



Written by [James Murphy](#) on July 19, 2022

## Unequal Justice? Feds Decline to Prosecute Stephen Colbert Staffers for Unlawful Entry at Capitol Office

The U.S. Attorneys' Office has chosen not to prosecute nine members of *The Late Show With Stephen Colbert* who were [arrested](#) in June and accused of unlawful entry of Capitol grounds on June 16. On Monday, prosecutors determined that the case "cannot move forward," despite the fact that the group was, reportedly, causing a disturbance while filming comedy skits for Colbert's show.

U.S. attorneys determined that because they were invited into the building earlier in the day by Democrats, the group could not be prosecuted because their escorts allegedly never asked them to leave the premises. The group was not with an escort when the various members were arrested.

According to Colbert, the group members were engaged in some "last-minute puppetry" when they were arrested.

Capitol Police reported that the group was being "disruptive, loud" and "theatrical," especially near the office of Representative Lauren Boebert (R-Colo.) in the Longworth House Office Building on the Capitol grounds.

"After a comprehensive review of all of the evidence and the relevant legal authority, the U.S. Attorney's Office for the District of Columbia has determined that it cannot move forward with misdemeanor charges of unlawful entry against the nine individuals who were arrested on June 16, 2022 at the Longworth Office Building," said Bill Miller, a spokesman for the U.S. Attorneys' Office.

"The individuals, who entered the building on two separate occasions, were invited by Congressional staffers to enter the building in each instance and were never asked to leave by the staffers who invited them, though, members of the group had been told at various points by the U.S. Capitol Police that they were supposed to have an escort," Miller said.

Miller noted that it would be unable "to prove beyond a reasonable doubt that these invited guests were guilty of the crime of unlawful entry because their escort chose to leave them unattended."

In a brief [statement](#), the Capitol Police responded to the decision:

The USCP arrested nine people for Unlawful Entry charges because members of the group had been told several times before they entered the Congressional buildings that they had to remain with a staff escort inside the buildings and they failed to do so....

The United States Capitol Police was just informed the U.S. Attorneys' Office for the District of Columbia is declining to prosecute the case. We respect the decision that office has made.



dkfielding/iStock/Getty Images Plus  
Longworth House Office Building



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Fox News reports that many people associated with the Capitol Police were upset with the decision. The decision not to prosecute the Colbert staffers is drawing the ire of many conservatives who claim that there appears to be a double standard as far as justice is concerned. On one hand, a leftists from a late-night talk show are allowed to walk free without even the pretense of concern, while Trump supporters faced with similar charges are having the book thrown at them.

Actor Randy Quaid called the decision to allow the Colbert staffers to go free “disgusting.”

There is some merit to this concern. Consider the [case](#) of Pam Hemphill, a 69-year-old Idaho grandmother and cancer patient, who was arrested on January 6, 2021. Hemphill was photographed inside the Capitol Rotunda but claims she was pushed inside the building and did not “picket” or “parade” as she was charged.

“I’ve never been to jail — ever,” Hemphill told Newsmax. “I’m really frightened — I’m scared.”

Prosecutors in the Hemphill case claimed that she repeatedly asked police for help as a way of distracting them from where they were needed.

“These interactions were an attempt by Hemphill to draw police away from protecting the Capitol building as rioters pushed forward,” said prosecutor Katherine Nielsen.

“As tempting as it is to be lenient in this kind of situation, what I have discerned is it is such a serious offense because it’s such a serious event in the history of our country,” Judge Royce Lamberth said. “I have to agree with the government’s recommendation in this case. I believe that there has to be a penalty when there is a serious offense like this.”

And now, the frail Hemphill is serving 60 days in prison, while the Colbert staffers are back in New York planning their next comedy skit.

A politicized justice department used to be one of the most frightening things Americans could ever imagine. Now, the truly frightening part is that we don’t have to imagine it anymore — it’s already here.



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