lives,” Spletstoser told me recently. “I didn’t want to be a headline. I’m a very private person.” Hyten has denied all of Spletstoser’s allegations, and the Pentagon is standing by him.

I met Kathryn Spletstoser in a conference room in a law firm on Connecticut Avenue on Monday, Dec. 16. She told me numerous times that she didn’t like to talk about herself, and I found this to be true. She dressed plainly in a brown blouse and dark pants, and had neat shoulder-length brown hair. She spoke in a

distinctly Army-like, precise cadence and was organized and methodical in her descriptions. She used Army terminology, with lots of abbreviations and acronyms that civilians don't know. I kept having to stop her and ask her what things meant.

In testimony she delivered to the Senate in July, she said, "I wish I could go back and do so many things differently with Gen. Hyten. Maybe I was not forceful enough the first few times he came on to me? Maybe I should have told someone and gotten help? But my biggest regret is that I did not report him then. If I had, we would not be here today. If I had not been so afraid of what would happen if I reported it—to me, to him, to his family. If I had done the right thing... the DNA from his semen would have been collected from that hotel towel or from my pants or his... Maybe then the Air Force would have prosecuted this case despite the fact that he is a four-star general. But instead we [are here](#)."

The first incident is alleged to have happened around Jan. 23, 2017. The allegation in the complaint reads, "Gen. Hyten unexpectedly grabbed her hand and put it on his crotch, such that she could feel his erect penis."

There are additional allegations in the complaint, eight altogether. On May 19, 2017, "Gen. Hyten then attempted to kiss Lt. Col. Spletstoser and pulled her into him forcefully by her arms." On June 21, 2017, "he grabbed Lt. Col. Spletstoser across the breast, turned her towards him, and began to kiss Lt. Col. Spletstoser on the lips, while having his hands on her buttocks." Then came Aug. 23, 2017, when he allegedly tried to hug her "while rehearsing for his upcoming press conference, making contact with her breasts." And finally it was on or about Dec. 2, 2017, according to the complaint, when he "forcibly ejaculated after rubbing against Lt. Col. Spletstoser." (The complaint is in error as Spletstoser was then, and is now, a full colonel.)

Trisha Guillebeau, the public affairs adviser to the Joint Chiefs, said: “In response to your request for comment I’d like to state that all investigations found the allegations against Gen. Hyten to be unsubstantiated. All allegations provided to the Department of Defense were subject to comprehensive investigation and unsubstantiated. In addition, the Senate conducted its own exhaustive, comprehensive review of the matter during Gen. Hyten’s confirmation process to be vice chairman of the Joint Chiefs of Staff. Gen. Hyten’s confirmation by the Senate as vice chairman of the Joint Chiefs of Staff validates the trust that has been placed in him by our nation, our department’s leadership, and Congress.”



 Carolyn Van Houten/The Washington Post via Getty

## *THE DECISION*

Spletstoser came up in the Army and was by all accounts a rising star. In 2016 and 2017, she received stellar performance reviews; the second was written in November 2017 by Hyten himself, who praised her “multistar potential” and recommended her for brigadier general.

As a woman in the Army, she told me she’d been subjected to numerous hair-curling events involving men being inappropriate with her. But this, she says, was something different.

By the end of 2017, Hyten figured out she wasn’t game and stopped, she said. In November, a month before the last allegation of assault, Hyten praised Spletstoser and recommended her for a post she was seeking, writing in an email (reviewed by the Daily Beast) that “her work had been exceptional” and that “she is brilliant, tough, and detail-oriented.” This praise continued until Jan. 21, 2018.

But then, she alleges, as with so many of these stories of sexual harassment, there came the retaliation. Her complaint alleges that in January 2018, Hyten called Spletstoser into his office and told her he was initiating an investigation “regarding her leadership style.” This investigation led to allegations that she was an “insensitive driven achiever” who had engaged in “common profanity, public beratings, and [backstabbing](#).”

Even through all this, Spletstoser did not report the alleged sexual assault. She assumed he had come to his senses, and she knew he loved his wife. Besides that, they were both retiring. She hoped that she could ride this out. “He told me he was retiring,” Spletstoser told me. “I was going to retire.”

But when it became clear that Hyten was instead going to become the second most powerful man in the military, she decided she had to do something. The Army and Air Force had been her life. But she felt she had “a moral responsibility to come forward.” She didn’t want to be “famous” and she was worried that, despite the

Pentagon policy to withhold names of accusers, her name might get out. “I knew that there was a significant chance that it potentially could become public,” she said. “Not to mention I had spent 28 years building a phenomenal career.”



Spletstoser during Hyten's confirmation hearing.

Tom Williams/Getty

So she reported the incident, but as she learned, the military is not really set up to probe someone as senior as Hyten on such a sensitive matter: “I mean, it’s tricky. It’s not designed to investigate four-star combatant commanders, they have a lot of power in the joint force.”

Col. Don Christensen is a retired JAG military lawyer who works for [Protect Our Defenders](#), an organization “dedicated to ending the epidemic of rape and sexual assault in the military.” He told me that “the Air Force is incapable of holding general officers [i.e., anyone above the rank of colonel] accountable for their crimes, and there have been many worthy of being prosecuted. And this becomes

more problematic the more senior that general is. In the Air Force, the possibility that a four-star general would commit a crime is unthinkable.”

Spletstoser had trouble getting the necessary information. “It’s very difficult for victims to get evidence in the military system,” said Christensen. “Names of witness were redacted, and statements weren’t provided. And she made it clear there was information in emails that wasn’t provided.”

She says she didn’t tell anyone that she came forward to the inspector general. “Next thing you know, my special victims counsel is getting calls from reporters,” Spletstoser said. “I’m at work. My email and social media are inundated. People are calling me. It was absolute insanity.”

In June 2019, the investigation concluded that there was insufficient evidence of misconduct by Hyten. Spletstoser wanted the world to know that this wasn’t the same thing as exoneration. She wrote in [Air Force Times](#) on Aug. 27: “The law enforcement investigation did not clear Gen. Hyten of misconduct. The Air Force Office of Special Investigations is an evidence-gathering entity—they do not make determinations of innocence or guilt. Instead, a fellow Air Force four-star general simply decided not to hold him accountable despite evidence of misconduct.”

His nomination to the Joint Chiefs still went ahead. In April she came forward with the allegation of sexual harassment. The [59-page Report of Investigation](#) into allegations of sexual assault included “a redacted interview with General Hyten’s wife, Laura Hyten, in which she says her husband was “frustrated with the [polygraph] results of the investigation, which she described as inconclusive.” The report says that [Mrs. Hyten](#) later “clarified she did not mean that the polygraph did not go well but rather she understood that the results were inconclusive.”



Air Force Gen. John E. Hyten is seen during his Senate Armed Services Committee confirmation hearing to be vice chairman of the Joint Chiefs of Staff, in Dirksen Building on Tuesday, July 30, 2019.

📷 Tom Williams/Getty

## ***THE COUNTERATTACK***

Hyten's confirmation hearing was delayed by the allegation. Eventually in July both Hyten and Spletstoser testified at the hearing. "Prior to my going public both the Department of Defense (DoD) and the Air Force unequivocally stated that there was no evidence that I was lying, but Sen. Martha McSally and former Secretary of the Air Force Heather Wilson publicly painted me as a liar in General Hyten's open confirmation hearing without any evidence and without ever speaking to me," Spletstoser wrote in *Air Force Times*.



McSally, a former Air Force officer, had stated during the hearing, “The truth is that General Hyten is innocent of these charges.” Her words carried extra weight because, months earlier, McSally [came forward publicly](#) to say that she had been raped by a superior officer.

In the month between the testimony and the hearing, August 2019, Breitbart ran three negative articles about Spletstoser, Mollie Hemingway wrote two negative pieces about Spletstoser in *The Federalist*, and *The Hill* wrote more than six pieces about the controversy. Many in the media — particularly in conservative media — depicted her as politically motivated despite the fact that she has no political affiliation. “By definition we’re not political,” she said. “My job is to protect and defend the Constitution.”

But the most damaging blow came that same month on *The Wall Street Journal* op-ed page, which ran a [column](#) by Army Maj. Gen. Heidi Brown, the first female combatant command operations officer, which alleged that “While she (Spletstoser) confided in me over various issues, she never brought up an assault by Gen. Hyten.” The idea here was that Spletstoser should have confided in Brown, but Brown retired in [late February](#) 2017 and the first alleged attack happened in late January 2017. Also not mentioned in the op-ed is that Hyten had presented Brown with her [Distinguished Service Medal](#).

Spletstoser would not criticize Brown. “I’m not here to say bad things about other women in the Army,” she said. “I’m not here to comment negatively about other women but MG [Retired] Heidi Brown wasn’t there when the sexual assaults happened.”

[On Sept. 26, 2019](#), Hyten was confirmed as the vice chairman of the Joint Chiefs—the vote was 75-22. Hyten had won. Spletstoser had come forward; it didn't change the senators' minds.

Spletstoser had been maligned by a member of the Senate, and she had been attacked by numerous conservative journalists. Like most of the women I've interviewed who've had their lives or aspects of their lives taken from them, she is resolute, but clearly shaken by the experience. A new report from the *Journal of Interpersonal Violence* said that nearly 60 percent of women in the army experience stalking, or, as it's defined in this study, “repeated proximity or verbal or written threats that place an individual in reasonable fear of death or [bodily harm.](#)”

“My decision to report the behavior was excruciating,” she said. “Up until he was nominated, he was on a retirement track. We both were. I had no choice once it was clear he would be in a position to do this to those serving after me. Any other service member with my level of training would have done the same.” Now she waits to see if the civilian courts will deliver what she says is the justice she's been denied.

*UPDATE: The piece has been changed to reflect the fact that Spletstoser is a full colonel, not a lieutenant colonel, and that Hyten recommended her for brigadier general in a 2017 performance review.*