



Daniel H. Huyett, III

Born: May 2, 1921, in Reading, Pennsylvania

Died: May 1, 1998, in Reading, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by Richard M. Nixon on September 25, 1970, to a new seat authorized by 84 Stat. 294.

Confirmed by the Senate on October 8, 1970, and received commission on October 15, 1970.

Assumed senior status on May 1, 1988.

Service terminated on May 1, 1998, due to death.

**Education:**

University of Michigan, A.B., 1942

University of Pennsylvania Law School (now Carey Law School), J.D., 1948

**Professional Career:**

U.S. Army Lieutenant, Air Corps: 1942-1946

Private Practice, Berks County, Pennsylvania: 1949-1970

City Solicitor, Reading, Pennsylvania: 1952-1956

Member, Pennsylvania Labor Relations Board: 1965-1968

Commissioner, Pennsylvania Public Utility Commission: 1968-1970

Lecturer, Federal Judicial Center: 1977-1979

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## Judicial Biography

\*In 1970, President Richard M. Nixon named four judges, all Republicans, to fill newly authorized seats for the Eastern District. They were Edward R. Becker, Donald W VanArtsdalen, Daniel H. Huyett 3rd, and J. William Ditter Jr., each of whom resided in a different county. They progressed through confirmation in lockstep.

Daniel H. Huyett, III was a lawyer in Berks County whose ancestors had settled there before the Revolution. He had a very gracious demeanor. During most of the Second World War he was stationed as an Army Officer in Panama. Some years later, he was appointed the Solicitor of the City of Reading and headed the Berks County Republican Party. In 1968, Governor Raymond P. Shafer named him to the state Public Utility Commission. He was an early and strong proponent of electronic sound recording of court proceedings in place of a court reporter who would take down testimony manually. He persuaded most of his judicial colleagues to follow his lead.

As a result of *Roe v. Wade*, the Pennsylvania General Assembly quickly passed the Abortion Control Act of 1974, but it was not long before a three-judge panel comprised of Judge Green, Judge Newcomer, and Circuit Judge Arlin Adams declared portions of the Act unconstitutional, including provisions requiring parental consent for a minor to have an abortion and the provision requiring spousal consent in all cases. Several years later Judge Bechtel held that Pennsylvania's prohibition against Medicaid funding for abortions other than those necessary to save the life of the mother violated federal law.

But it was Judge Huyett who was faced for well over a decade with the complexities of the abortion issue, with the clash between a woman's right to privacy and the interest of the state in placing limitations and imposing regulations on that right. It began in the early 1980's with a lawsuit claiming the Pennsylvania Abortion Control Act of 1982 was unconstitutional in light of *Roe v. Wade*. The Act and the subsequent amendments were continually challenged as placing undue burdens on a woman's right to choose an abortion. At various times, Judge Huyett enjoined the enforcement of certain provisions of the Act including: (1) the twenty-four hour waiting period between the time the woman was provided certain information and the time the abortion was performed; (2) certain public disclosure requirements; (3) certain rules related to the judicial bypass procedures for minors seeking abortions; (4) the informed parental consent provision; (5) the husband notification requirement; and (6) the mandate that certain information required to be disclosed to a woman must be imparted by a physician.

These several cases, captioned *American College of Obstetricians v. Thornburgh*, and *Planned Parenthood v. Casey*, moved back and forth between the District Court, Court of Appeals and, on several occasions, the Supreme Court. There were close to twenty reported court opinions in the cases originating before Judge Huyett alone. Some of his rulings were

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\* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

affirmed and others were reversed. The last decision, which concerned fees for plaintiffs' counsel, was handed down in 1995.

As a result of the efforts of Judge Huyett mentioned previously, most judges have opted to use electronic sound recording for Court proceedings rather than an individual court reporter taking down testimony. Some courtrooms are now equipped with real time reporting so that the transcripts are immediately available and with screens for the Court and each juror to view exhibits.

Judge Huyett assumed senior status on May 1, 1988, serving in that capacity until his death on May 1, 1998 in Reading, at the age of 76.