

Cite as 100 S.Ct. 559 (1980)

Appellants contend that the decedent's right to life is protected by the Fourteenth Amendment to the Constitution. But the Fourteenth Amendment protected her only from deprivation by the "State . . . of life . . . without due process of law." Although the decision to release ¹²⁸⁵ Thomas from prison was action by the State, the action of Thomas five months later cannot be fairly characterized as state action. Regardless of whether, as a matter of state tort law, the parole board could be said either to have had a "duty" to avoid harm to his victim or to have proximately caused her death, see *Grimm v. Arizona Bd. of Pardons and Paroles*, 115 Ariz. 260, 564 P.2d 1227 (1977); *Palsgraf v. Long Island R. Co.*, 248 N.Y. 339, 162 N.E. 99 (1928), we hold that, taking these particular allegations as true, appellees did not "deprive" appellants' decedent of life within the meaning of the Fourteenth Amendment.

[7] Her life was taken by the parolee five months after his release.¹⁰ He was in no sense an agent of the parole board. Cf. *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 40 L.Ed.2d 90. Further, the parole board was not aware that appellants' decedent, as distinguished from the public at large, faced any special danger. We need not and do not decide that a parole officer could never be deemed to "deprive" someone of life by action taken in connection with the release of a prisoner on parole.¹¹ But we do hold that at least under the particular circumstances of this parole decision, appellants' decedent's death is too remote a consequence of the parole officers' action to hold them responsible under the federal civil rights law. Although a § 1983

majority's methodology of isolating the particular constitutional infringement complained of. Since we decide here that the State did not "deprive" appellants' decedent of a constitutionally protected right, we need not reach the question whether a lack of "due process" was adequately alleged by the reference to a failure to observe "requisite formalities." It must be remembered that even if a state decision does deprive an individual of life or property, and even if that decision is erroneous, it does not necessarily follow that the decision violated that individual's right to due process.

claim has been described as "a species of tort liability," *Imbler v. Pachtman*, 424 U.S. 409, 417, 96 S.Ct. 984, 988, 47 L.Ed.2d 128, it is perfectly clear that not every injury in which a state official has played some part is actionable under that statute.

The judgment is affirmed.

So ordered.



444 U.S. 286, 62 L.Ed.2d 490

WORLD-WIDE VOLKSWAGEN CORPORATION et al., Petitioners,

v.

Charles S. WOODSON, District Judge of Creek County, Oklahoma, et al.

No. 78-1078.

Argued Oct. 3, 1979.

Decided Jan. 21, 1980.

In a products liability suit in Oklahoma, a claim by defendants of want of jurisdiction under the Oklahoma long-arm statute by reason of constitutional limitations was denied by the Supreme Court of Oklahoma, 585 P.2d 351, by way of denial of a writ of prohibition to restrain the trial court from exercising in personam jurisdiction. Certiorari was granted, and the Supreme Court, Mr. Justice White, held that where corporate defendants, automobile wholesaler and retailer, carried on no activity whatsoever in Oklahoma and availed themselves of no privileges or benefits of Oklahoma law,

10. Compare the facts in *Screws v. United States*, 325 U.S. 91, 65 S.Ct. 1031, 89 L.Ed. 1495, where local law enforcement officials themselves beat a citizen to death.

11. We reserve the question of what immunity, if any, a state parole officer has in a § 1983 action where a constitutional violation is made out by the allegations.

mere fortuitous circumstance that a single automobile sold in New York to New York residents happened to suffer an accident while passing through Oklahoma did not constitute "minimum contacts" with Oklahoma so as to permit Oklahoma courts to exercise jurisdiction consistently with due process under state long-arm statute interpreted by Oklahoma courts as conferring jurisdiction to limits permitted by United States Constitution.

Reversed.

Mr. Justice Marshall dissented and filed opinion in which Mr. Justice Blackmun joined.

Mr. Justice Blackmun dissented and filed opinion.

Mr. Justice Brennan dissented.

See, also, dissenting opinion, 100 S.Ct. 580.

1. Constitutional Law ⇌ 305(5)

Due process clause of Fourteenth Amendment limits power of state court to render valid personal judgment against nonresident defendant. U.S.C.A.Const. Amend. 14.

2. Judgment ⇌ 815

Judgment rendered in violation of due process is void in rendering state and is not entitled to full faith and credit elsewhere. U.S.C.A.Const. Amend. 14.

3. Constitutional Law ⇌ 305(4), 309(1)

Due process requires that defendant be given adequate notice of suit and be subject to personal jurisdiction of the court. U.S.C.A.Const. Amend. 14.

4. Courts ⇌ 12(2)

State court may exercise personal jurisdiction over nonresident defendant only so long as there exist "minimum contacts" between defendant and forum state.

5. Courts ⇌ 12(2)

Concept of "minimum contacts" protects defendant against burdens of litigating in distant or inconvenient forum and acts to insure that states, through their

courts, do not reach out beyond limits imposed on them by their status as coequal sovereigns in federal system.

6. Corporations ⇌ 665(1)

Relationship between corporate defendant and forum must be such that it is reasonable to require corporation to defend particular suit where it is brought.

7. Courts ⇌ 12(2)

Burden on defendant, while always primary concern in determining jurisdiction of a nonresident defendant, will in appropriate case be considered in light of other relevant factors, including interest of forum state in adjudicating disputes, plaintiff's interest in obtaining convenient and effective relief, at least when such interest is not adequately protected by plaintiff's power to choose forum, interstate judicial system's interest in obtaining most efficient resolution of controversies, and shared interest of the several states in furthering fundamental, substantive, social policies.

8. States ⇌ 1

Sovereignty of each state implies limitation on sovereignty of all sister states, a limitation express or implicit in both original scheme of Constitution and Fourteenth Amendment. U.S.C.A.Const. Amend. 14.

9. Constitutional Law ⇌ 305(5, 6)

Due process clause does not contemplate that state may make binding judgment in personam against individual or corporate defendant with which state has no contacts, ties or relations. U.S.C.A.Const. Amend. 14.

10. Constitutional Law ⇌ 305(5)

Even if defendant would suffer minimal or no inconvenience from being forced to litigate before tribunals of another state, even if forum state has joint interest in applying its law to controversy and even if forum state is most convenient location for litigation, due process clause, acting as instrument of interstate federalism, may act to divest state of its power to render valid judgment. U.S.C.A.Const. Amend. 14.

11. Constitutional Law ⇌ 305(6)

Where corporate defendants, automobile wholesaler and retailer, carried on no

activity whatsoever in Oklahoma and availed themselves of no privileges or benefits of Oklahoma law, mere fortuitous circumstance that single automobile sold in New York to New York residents happened to suffer accident while passing through Oklahoma did not constitute "minimum contacts" with Oklahoma so as to permit Oklahoma courts to exercise jurisdiction consistently with due process under state long-arm statute interpreted by Oklahoma courts as conferring jurisdiction to limits permitted by United States Constitution. 12 O.S.1971, § 1701.03(a)(3, 4); U.S.C.A. Const. Amend. 14.

12. Courts ⇌12(2)

Element of "foreseeability" has never alone been sufficient benchmark for personal jurisdiction under due process clause. U.S.C.A. Const. Amend. 14.

13. Courts ⇌12(2)

As bearing upon "minimal contacts" required for exercise of personal jurisdiction of state courts consistent with due process clause, there is no difference between automobile and any other chattel, and "dangerous instrumentality" concept has relevance as bearing not upon jurisdiction but on possible desirability of imposing substantive principles of tort law such as strict liability.

14. Constitutional Law ⇌305(5)

Foreseeability that is critical to due process analysis of state court's jurisdiction of a nonresident defendant is not mere likelihood that product will find its way into forum state but rather it is that defendant's conduct and connection with forum state are such that he should reasonably anticipate being haled into court there. U.S.C.A. Const. Amend. 14.

15. Constitutional Law ⇌305(5)

Due process clause by insuring orderly administration of laws gives degree of predictability to legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will

not render them liable to suit. U.S.C.A. Const. Amend. 14.

16. Constitutional Law ⇌305(5)

Financial benefits accruing to defendant from collateral relation to forum state will not support jurisdiction over defendant if they do not stem from constitutionally cognizable contact with that state. U.S.C. A. Const. Amend. 14.

Syllabus *

A products-liability action was instituted in an Oklahoma state court by respondents husband and wife to recover for personal injuries sustained in Oklahoma in an accident involving an automobile that had been purchased by them in New York while they were New York residents and that was being driven through Oklahoma at the time of the accident. The defendants included the automobile retailer and its wholesaler (petitioners), New York corporations that did no business in Oklahoma. Petitioners entered special appearances, claiming that Oklahoma's exercise of jurisdiction over them would offend limitations on the State's jurisdiction imposed by the Due Process Clause of the Fourteenth Amendment. The trial court rejected petitioners' claims and they then sought, but were denied a writ of prohibition in the Oklahoma Supreme Court to restrain respondent trial judge from exercising *in personam* jurisdiction over them.

Held: Consistently with the Due Process Clause, the Oklahoma trial court may not exercise *in personam* jurisdiction over petitioners. Pp. 564-568.

(a) A state court may exercise personal jurisdiction over a nonresident defendant only so long as there exist "minimum contacts" between the defendant and the forum State. *International Shoe Co. v. Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95. The defendant's contacts with the forum State must be such that maintenance of the suit does not offend traditional

* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of

the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 288, 50 L.Ed. 499.

notions of fair play and substantial justice, *id.*, at 316, 66 S.Ct., at 158, and the relationship between the defendant and the forum must be such that it is "reasonable . . . to require the corporation to defend the particular suit which is brought there," *id.*, at 317, 66 S.Ct., at 158. The Due Process Clause "does not contemplate that a state may make binding a judgment *in personam* against an individual or corporate defendant with which the state has no contacts, ties, or relations." *Id.*, at 319, 66 S.Ct., at 159. Pp. 564-566.

(b) Here, there is a total absence in the record of those affiliating circumstances that are a necessary predicate to any exercise of state-court jurisdiction. Petitioners carry on no activity whatsoever in Oklahoma; they close no sales and perform no services there, avail ¹²⁸⁷ themselves of none of the benefits of Oklahoma law, and solicit no business there either through salespersons or through advertising reasonably calculated to reach that State. Nor does the record show that they regularly sell cars to Oklahoma residents or that they indirectly, through others, serve or seek to serve the Oklahoma market. Although it is foreseeable that automobiles sold by petitioners would travel to Oklahoma and that the automobile here might cause injury in Oklahoma, "foreseeability" alone is not a sufficient benchmark for personal jurisdiction under the Due Process Clause. The foreseeability that is critical to due process analysis is not the mere likelihood that a product will find its way into the forum State, but rather is that the defendant's conduct and connection with the forum are such that he should reasonably anticipate being haled into court there. Nor can jurisdiction be supported on the theory that petitioners earn substantial revenue from goods used in Oklahoma. Pp. 566-568.

Okla., 585 P.2d 351, reversed.

1. The driver of the other automobile does not figure in the present litigation.
2. Kay Robinson sued on her own behalf. The two children sued through Harry Robinson as their father and next friend.

Herbert Rubin, New York City, for petitioners.

Jefferson G. Greer, Tulsa, Okl., for respondents.

Mr. Justice WHITE delivered the opinion of the Court.

The issue before us is whether, consistently with the Due Process Clause of the Fourteenth Amendment, an Oklahoma court may exercise *in personam* jurisdiction over a nonresident automobile retailer and its wholesale distributor in a products-liability action, when the defendants' only connection with Oklahoma is the fact that an automobile sold in New York to New York residents became involved in an accident in Oklahoma.

II

Respondents Harry and Kay Robinson purchased a new Audi automobile from petitioner Seaway Volkswagen, Inc. (Seaway), in Massena, N. Y., in 1976. The following year the Robinson family, who resided in New York, left that State for a new home in Arizona. As they passed through the State of Oklahoma, another car struck their Audi in the rear, causing a fire which severely burned Kay Robinson and her two children.¹

The Robinsons² subsequently brought a products-liability action in the District Court for Creek County, Okla., claiming that their injuries resulted from defective design and placement of the Audi's gas tank and fuel system. They joined as defendants the automobile's manufacturer, Audi NSU Auto Union Aktiengesellschaft (Audi); its importer Volkswagen of America, Inc. (Volkswagen); its regional distributor, petitioner World-Wide Volkswagen Corp. (World-Wide); and its retail dealer, petitioner Seaway. Seaway and World-Wide entered special appearances,³ claiming

3. Volkswagen also entered a special appearance in the District Court, but unlike World-Wide and Seaway did not seek review in the Supreme Court of Oklahoma and is not a petitioner here. Both Volkswagen and Audi remain as defendants in the litigation pending before the District Court in Oklahoma.

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with his debtor, we are unwilling to endorse an analogous principle in the present case.¹¹

¹²⁹⁷ This is not to say, of course, that foreseeability is wholly irrelevant. But the foreseeability that is critical to due process analysis is not the mere likelihood that a product will find its way into the forum State. Rather, it is that the defendant's conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there. See *Kulko v. California Superior Court*, *supra*, 436 U.S., at 97-98, 98 S.Ct., at 1699-1700; *Shaffer v. Heitner*, 433 U.S., at 216, 97 S.Ct., at 2586, and see *id.*, at 217-219, 97 S.Ct., at 2586-2587 (Stevens, J., concurring in judgment). The Due Process Clause, by ensuring the "orderly administration of the laws," *International Shoe Co. v. Washington*, 326 U.S., at 319, 66 S.Ct., at 159, gives a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit.

When a corporation "purposefully avails itself of the privilege of conducting activities within the forum State," *Hanson v. Denckla*, 357 U.S., at 253, 78 S.Ct., at 1240, it has clear notice that it is subject to suit there, and can act to alleviate the risk of burdensome litigation by procuring insurance, passing the expected costs on to customers, or, if the risks are too great, severing its connection with the State. Hence if the sale of a product of a manufacturer or distributor such as Audi or Volkswagen is not simply an isolated occurrence, but arises from the efforts of the manufacturer or

11. Respondents' counsel, at oral argument, see Tr. of Oral Arg. 19-22, 29, sought to limit the reach of the foreseeability standard by suggesting that there is something unique about automobiles. It is true that automobiles are uniquely mobile, see *Tyson v. Whitaker & Son, Inc.*, 407 A.2d 1, 6, and n. 11 (Me.1979) (McKusick, C. J.), that they did play a crucial role in the expansion of personal jurisdiction through the fiction of implied consent, *e. g.*, *Hess v. Pawloski*, 274 U.S. 352, 47 S.Ct. 632, 71 L.Ed. 1091 (1927), and that some of the cases have

distributor to serve directly or indirectly, the market for its product in other States, it is not unreasonable to subject it to suit in one of those States if its allegedly defective merchandise has there been the source of injury to its owner or to others. The forum State does not exceed its powers under the ¹²⁹⁸ Due Process Clause if it asserts personal jurisdiction over a corporation that delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum State. Cf. *Gray v. American Radiator & Standard Sanitary Corp.*, 22 Ill.2d 432, 176 N.E.2d 761 (1961).

But there is no such or similar basis for Oklahoma jurisdiction over World-Wide or Seaway in this case. Seaway's sales are made in Massena, N. Y. World-Wide's market, although substantially larger, is limited to dealers in New York, New Jersey, and Connecticut. There is no evidence of record that any automobiles distributed by World-Wide are sold to retail customers outside this tristate area. It is foreseeable that the purchasers of automobiles sold by World-Wide and Seaway may take them to Oklahoma. But the mere "unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with the forum State." *Hanson v. Denckla*, *supra*, at 253, 78 S.Ct., at 1239-1240.

In a variant on the previous argument, it is contended that jurisdiction can be supported by the fact that petitioners earn substantial revenue from goods used in Oklahoma. The Oklahoma Supreme Court so found, 585 P.2d, at 354-355, drawing the

treated the automobile as a "dangerous instrumentality." But today, under the regime of *International Shoe*, we see no difference for jurisdictional purposes between an automobile and any other chattel. The "dangerous instrumentality" concept apparently was never used to support personal jurisdiction; and to the extent it has relevance today it bears not on jurisdiction but on the possible desirability of imposing substantive principles of tort law such as strict liability.