miss for cause a prospective juror prejudiced in favor of the death penalty does not deprive a defendant of his right to trial by an impartial jury if he is able to exclude the juror through exercise of a peremptory challenge.[154] The relevant inquiry is "on the jurors who ultimately sat," the Court declared, rejecting as overly broad the assertion in *Gray* that the focus instead should be on "'whether the composition of the jury panel as a whole could have been affected by the trial court's error.'" [155]

It is the function of the *voir dire* to give the defense and the prosecution the opportunity to inquire into, or have the trial judge inquire into, possible grounds of bias or prejudice that potential jurors may have, and to acquaint the parties with the potential jurors.[156] It is good ground for challenge for cause that a juror has formed an opinion on the issue to be tried, but not every opinion which a juror may entertain necessarily disqualifies him. The judge must determine whether the nature and strength of the opinion raise a presumption against impartiality.[157] It suffices for the judge to question potential jurors about their ability to put aside what they had heard or read about the case, listen to the evidence with an open mind, and render an impartial verdict; the judge's refusal to go further and question jurors about the contents of news reports to which they had been exposed did not violate the Sixth Amendment.[158]

Under some circumstances, it may be constitutionally required that questions specifically directed to the existence of racial bias must be asked. Thus, in a situation in which defendant, a black man, alleged that he was being prosecuted on false charges because of his civil rights activities in an atmosphere perhaps open to racial appeals, prospective jurors must be asked about their racial prejudice, if any.[159] A similar rule applies in some capital trials, where the risk of racial prejudice "is especially serious in light of the complete finality of the death sentence." A defendant accused of an interracial capital offense is entitled to have prospective jurors informed of the victim's race and questioned as to racial bias.[160] But in circumstances not suggesting a significant likelihood of ra-

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[154] Ross v. Oklahoma, 487 U.S. 81 (1987). The same rule applies in the federal setting. United States v. Martinez-Salazar, 528 U.S. 304 (2000).

[155] 487 U.S. at 86, 87.

[156] Lewis v. United States, 146 U.S. 370 (1892); Pointer v. United States, 151 U.S. 396 (1894).

[157] Reynolds v. United States, 98 U.S. (8 Otto) 145 (1879). *See* Witherspoon v. Illinois, 391 U.S. 510, 513–15, 522 n.21 (1968).

[158] Mu'Min v. Virginia, 500 U.S. 415 (1991).

[159] Ham v. South Carolina, 409 U.S. 524 (1973).

[160] Turner v. Murray, 476 U.S. 28 (1986). The quotation is from a section of Justice White's opinion not adopted as the opinion of the Court. Id. at 35.