

Jacob D. Charles

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Academic Appointments

Pepperdine University Caruso School of Law

2022–pres Associate Professor of Law

Duke University School of Law

2022–pres Affiliated Scholar, Duke Center for Firearms Law

2019–2022 Executive Director, Duke Center for Firearms Law; Lecturing Fellow

Education

2013 **Duke University School of Law School, J.D., *magna cum laude***

Order of the Coif

Duke Law Journal, Notes Editor

Moot Court Board

Research Assistant, Lisa Kern Griffin

Teaching Assistant (Appellate Practice), Christopher Browning

2013 **Duke University, M.A. Political Science**

Fields: *Political Theory* and *Political Institutions*

Thesis: “[The Proceduralist Case for Judicial Review](#)”

Thesis Committee: Jack Knight (chair), Joseph Blocher, Alexander Kirshner

2010 **Biola University, M.A. Philosophy, M.A. Theology**

Highest honors

2007 **University of California, Irvine, B.A., Criminology, Law, and Society & Psychology and Social Behavior, *magna cum laude***

Elected to Phi Beta Kappa in second year

Publications

Casebook

Forthcoming **THE SECOND AMENDMENT: GUN RIGHTS AND REGULATION** (Foundation Press) (with Joseph Blocher, Jody Lyneé Madeira, and Darrell A. H. Miller)

Principal Articles

2022 **Violence and Nondelegation**

135 HARV. L. REV. F. 463 (with Darrell A. H. Miller) [\[www\]](#)

2022 **Securing Gun Rights By Statute: The Right to Keep and Bear Arms Outside the Constitution**

120 MICH. L. REV. 581 [\[www\]](#)

2022 **The Trajectory of Federal Gun Crimes**

170 U. PENN. L. REV. 637 (with Brandon Garrett) [\[www\]](#)

- 2021 **Second Amendment Animus**
116 NW. U. L. REV. 1 [\[www\]](#)
Response by William D. Araiza, *Disgust and Guns: Conduct, Identity, and Second Amendment Animus*, 116 Nw. U. L. REV. 1365 (2022) [\[www\]](#)
- 2021 **Pointing Guns**
99 TEX. L. REV. 1173 (with Joseph Blocher, Samuel Buell, and 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 TEX. L. REV. ONLINE 1 (2021) [\[www\]](#)
- 2021 **Constructing a Constitutional Right: Borrowing and Second Amendment Design Choices**
99 N.C. L. REV. 333 [\[www\]](#)
- 2020 **Firearms, Extreme Risk, and Legal Design: "Red Flag" Laws and Due Process**
106 VA. L. REV. 1285 (with Joseph Blocher) [\[www\]](#)
- 2020 **Defeasible Second Amendment Rights: Conceptualizing Gun Laws That Dispossess Prohibited Persons**
83 L. & CONTEMP. PROBS. 53 [\[www\]](#)
- 2013 **The Debt Limit and the Constitution: How the Fourteenth Amendment Forbids Fiscal Obstructionism**
62 DUKE L.J. 1227 (note) [\[www\]](#)

Edited Collections and Book Chapters

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

Other Works

- Forthcoming **Firearms Law and Scholarship Go Public**
19 ANN. REV. OF LAW & SOC. SCI. __ (with Joseph Blocher and Darrell A.H. Miller) (invited)
- 2022 **The Promise (and Peril) of Libertarian Solutions to Gun Violence**
40 CRIM. J. ETHICS 86, reviewing IAN AYRES & FREDRICK E. VARS, *WEAPON OF CHOICE: FIGHTING GUN VIOLENCE WHILE RESPECTING GUN RIGHTS* (2020) (invited)
- 2021 **A Double Filter Provision for Expanded Red Flag Laws: A Proposal for Balancing Rights and Risks in Preventing Gun Violence**
8 J. L. MED. & ETHICS 126 (with Gabriel Delaney) (invited)
- 2020 **COVID Lays Bare the Need for Attending to Second Amendment Theory**
NW. U. L. REV. OF NOTE (May 28, 2020)
- 2020 **The Geography of a Constitutional Right: Gun Rights Outside the Home**
83 L. & CONTEMP. PROBS. i (with Joseph Blocher & Darrell A.H. Miller)

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

Works in Progress

Guns, Violence, and Criminal Justice Reform

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

Popular Writing

- 06.30.2022 Analysis, [Are Gun Laws Constitutional? Courts Must Now Look at History to Decide.](#), WASHINGTON POST
- 06.08.2022 Op-ed, [No, Red-Flag Gun Laws Don’t Violate Due Process](#), WASHINGTON POST
- 02.28.2022 Analysis, [Sandy Hook Gun Settlement Marks a Turning Point](#), BLOOMBERG LAW
- 12.15.2021 Op-ed, [Are Gun Rights Safe After S.B. 8?](#), THE HILL
- 12.13.2021 Op-ed, [Newsom’s Riff on the Texas Abortion Law Is Less Radical Than It Sounds](#), THE LOS ANGELES TIMES
- 11.05.2021 Analysis, [Supreme Court Justices Sounded Suspicious of New York’s Gun Law. Here’s What Might Come Next.](#), WASHINGTON POST

Legal Experience

- 2017-2019 **McGuireWoods LLP, Raleigh, NC**
Associate, Appeals and Issues Practice Group & Products Liability Practice Group
- 2016-2017 **Hon. Allyson K. Duncan, U.S. Court of Appeals for the Fourth Circuit, Raleigh, NC**
Law Clerk
- 2015 **Hon. Colleen McMahon, U.S. District Court for the Southern District of New York, New York, NY**
Law Clerk
- 2013-2015 **O’Melveny & Myers LLP, Washington, DC**
Associate, White Collar Criminal Defense and Government Investigations Practice Group
- 2011 **American Civil Liberties Union of North Carolina**
Legal Intern, Summer

Presentations

- 03.25.2022 Presenter, *Violence and Nondelegation*, Symposium, “Guns, Violence, and Democracy,” Harvard Law School, Cambridge, Massachusetts
- 03.18.2022 Moderator, *Privatizing the Gun Debate* Conference, Durham, NC
- 11.03.2021 Panelist, *The Second Amendment: A Live Reaction to Oral Arguments in New York State Rifle & Pistol v. Bruen*, Duke Law Federalist Society, Durham, NC

- 07.23.2021 Presenter, *Guns, Violence, and Criminal Justice Reform*, Firearms Law Works-in-Progress Workshop, Cody, Wyoming
- 06.30.2021 Presenter, *Securing Gun Rights By Statute: The Right To Keep and Bear Arms Outside the Constitution*, Duke Faculty Workshop (virtual)
- 04.15.2021 Presenter, *Securing Gun Rights By Statute: The Right To Keep and Bear Arms Outside the Constitution*, Junior Scholars Workshop (virtual)
- 03.08.2021 Presenter, *Guns, Violence, and Criminal Justice Reform*, Duke Law Early Stage Workshop (virtual)
- 10.14.2020 Panelist, *A Right to Bear Arms? A Debate on the Importance of the Second Amendment in Contemporary America*, Georgetown University Federalist Society (virtual)
- 10.09.2020 Panelist, Symposium, "The Second Amendment's Next Chapter," Northwestern University Law Review (virtual)
- 09.16.2020 Presenter, Cliveden Conversation Series, *The History of Gun Rights and Regulation in American History*, Cliveden of the National Trust (virtual)
- 02.21.2020 Presenter, Symposium "Seeing Red: Risk-Based Gun Regulation," University of Alabama Law & Psychology Review, Tuscaloosa, Alabama
- 01.04.2020 Moderator, *Hot Topic: The Second Amendment at the Supreme Court and the Future of Heller*, Association of American Law Schools, Washington, D.C.
- 12.12.2019 Moderator, *The Second Amendment at the Supreme Court: A Conversation with Nina Totenberg*, Washington, D.C.
- 11.08.2019 Presenter, *Citizen Debate on the Second Amendment*, Empower the People, Durham, North Carolina
- 10.24.2019 Panelist, *Campus Carry Debate*, UNC Federalist Society, University of North Carolina, Chapel Hill, North Carolina
- 10.01.2019 Presenter, *Debate on the Constitutionality of an Assault Weapons Ban*, Cornell Political Union, Cornell University, Ithaca, New York
- 09.27.2019 Presenter, *Defeasible Second Amendment Rights: Conceptualizing Gun Laws That Dispossess Prohibited Persons*, Symposium, "Gun Rights and Regulation Outside the Home," Duke University School of Law, Durham, North Carolina
- 05.08.2019 Panelist, *Supreme Court Update*, Gun Violence Prevention Grantee Convening, Joyce Foundation, Chicago, Illinois
- 04.23.2019 Presenter, *The Second Amendment: History, Politics, and Religion*, Theology Uncorked with Crosspointe Church, Cary, North Carolina
- 04.16.2019 Panelist, *Enough: Speaker Panel on Gun Violence Prevention*, Wake Forest University, Winston-Salem, North Carolina
- 09.11.2013 Presenter, *Proceduralism, Majority Rule, and the Legitimacy of Judicial Review*, Duke Law Student

Scholarship Workshop, Durham, North Carolina

03.04.2013 Presenter, *The Proceduralist Case for Judicial Review*, Duke Law Student Scholarship Workshop, Durham, North Carolina

Media

06.28.2022 Interviewed for "Conversations Around School Safety Continue in Connecticut," Connecticut Public Radio

06.13.2022 Quoted in Amber Phillips, "What Are Red-Flag Laws?" Washington Post

06.13.2022 Interviewed for "Fast Take: Senate Deal Marks 'Significant' Step on Guns," Reuters

06.13.2022 Interviewed for "US Gun Control," Deutsche Welle

06.10.2022 Quoted in Samara Lynn, "What Some Lifelong Gun Owners Say About AR-15s," ABC News

06.09.2022 Interviewed on "Dan Haggerty Speaks with Experts About Your Questions on Gun Shows, Background Checks," WRAL

06.09.2022 Quoted in Mia Salenetri, "Yes, There Are More Guns than People in the United States," WUSA

06.02.2022 Interviewed for "Jacob Charles on Legal Protections for Gun Manufacturers," CSPAN Washington Journal

06.01.2022 Quoted in Max Zahn, "'Feckless' Ammunition Laws under Scrutiny Following Uvalde, Other Mass Shootings," ABC News

05.27.2022 Quoted in Kelsey Reichmann, "In the Wake of Mass Shootings, Supreme Court Sits Poised to Expand Gun Rights," Courthouse News

05.26.2022 Quoted in Timothy Bella, "H.R. 8 Gun Background Check Bill Probably Won't Pass, Even After Uvalde," Washington Post

05.26.2022 Interviewed on, "Will Texas Implement New Gun Restrictions in Response to School Shooting?," CBS News

05.26.2022 Quoted in Ariane de Vogue, "Supreme Court May Soon Loosen Gun Laws as Nation Reels from Massacres," CNN

05.23.2022 Interviewed for, "Discussing Gun Control with Duke Law Professor Jacob Charles," Spectrum News

03.01.2022 Quoted in "Fact-Checking Joe Biden's 2022 State of the Union Address," PolitiFact

02.24.2022 Quoted in Kevin McCoy, "Gun Rights Groups' Wave of Lawsuits Could Change America's Relationship with Firearms," USA Today

02.14.2022 Quoted in "Despite Biden's Claim, Gun Makers Can Indeed Be Sued," Associated Press

01.19.2022 Quoted in Reese Oxner, "The Suspect in Saturday's Synagogue Standoff Obtained a Gun Despite His Troubled History. It's Not Difficult in Texas." Texas Tribune

- 01.19.2022 Quoted in Jennifer Mascia, "Could Gun Restrictions Modeled on Texas's Anti-Abortion Law Work?" The Trace
- 11.03.2021 Interviewed on Capital Tonight, "SCOTUS Hears Potentially Consequential Second Amendment Case"
- 10.21.2021 Interviewed for Podcast with Susan Liebell, "Postscript [Rd. 2]: The Supreme Court, Concealed Carry, and How Your Laws Might Change," New Books Network
- 10.28.2021 Quoted in Libby Cathey, "Why the Second Amendment May Be Overstated in the Gun Debate," ABC News
- 10.26.2021 Interviewed for Podcast with Susan Liebell, "Postscript: The Supreme Court, Concealed Carry, and How Your Laws Might Change," New Books Network
- 08.28.2021 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
- 07.19.2021 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
- 07.07.2021 Quoted in Stephen Gutowski, "Federal Judge: Government Liable for Background Check Failure That Led to Sutherland Springs Shooting," The Reload
- 05.18.2021 Quoted in Jennifer Mascia, "The Supreme Court's Next Big Gun Case, Explained," The Trace
- 04.27.2021 Interviewed for David Westin, "Balance of Power: SCOTUS Takes Second Amendment Case," Bloomberg
- 04.26.2021 Interviewed for Nina Totenberg, "The U.S. Supreme Court Seems Headed For A Major Decision On Gun Rights," National Public Radio
- 04.26.2021 Quoted in Ariane de Vogue & Devan Cole, "Supreme Court Agrees To Take Up Major Second Amendment Case," CNN
- 04.13.2021 Quoted in Jennifer Mascia, "Spotlight On Solutions," The Trace
- 04.09.2021 Quoted in Noah Y. Kim, "Ask Politifact: Is The Biden Administration Pushing For No-Knock Raids To Seize Guns?" Politifact
- 04.08.2021 Interviewed for Patsy Widakuswara, "Biden Wields Executive Power To Curb Gun Violence," Voice of America News
- 03.26.2021 Quoted in Stephen Gutowski, "Army Vet Plans To Appeal Ninth Circuit Ruling Against Gun Carry," Washington Free Beacon
- 03.24.2021 Quoted in Ariane De Vogue, "Supreme Court To Discuss Case That Could Expand Second Amendment Rights," CNN
- 03.24.2021 Quoted in Lindsay Whitehurst, "EXPLAINER: A Look At Key Questions After Colorado Shooting," Associated Press
- 03.09.2021 Quoted in Arijeta Lajka, "Social Media Posts Misrepresent Bill Expanding Background Checks

For Firearms," Associated Press

- 03.04.2021 Quoted in Lindsay Whitehurst, "GOP State Lawmakers Seek To Nullify Federal Gun Limits," Associated Press
- 02.24.2021 Quoted in Sharon Johnson, "Taking Aim At Gun Violence," The Progressive
- 11.17.2020 Quoted in Stephen Gutowski, "Support for Gun Control Drops As Sales Skyrocket," Washington Free Beacon
- 10.30.2020 Interviewed on All Things Work Podcast, "Guns In The Workplace With Jake Charles," Society For Human Resource Management
- 10.02.2020 Quoted in Champe Barton, "The Case That Could Topple the Gun Industry's Special Legal Protections," The Trace
- 09.29.2020 Quoted in Stephen Gutowski, "Barrett Nomination Could Signal End of Supreme Court Inaction on Guns," Washington Free Beacon
- 08.18.2020 Quoted in Ian Timberlake, "Fact Check: Kamala Harris Does Not Oppose Gun Ownership Or the Second Amendment," Agence France-Presse
- 07.30.2020 Quoted in Heath Druzin & Leigh Paterson, "Guns Are An Increasing Danger At Already Tense Protests," Guns & America
- 06.15.2020 Quoted in Jamie Ehrlich, "Supreme Court Again Declines To Take Up Second Amendment Cases," CNN
- 06.15.2020 Quoted in Jeremy Bernfeld, "Supreme Court Shelves Second Amendment Cases—For Now," Guns & America
- 06.11.2020 Quoted in Taryn Hoffman, "Background Checks On Buyers Can't Keep Up With Surge In Gun Sales," WhoWhatWhy
- 05.26.2020 Quoted in Jamie Ehrlich, "10 Cases That Could Change How The Supreme Court Looks At The Second Amendment," CNN
- 04.16.2020 Quoted in "How Will COVID-19 Affect The Supreme Court's Next Gun Case?" The Trace
- 04.01.2020 Quoted in Jerry Lambe, "'Like Justice Scalia, But Without the Wit': Trump-Appointed Judge, 41, Criticized for Trollish Bump Stock Opinion," Law & Crime
- 03.30.2020 Quoted in Champe Barton, "New Jersey Suspends Gun Background Checks, Halting Sales During Coronavirus Crisis," The Trace
- 03.28.2020 Quoted in Asher Stockler, "California Is Latest State To Be Hit With Lawsuit Over COVID-19 Gun Restrictions," NewsWeek
- 03.27.2020 Quoted in Asher Stockler, "States' Actions On Guns During Coronavirus Pandemic Raises Second Amendment Questions, Attorneys Say," NewsWeek
- 03.26.2020 Quoted in Lisa Dunn, "Are Gun Shops An Essential Business? Depends Where You Live," WAMU

- 02.05.2020 Quoted in Graham Moomaw, "Would Virginia's Red Flag Law Withstand Constitutional Scrutiny? In Other States, Similar Laws Already Have," Virginia Mercury
- 01.27.2020 Quoted in Champe Barton, "A Guide To The Gun Industry's Unique Legal Protections," The Trace
- 01.23.2020 Interviewed for "Red Flag Laws – Do They Help Stop Gun Violence, And Can They Be Abused?" Stars & Stripes Podcast
- 01.09.2020 Interviewed for "Kansas City To Sue Gun Maker Over Rising Violent Crime Cases," NPR Morning Edition
- 12.03.2019 Quoted in Brian Johnson, "Supreme Court Hears First Guns Rights Case In Nearly A Decade," Medill News Service (Northwestern University)
- 11.13.2019 Interviewed for Colorado Edition: To Ban Or Not To Ban? KUNC
- 11.13.2019 Interviewed for First News With Jimmy Cefalo: SCOTUS Rules Sandy Hook Families Can Sue Gunmaker, WIOD Miami News Radio
- 11.11.2019 Quoted in Nico Court, "Panel Discusses How To Curb Gun Violence In Durham," Duke Chronicle
- 09.30.2019 Quoted in Ariane de Vogue, "Supreme Court May Be Focus Of Gun Control Arguments With Congress Deadlocked," CNN
- 09.12.2019 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
- 09.04.2019 Interviewed for Colorado Edition: Second Chances, KUNC
- 08.26.2019 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
- 08.22.2019 Quoted in Tom Kertscher, "Federal Law's 'Boyfriend Loophole' Is Not So Simple," PolitiFact
- 08.08.2019 Quoted in Steve Pokin and Gregory J. Holman, "Public, Experts React To Walmart Incident – And Wonder If It Was A Crime," Springfield News-Leader
- 08.06.2019 Quoted in Jim Beckerman, "What Is The Second Amendment? It's All About The Comma," North Jersey Record
- 06.04.2019 Consulted for Jon Greenberg, "Barack Obama Wrong On Limits Of US Gun Laws, Machine Gun Sales," Politifact
- 05.30.2019 Quoted in Yasmeen Khan, "NYC Potentially 'Dodging A Bullet' In Supreme Court By Easing Strict Handgun Laws," Gothamist (WNYC)
- 05.08.2019 Quoted in Asher Stockler, "Cory Booker's Gun Control Plan Is Ambitious, But Is It Constitutional?," NewsWeek

[Bar Admissions and Professional Activities](#)

2017–2022 North Carolina

2013–2020 California

2014–2020 District of Columbia

U.S. Court of Appeals for the Fourth Circuit

Eastern District of North Carolina

Middle District of North Carolina

Western District of North Carolina

2017–2018 North Carolina Bar Association, Appellate Rules Committee