

## JACOB D. CHARLES

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### ACADEMIC POSITIONS

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Pepperdine University Caruso School of Law, Malibu, CA  
*Associate Professor of Law* eff. Aug. 2022

Duke University School of Law, Durham, NC  
*Executive Director, Duke Center for Firearms Law* 2019 – present  
*Lecturing Fellow* 2019 – present  
Courses: Second Amendment, Law & Violence

### EDUCATION

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Duke University, Durham, NC  
J.D., *magna cum laude* 2013  
*Order of the Coif*  
Notes Editor, *Duke Law Journal*

M.A., Political Science 2013  
Fields: *Political Theory* and *Political Institutions*

Biola University, La Mirada, CA  
M.A., Philosophy, highest honors 2010  
M.A., Theology, highest honors 2010

University of California, Irvine, CA  
B.A., Criminology, Law, and Society & Psychology and Social Behavior 2007  
*magna cum laude*  
Elected to Phi Beta Kappa in second year

### BOOKS

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THE SECOND AMENDMENT (Title TBD) (Foundation Press, *forthcoming* 2023) (with Joseph Blocher and Darrell A.H. Miller)

NEW HISTORIES OF GUN RIGHTS AND REGULATION: ESSAYS ON THE PLACE OF GUNS IN AMERICAN LAW AND SOCIETY (ed. Joseph Blocher, Jacob D. Charles, Darrell A.H. Miller) (Oxford University Press, *forthcoming*)

### SELECTED ARTICLES

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*Violence and Nondelegation*  
135 HARVARD LAW REVIEW FORUM \_\_ (forthcoming 2022) (with Darrell A.H. Miller)

*Securing Gun Rights By Statute: The Right to Keep and Bear Arms Outside the Constitution*,  
120 MICHIGAN LAW REVIEW \_\_ (forthcoming 2022) [[www](#)]

*The Trajectory of Federal Gun Crimes,*

170 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** \_\_ (forthcoming 2022) (with Brandon Garrett) [[www](#)]

*Second Amendment Animus,*

116 **NORTHWESTERN UNIVERSITY LAW REVIEW** 1 (2021) (symposium essay) [[www](#)]

- Response by William D. Araiza, *Second Amendment Animus: This Far and No Further?* 116 **NORTHWESTERN UNIVERSITY LAW REVIEW** \_\_ (forthcoming) [[www](#)]

*Pointing Guns,*

99 **TEXAS LAW REVIEW** 1173 (2021) (with Joseph Blocher, Samuel Buell, & Darrell A.H. Miller) [[www](#)]

- Response by Kimberly Kessler Ferzan, *Taking Aim at Pointing Guns? Start with Citizen's Arrest, Not Stand Your Ground: A Reply to Joseph Blocher, Samuel W. Buell, Jacob D. Charles, and Darrell A.H. Miller*, *Pointing Guns*, 99 **TEXAS L. REV.** 1173 (2021), 100 **TEXAS LAW REVIEW ONLINE** 1 (2021) [[www](#)]

*Constructing a Constitutional Right: Borrowing and Second Amendment Design Choices,*

99 **NORTH CAROLINA LAW REVIEW** 333 (2021) [[www](#)]

*Firearms, Extreme Risk, and Legal Design: "Red Flag" Laws and Due Process,*

106 **VIRGINIA LAW REVIEW** 1285 (2020) (with Joseph Blocher) [[www](#)]

*Defeasible Second Amendment Rights: Conceptualizing Gun Laws That Dispossess Prohibited Persons,*

83 **LAW & CONTEMPORARY PROBLEMS** 53 (2020) (symposium essay) [[www](#)]

*The Debt Limit and the Constitution: How the Fourteenth Amendment Forbids Fiscal Obstructionism,*

62 **DUKE LAW JOURNAL** 1227 (2013) (note) [[www](#)]

## **OTHER ACADEMIC WRITING**

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Genesa Cefali & Jacob D. Charles, *An Overview of Gun Registration Laws in U.S. History*, in **NEW HISTORIES OF GUN RIGHTS AND REGULATION: ESSAYS ON THE PLACE OF GUNS IN AMERICAN LAW AND SOCIETY** (ed. Joseph Blocher, Jacob D. Charles, Darrell A.H. Miller) (Oxford University Press, forthcoming)

*Firearms Law and Scholarship Go Public,*

19 **ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE** \_\_ (forthcoming) (with Joseph Blocher and Darrell A.H. Miller) (invited)

*The Promise (and Peril) of Libertarian Solutions to Gun Violence,*

40 **CRIMINAL JUSTICE ETHICS** \_\_ (forthcoming), reviewing IAN AYRES & FREDRICK E. VARS, **WEAPON OF CHOICE: FIGHTING GUN VIOLENCE WHILE RESPECTING GUN RIGHTS** (2020) (invited)

*A Double Filter Provision for Expanded Red Flag Laws: A Proposal for Balancing Rights and Risks in Preventing Gun Violence*,  
48 JOURNAL OF LAW, MEDICINE & ETHICS 126 (2021) (with Gabriel Delaney) (invited)  
[[www](#)]

*COVID Lays Bare the Need for Attending to Second Amendment Theory*,  
NORTHWESTERN UNIVERSITY LAW REVIEW OF NOTE (May 28, 2020) [[www](#)]

*The Geography of a Constitutional Right: Gun Rights Outside the Home*,  
83 LAW & CONTEMPORARY PROBLEMS i (2020) (with Joseph Blocher & Darrell A.H. Miller) [[www](#)]

*The “Charleston Loophole” and the Second Amendment*, JURIST ACADEMIC COMMENTARY (Mar. 21, 2019) [[www](#)]

SECOND THOUGHTS BLOG, <https://firearmslaw.duke.edu/secondthoughts/>  
Editor and Regular Contributor

## POPULAR WRITING

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Op-ed, [Are Gun Rights Safe After S.B. 8?](#), THE HILL (Dec. 15, 2021)

Op-ed, [Newsom’s Riff on the Texas Abortion Law Is Less Radical Than It Sounds](#), THE LOS ANGELES TIMES (Dec. 13, 2021)

Analysis, [Supreme Court Justices Sounded Suspicious of New York’s Gun Law. Here’s What Might Come Next.](#), WASHINGTON POST MONKEY CAGE BLOG (Nov. 5, 2021)

## WORKS IN PROGRESS

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*Guns, Violence, and Criminal Justice Reform*

*The New Outlawry* (with Darrell A.H. Miller)

## LEGAL EXPERIENCE

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McGuireWoods LLP, Raleigh, NC  
*Associate, Appeals and Issues Practice Group & Products Liability Practice Group*,  
2017 – 2019

Hon. Allyson K. Duncan, U.S. Court of Appeals for the Fourth Circuit, Raleigh, NC  
*Law Clerk*, 2016 – 2017

Hon. Colleen McMahan, U.S. District Court for the Southern District of New York, New York, NY  
*Law Clerk*, 2015

O’Melveny & Myers LLP, Washington, DC

*Associate, White Collar Criminal Defense and Government Investigations Practice Group, 2013 – 2015*  
*Summer Associate, 2012*

American Civil Liberties Union of North Carolina, Raleigh, NC  
*Legal Intern, 2011*

## PRESENTATIONS

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Presenter, *Guns, Violence, and Criminal Justice Reform*, Firearms Law Works-in-Progress Workshop, Cody, Wyoming, July 23, 2021

Presenter, *Securing Gun Rights By Statute: The Right To Keep and Bear Arms Outside the Constitution*, Duke Faculty Workshop, June 30, 2021 (virtual)

Presenter, *Securing Gun Rights By Statute: The Right To Keep and Bear Arms Outside the Constitution*, Junior Scholars Workshop, April 15, 2021 (virtual)

Presenter, *Guns, Violence, and Criminal Justice Reform*, Duke Law Early Stage Workshop, March 8, 2021 (virtual)

Presenter, *A Right to Bear Arms? A Debate on the Importance of the Second Amendment in Contemporary America*, Georgetown University Federalist Society, October 14, 2020 (virtual)

Panelist, Symposium on *The Second Amendment's Next Chapter*, Northwestern University Law Review, October 9, 2020 (virtual)

Presenter, Cliveden Conversation Series, *The History of Gun Rights and Regulation in American History*, Cliveden of the National Trust, September 16, 2020 (virtual)

Presenter, Symposium on *Seeing Red: Risk-Based Gun Regulation*, University of Alabama Law & Psychology Review, Tuscaloosa, Alabama, February 21, 2020

Moderator, *Hot Topic: The Second Amendment at the Supreme Court and the Future of Heller*, Association of American Law Schools, Washington, D.C., January 4, 2020

Moderator, *The Second Amendment at the Supreme Court: A Conversation with Nina Totenberg*, Washington, D.C., December 12, 2019

Presenter, *Citizen Debate on the Second Amendment*, Empower the People, Durham, North Carolina, November 8, 2019

Panelist, *Campus Carry Debate*, UNC Federalist Society, University of North Carolina, Chapel Hill, North Carolina, October 24, 2019

Presenter, *Debate on the Constitutionality of an Assault Weapons Ban*, Cornell Political Union, Cornell University, Ithaca, New York, October 1, 2019

Presenter, *Defeasible Second Amendment Rights: Conceptualizing Gun Laws That Dispossess Prohibited Persons*, Symposium on Gun Rights and Regulation Outside the Home, Duke University School of Law, Durham, North Carolina, September 27, 2019

Panelist, *Supreme Court Update*, Gun Violence Prevention Grantee Convening, Joyce Foundation, Chicago, Illinois, May 8, 2019

Presenter, *The Second Amendment: History, Politics, and Religion*, Theology Uncorked with Crosspointe Church, Cary, North Carolina, April 23, 2019

Panelist, *Enough: Speaker Panel on Gun Violence Prevention*, Wake Forest University, Winston-Salem, North Carolina, April 16, 2019

Presenter, *Proceduralism, Majority Rule, and the Legitimacy of Judicial Review*, Duke Law Student Scholarship Workshop, Durham, North Carolina, September 11, 2013

Presenter, *The Proceduralist Case for Judicial Review*, Duke Law Student Scholarship Workshop, Durham, North Carolina, March 4, 2013

## MEDIA

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Quoted in Reese Oxner, "[The Suspect In Saturday's Synagogue Standoff Obtained A Gun Despite His Troubled History. It's Not Difficult In Texas](#)," THE TEXAS TRIBUNE, Jan. 19, 2022

Quoted in Jennifer Mascia, "[Could Gun Restrictions Modeled on Texas's Anti-Abortion Law Work?](#)" THE TRACE, Jan. 19, 2022

Interviewed for Podcast with Susan Liebell, "[Postscript \[Rd. 2\]: The Supreme Court, Concealed Carry, and How Your Laws Might Change](#)," NEW BOOKS NETWORK, Nov. 21, 2021

Quoted in Libby Cathey, "[Why the Second Amendment May Be Overstated in the Gun Debate](#)," ABC NEWS, Oct. 28, 2021

Interviewed for Podcast with Susan Liebell, "[Postscript: The Supreme Court, Concealed Carry, and How Your Laws Might Change](#)," NEW BOOKS NETWORK, Oct. 26, 2021

Quoted in Karol Suarez and Danielle Renwick, "[Mexico is Suing US Gunmakers for Thousands of Guns Trafficked Across the Border Each Year. Can They Win?](#)" CNN, Aug. 28, 2021

Interviewed for Stephen Gutowski, "[Podcast: Duke's Jake Charles on the California Assault Weapons Ban Ruling and Exclusives on Republican Efforts to Block Biden's Gun Actions](#)," THE RELOAD, July 19, 2021

Quoted in Stephen Gutowski, "[Federal Judge: Government Liable for Background Check Failure That Led to Sutherland Springs Shooting](#)," THE RELOAD, July 7, 2021

Quoted in Jennifer Mascia, "[The Supreme Court's Next Big Gun Case, Explained](#)," THE TRACE, May 18, 2021

Interviewed for David Westin, "[Balance of Power: SCOTUS Takes Second Amendment Case](#)," BLOOMBERG, April 27, 2021

Interviewed for Nina Totenberg, "[The U.S. Supreme Court Seems Headed For A Major Decision On Gun Rights](#)," NATIONAL PUBLIC RADIO, April 26, 2021

Quoted in Ariane de Vogue & Devan Cole, "[Supreme Court Agrees To Take Up Major Second Amendment Case](#)," CNN, April 26, 2021

Quoted in Jennifer Mascia, "[Spotlight On Solutions](#)," THE TRACE, April 13, 2021

Quoted in Noah Y. Kim, "[Ask Politifact: Is The Biden Administration Pushing For No-Knock Raids To Seize Guns?](#)" POLITIFACT, April 9, 2021

Interviewed for Patsy Widakuswara, "[Biden Wields Executive Power To Curb Gun Violence](#)," VOICE OF AMERICA NEWS, April 8, 2021

Quoted in Stephen Gutowski, "[Army Vet Plans To Appeal Ninth Circuit Ruling Against Gun Carry](#)," WASHINGTON FREE BEACON, March 26, 2021

Quoted in Ariane De Vogue, "[Supreme Court To Discuss Case That Could Expand Second Amendment Rights](#)," CNN, March 24, 2021

Quoted in Lindsay Whitehurst, "[EXPLAINER: A Look At Key Questions After Colorado Shooting](#)," ASSOCIATED PRESS, March 24, 2021

Quoted in Arijeta Lajka, "[Social Media Posts Misrepresent Bill Expanding Background Checks For Firearms](#)," ASSOCIATED PRESS, March 9, 2021

Quoted in Lindsay Whitehurst, "[GOP State Lawmakers Seek To Nullify Federal Gun Limits](#)," ASSOCIATED PRESS, March 4, 2021

Quoted in Sharon Johnson, "[Taking Aim At Gun Violence](#)," THE PROGRESSIVE, February 24, 2021

Quoted in Stephen Gutowski, "[Support for Gun Control Drops As Sales Skyrocket](#)," WASHINGTON FREE BEACON, November 17, 2020

Interviewed on *All Things Work* Podcast, "[Guns In The Workplace With Jake Charles](#)," SOCIETY FOR HUMAN RESOURCE MANAGEMENT, October 30, 2020

Quoted in Champe Barton, "[The Case That Could Topple the Gun Industry's Special Legal Protections](#)," THE TRACE, October 2, 2020

Quoted in Stephen Gutowski, "[Barrett Nomination Could Signal End of Supreme Court Inaction on Guns](#)," WASHINGTON FREE BEACON, September 29, 2020

Quoted in Ian Timberlake, "[Fact Check: Kamala Harris Does Not Oppose Gun Ownership Or the Second Amendment](#)," AGENCE FRANCE-PRESSE, August 18, 2020

Quoted in Heath Druzin & Leigh Paterson, "[Guns Are An Increasing Danger At Already Tense Protests](#)," GUNS & AMERICA, July 30, 2020

Quoted in Jamie Ehrlich, "[Supreme Court Again Declines To Take Up Second Amendment Cases](#)," CNN, June 15, 2020

Quoted in Jeremy Bernfeld, "[Supreme Court Shelves Second Amendment Cases—For Now](#)," GUNS & AMERICA, June 15, 2020

Quoted in Taryn Hoffman, "[Background Checks On Buyers Can't Keep Up With Surge In Gun Sales](#)," WHOWHATWHY, June 11, 2020

Quoted in Jamie Ehrlich, "[10 Cases That Could Change How The Supreme Court Looks At The Second Amendment](#)," CNN, May 26, 2020

Quoted in "[How Will COVID-19 Affect The Supreme Court's Next Gun Case?](#)" THE TRACE, April 16, 2020

Quoted in Jerry Lambe, "[Like Justice Scalia, But Without the Wit': Trump-Appointed Judge, 41, Criticized for Trollish Bump Stock Opinion](#)," LAW & CRIME, April 1, 2020

Quoted in Champe Barton, "[New Jersey Suspends Gun Background Checks, Halting Sales During Coronavirus Crisis](#)," THE TRACE, March 30, 2020

Quoted in Asher Stockler, "[California Is Latest State To Be Hit With Lawsuit Over COVID-19 Gun Restrictions](#)," NEWSWEEK, March 28, 2020

Quoted in Asher Stockler, "[States' Actions On Guns During Coronavirus Pandemic Raises Second Amendment Questions, Attorneys Say](#)," NEWSWEEK, March 27, 2020

Quoted in Lisa Dunn, "[Are Gun Shops An Essential Business? Depends Where You Live](#)," WAMU, March 26, 2020

Quoted in Graham Moomaw, "[Would Virginia's Red Flag Law Withstand Constitutional Scrutiny? In Other States, Similar Laws Already Have](#)," VIRGINIA MERCURY, February 5, 2020

Quoted in Champe Barton, "[A Guide To The Gun Industry's Unique Legal Protections](#)," THE TRACE, January 27, 2020

Interviewed for "[Red Flag Laws – Do They Help Stop Gun Violence, And Can They Be Abused?](#)" STARS & STRIPES PODCAST, January 23, 2020

Interviewed for "[Kansas City To Sue Gun Maker Over Rising Violent Crime Cases](#)," NPR MORNING EDITION, January 9, 2020

Quoted in Brian Johnson, "[Supreme Court Hears First Guns Rights Case In Nearly A Decade](#)," MEDILL NEWS SERVICE (NORTHWESTERN UNIVERSITY), December 3, 2019

Interviewed for [Colorado Edition: To Ban Or Not To Ban?](#) KUNC, November 13, 2019

Interviewed for [First News With Jimmy Cefalo: SCOTUS Rules Sandy Hook Families Can Sue Gunmaker](#), WIOD MIAMI NEWS RADIO, November 13, 2019

Quoted in Nico Court, "[Panel Discusses How To Curb Gun Violence In Durham](#)," DUKE CHRONICLE, November 11, 2019

Quoted in Ariane de Vogue, "[Supreme Court May Be Focus Of Gun Control Arguments With Congress Deadlocked](#)," CNN, September 30, 2019

Quoted in Jesse Hirsch, "[In The Last Week, 38 \(And Counting\) Retail Chains Have Adopted New Policies To Keep Guns Out Of Their Stores](#)," THE NEW FOOD ECONOMY, September 12, 2019

Interviewed for [Colorado Edition: Second Chances](#), KUNC, September 4, 2019

Quoted in Matt Cohen, "[Gun Violence Costs Americans Billions Every Year. A California Mayor Has A Plan To Make Gun Owners Pay For It](#)," MOTHER JONES, August 26, 2019

Quoted in Tom Kertscher, "[Federal Law's 'Boyfriend Loophole' Is Not So Simple](#)," POLITIFACT, August 22, 2019

Quoted in Steve Pokin and Gregory J. Holman, "[Public, Experts React To Walmart Incident — And Wonder If It Was A Crime](#)," SPRINGFIELD NEWS-LEADER, August 8, 2019

Quoted in Jim Beckerman, "[What Is The Second Amendment? It's All About The Comma](#)," NORTH JERSEY RECORD, August 6, 2019

Consulted for Jon Greenberg, "[Barack Obama Wrong On Limits Of US Gun Laws, Machine Gun Sales](#)," POLITIFACT, June 4, 2019



Quoted in Yasmeen Khan, "[NYC Potentially 'Dodging A Bullet' In Supreme Court By Easing Strict Handgun Laws](#)," GOTHAMIST (WNYC), May 30, 2019

Quoted in Asher Stockler, "[Cory Booker's Gun Control Plan Is Ambitious, But Is It Constitutional?](#)," NEWSWEEK, May 8, 2019

#### BAR ADMISSIONS AND PROFESSIONAL ACTIVITIES

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North Carolina, 2017 – present

California, 2013 – 2020

District of Columbia, 2014 – 2020

U.S. Court of Appeals for the Fourth Circuit

Eastern District of North Carolina

Middle District of North Carolina

Western District of North Carolina

North Carolina Bar Association, Appellate Rules Committee, 2017 – 2018