# What'll Trump Say?

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It is unclear how the federal government will respond to Robinson's petition.

It's an "extremely challenging question" for the Trump administration, the libertarian Cato Institute's Clark Neily told Bloomberg BNA. Along with another lawyer, Neily hatched the idea for the litigation in Heller, and he was initially the lead lawyer for the plaintiffs in that landmark case.

The tension in Robinson's case—between gun rights and Fourth Amendment rights—is reflected in Trump himself, Neily observed.

The president's recent remarks to a law enforcement crowd bear this out. "I'm very happy to have gotten a great, great Justice of the United States Supreme Court, not only nominated, but approved," Trump said July 28, referring Justice Gorsuch's confirmation (at 25:12).

The president's thoughts then immediately turned to gun rights. "And, by the way, your Second Amendment is safe," he said, to applause.

"It wasn't looking so good for the Second Amendment, was it, huh? If Trump doesn't win, your Second Amendment is gone," the president said, reflecting on his 2016 electoral victory.

But Trump also told the law enforcement crowd that, in the fight against deadly gang violence, the laws are stacked against them.

"And I have to tell you, you know, the laws are so horrendously stacked against us, because for years and years they've been made to protect the criminal," the president said (at 30:25).

How the Trump administration balances the president's stated ideals—pro-gun-rights and tough-on-crime— may be reflected in the solicitor general's brief in response to Robinson's petition.

The "smart play" for the solicitor general's office is to ''finesse'' the collision between Second and Fourth Amendment rights, by arguing that the search of Robinson was justified under the specific facts of this case, Neily said.

A department of justice spokesperson declined to comment on the case, citing the department's policy of not commenting on ongoing litigation.