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### One Man's Fight Was A Fight For All: The Story of I.H. "Sporty" Harvey And His Battle Outside The Ring

Ryann D. Garza

Texas A&M University-San Antonio

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## One Man's Fight Was A Fight For All: The Story of I.H. "Sporty" Harvey And His Battle Outside The Ring

A quick google search for boxing gyms in the local San Antonio area can bring up anywhere from 15-20 gyms. This is how I found my local gym, Boxers and Brawlers. Boxers from all over are welcomed to train whether you're an amateur fighter, professional fighter, or if you're just trying to get in shape. Whatever the story may be, as long as you train hard you're welcomed. However that hasn't always been the case here in San Antonio. In 1933 a state law prohibited desegregated boxing matches. The reason for this being out of fear that racial riots would break out, similar to the Jack Johnson race riots decades before. I.H. "Sporty" Harvey a local boxer decided to take on this Jim Crow law with the help of Maury Maverick Jr, a young attorney with a long lineage to San Antonio, and together they fought to prove this law violated his 14<sup>th</sup> amendment. I.H. 'Sporty' Harvey would go on to break the racial barrier in professional boxing. By challenging the state's ban on integrated professional boxing I.H "Sporty" Harvey opened the door to future African American champions.

I.H. Harvey, the oldest was born in Hallettsville, Texas on July 21, 1925 to Charlie and Rosella Harvey, he was the oldest of six children<sup>1</sup>. Census records show that the family rented several homes throughout Harvey's early years and his father worked as a farmer and carpenter in the Karnes and Lavaca County Areas<sup>2</sup>. Hallettsville itself is about a hundred miles east of San Antonio. There are no census records that show exactly when the family moved to San Antonio, however an article from the *San Antonio Express News* states that in 1937 the family settled in San Antonio<sup>3</sup>. It's mentioned in several articles including Maury Maverick Jr's columns from the

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<sup>1</sup> Ancestry.com, U.S., World War II Draft Cards Young Men, 1940-1947

<sup>2</sup> Ancestry.com, 1930 United States Federal Census

<sup>3</sup> "Black boxer's litigation changed face of sport in Texas." *San Antonio Express News*, June 10, 1997

*San Antonio Express News*, who was also the attorney that would take on Harvey's case that Harvey himself only had a sixth grade education<sup>4</sup>. Harvey's World War II Draft Card shows that at 18 he was working for a WF Littleton located on Avenue E and 4<sup>th</sup> Street<sup>5</sup>. The only WF Littleton that came up with those initials in the Bexar County Land Records was a Wilbur F Littleton who owned Littleton Tire Company<sup>6</sup>.

Harvey did serve in the military and at one point was stationed at Fort Sam Houston in San Antonio. The earliest publication of his boxing matches is dated in 1950 while on base<sup>7</sup>. His opponent was a Harvey Tedford and after doing a ancestry search the only Harvey Tedford who served in the military and was stationed at Fort Sam around the same time was Caucasian<sup>8</sup>. During Harvey's case it would be pointed out by his attorney's that Harvey was participating in mixed race fights while on base and also traveling to Mexico to fight Hispanic fighters<sup>9</sup>. These fights would prove to be a key record in regards to his upcoming battle with B.M. Morgan, the State Boxing Commissioner.

Before Harvey's trail blazing win against the state, it's important to note that decades prior to his win the state had made the decision to prohibit desegregated boxing matches. Jack Johnson a African American Profession Boxer and a Galveston, Texas native had previously made headlines after beating his Caucasian opponent James J. Jeffries in what was known as the "fight of the century" as noted by author Theresa Runstedler<sup>10</sup>. Johnson had first entered the boxing ring as a professional fighter in 1898 in Galveston. His 1901 fight against Joe Choynski,

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<sup>4</sup> Ancestry.com, U.S., World War II Draft Cards Young Men, 1940-1947

<sup>5</sup> Bexar County Land Records, Accessed March 9, 2021

<sup>6</sup> Ancestry.com

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> "Black boxer's litigation changed face of sport in Texas." *San Antonio Express News*, June 10, 1997

<sup>10</sup> Theresa Runstedtler, *Jack Johnson, Rebel Sojourner: Boxing in the shadow of the Global Color Line*, University of California Press, 2012

an experienced heavyweight fighter ended with Johnson getting knocked out in the 3<sup>rd</sup> round. It was at this time that prizefighting in Texas was illegal and both men would be arrested and serve 23 days in jail, however the guards allowed both men to spar each other in jail<sup>11</sup>. They're bail was eventually reduced and a grand jury refused to indict the men on their prizefighting charges.

By 1910 Johnson had made a name for himself and James J. Jeffries had decided to come out of retirement to fight Johnson in Reno, Nevada. Jeffries had not had a fight in six years and originally had little interest in fighting Johnson<sup>12</sup>. Tension rose as the fight got closer which led many safety precautions to be made such as prohibiting weapons in to the arena as well as banning the sale of alcohol. Apples were also banned to prevent any harm to the fighters as well as security and the spectators<sup>13</sup>.

A younger Johnson would win the fight after 15 rounds and it sent shockwaves throughout those who watched the fight in Reno, Nevada. Johnson's victory sparked racial riots across the states. It should also be noted that this was one first fights to ever be recorded which meant that fans from all over could watch the historical match.<sup>14</sup> The outcome of the of the fight although a historical moment for the African American community signified hope and possibilities, it also brought a dark aftermath<sup>15</sup>. Those who felt threatened by this fight, predominantly white counter parts were angered by the Johnson- Jeffries fight. In the end 20

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<sup>11</sup> Roberts, Randy. "Galveston's Jack Johnson: Flourishing in the Dark." *The Southwestern Historical Quarterly* 87, no. 1 (1983): 37-56. Accessed March 7, 2021. <http://www.jstor.org/stable/30241079>.

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

individuals were killed and hundreds more were injured. A majority of those were African-Americans. Thirteen years later the state enforced article 614-11F, a penal code that would ban desegregated boxing in the state of Texas<sup>16</sup>. This law impacted the lives of not only African-American boxers but also their families due to the fact that for some this was their means of providing for their families.

Providing for his family was one of Harvey's main arguments in his effort to lift the ban on segregated boxing. After serving in the military, a few articles such as the *San Antonio Express News* have mentioned that Harvey went into the truck driving business and continued to box professionally as a source of extra income<sup>17</sup>. In Maury Maverick Jr's court documents there are several interviews conducted which state that Harvey was continuing to fight in small prizefighting bouts, however fighting the same three or four black local boxers were not enough in the 1950s<sup>18</sup>. To make matters worse the lack of training equipment did not help. In a 1988 interview with the *Los Angeles Herald Examiner* Harvey recalls black boxers training in the fields and backyards and having to use cotton sacks that were filled with rags to replicate punching bags<sup>19</sup>. In the article Harvey goes on to say "speed bags, we didn't have that. It was taar-ible.. The only ones who helped me were the Spanish (Mexican and Mexican- American) people. They didn't have any more equipment than I did; the white man had everything"<sup>20</sup>.

Harvey's sense of injustice led him to the office of Maury Maverick Jr, a liberal attorney and state legislator in San Antonio. This section of the essay will focus on Maverick's long family lineage in San Antonio and the early proceedings of Harvey's civil rights case. With the

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<sup>16</sup> "Black boxer's litigation changed face of sport in Texas." *San Antonio Express News*, June 10, 1997

<sup>17</sup> "Sporty Harvey only has his memories left." *Los Angeles Herald Examiner*, January 18, 1988

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

help of the Presidio Gallery and the collection of the Daughter's of the Republic there is an immense collection of the Maverick Family that stems 5 generations<sup>21</sup>. Samuel Augustus Maverick was a signer of the Texas Declaration of Independence and settled in San Antonio where he established himself as a prominent lawyer and businessman<sup>22</sup>. An 1850 census record has his occupation listed as a lawyer however he also has a number of industries listed under his name such as sawmill, planning mills and millwork<sup>23</sup>. A list of occupants in the household from the 1850 census record also include his wife Mary Ann, his sons Samuel, G.M (George Madison) and William Maverick.<sup>24</sup> It should be noted that in the 1860 U.S. Federal Census Slave Schedule records show that Samuel Augustus Maverick had 18 people enslaved from ages 1-59 living at his property, with a majority of them being women.<sup>25</sup>

In July 1953 I.H. 'Sporty' Harvey walked into Maury Maverick Jr's downtown office in San Antonio and asked for Maverick to represent him in a case against M.B. Morgan Commissioner of Labor Statistics. In an interview with the *San Antonio Express News* Maverick recalled the day Harvey stepped into his office, "he told me, I want to file a lawsuit with you. I want to talk to you about dignity for my people".<sup>26</sup> The nature of this case stemmed from article 614-11(F), this penal code prohibited integrated professional boxing matches in Texas.<sup>27</sup> Article 614-11(F), Penal Code of Texas in detail states that "No Individual, Firm, Club, Co -Partnership,

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<sup>21</sup> *Maverick Family Papers*, (1840-1980), Presidio Gallery

<sup>22</sup> *Ibid*

<sup>23</sup> Ancestry.com, 1850 Federal Census Records

<sup>24</sup> *Ibid*

<sup>25</sup> Ancestry.com, 1860 U.S. Federal Census Slave Records Schedule

<sup>26</sup> "Boxing pioneered honored." *San Antonio Express News*, June 13, 1997

<sup>27</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

Association, Company, or Corporation Shall: (F) Knowingly permit any fistic combat match, boxing, sparring, or wrestling contest or exhibition between any person of the Caucasian or “white” race and one of the African or “negro” race;<sup>28</sup> District Court pleadings noted that M.B. Morgan or Morgan , the Commissioner of Labor Statistics had sole jurisdiction regarding the regulating, promoting, conducting and maintaining of professional boxing of Texas.<sup>29</sup>

Prior to taking on the case Maverick asked Harvey to write a letter on or about July 20<sup>th</sup>, 1953, Harvey formally requested from M.B. Morgan the he (Harvey) be permitted to have a professional prize fight with a white man.<sup>30</sup> On July 28, 1953 Morgan denied Harvey’s request for the sole reason of Harvey being African American.<sup>31</sup> In Morgan’s letter to Maury Maverick Jr, Morgan cited Article 614-11(F), Penal Code of Texas And The Boxing And Wrestling Rules of Texas, 1951 Edition, Page 27, Chapter 11, Rule 1, Paragraph “E”.<sup>32</sup> It should be noted that the boxing rule listed is a verbatim restatement of Article 614-11 (F) of the Texas Penal Code.<sup>33</sup> On August 13, 1953, less than a month after M.B. Morgan formally denied Harvey’s request to have a professional boxing match with a white man, Maverick filed a petition by Sporty Harvey in the 126<sup>th</sup> Judicial District Court of Travis County, Texas against M.B. Morgan. Harvey’s council included Carlos Cadena, Albert Pena, Jr., Charles Lieck, Jr., and Harry Bellinger.<sup>34</sup> It should be noted that Maverick went against the NAACP’s wishes and chose to try the case in state and not

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<sup>28</sup> Ibid

<sup>29</sup> Legal files, Harvey, I.H. “Sporty”, 1953- 1954”, Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin“

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> “Sporty Harvey only has his memories left.” *Los Angeles Heald Examiner*, January 18, 1988

federal courts.<sup>35</sup> The NAACP did not believe that an African American filing a discrimination case would get a fair try in the state courts.<sup>36</sup> Carlos Cadena, one of Harvey's attorneys also believed that the case should be tried at a federal level.<sup>37</sup>

In Sporty Harvey's petition, Harvey alleged that the majority of fighters in his weigh class were white; that solely because he was an African American he was being denied equal opportunity to make a living.<sup>38</sup> The decision made by M.B. Morgan constituted "state action"; that the State of Texas established a classification based solely on race which has no reasonable relationship to the subject matter being regulated.<sup>39</sup> Harvey further alleged that the penal code provision, boxing regulation, and decision were unconstitutional under the Fourteenth Amendment.<sup>40</sup> The decision by M.B. Morgan deprived Harvey of his rights that are guaranteed to him by the Civil Rights Act. By denying Harvey a permit to engage in professional prize fighting M.B. Morgan refused to permit a mixed bout solely because of racial extraction.<sup>41</sup>

In his petition it states that Harvey prayed judgement ordering Morgan to permit him to engage in professional prize fighting in Texas irrespective of the race or color of the participants; that Morgan be enjoined from any attempt in enforcing Article 614-11(F), penal code or any like rule or decision. This petition added that Morgan be enjoined from refusing to permit a promoter to stage a mixed bout solely because of racial extraction and for general relief.<sup>42</sup> This led Harvey

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<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Ibid

to pursue an attempt at a “Second Alternative Plea”. Sporty Harvey made an attempt at a “second alternative plea”, this attempt sought relief under the Texas Uniform Declaratory Judgement Act. After Harvey filed his second alternative plea M.B. Morgan’s answer consisted of a exception to Harvey’s “second alternative plea”, Morgan claimed that he had complied with the boxing laws of Texas.<sup>43</sup> The boxing laws of Texas stated that the law and rule were constitutional as an exercise of the police power regulation of amusements; that the legislative purpose overall of the law was to prevent events which could potentially endanger racial feelings or tensions. Added in the petition it stated that no equality had been imposed up Sporty Harvey, as the law complained of applied equally and impartially to any and all professional boxers.<sup>44</sup> Following Morgan’s claim Harvey proceeded to file his first supplemental petition which stated that special exceptions were urged, plus allegations that African- Americans and whites may have amateur fights in Texas; that Article 614-11(F), penal code was enforced by the defendant (Morgan) guaranteed that the champions of Texas will be white. This meaning that there was no equality or impartially in these specific affairs; Harvey noted in his petition that African- Americans and white men had been competing with one another in sports for years in Texas without any racial tension.<sup>45</sup>

In an interview over the phone from the *San Antonio Express News* Harvey’s wife Hazel Lee Harvey shared her thoughts during Harvey’s court case, “I was scared because I thought someone would hurt him. Things were different for blacks back then. But her would tell me, ‘I’m doing what I think is right. I want to fight just like the rest of them and try to make some money’”.<sup>46</sup> She also added that her husband believed that everybody had the right to be treated

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<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Ibid

equally, no matter what the color of their skin was or their race.<sup>47</sup> Harvey's sister Lottie M. Wimbish of San Antonio also gave an interview with the *San Antonio Express News* on her brothers lawsuit, "we were kind of afraid for a while, but were with him all the way".<sup>48</sup> Harvey's family were well aware of the significance of the case and the amount of attention that would be brought on to Harvey and his family however he continued fighting for the community.

Upon Harvey's trial a jury had been waived and it was decreed that Harvey take nothing Judge Jack Roberts.<sup>49</sup> A notice of appeal was timely given.<sup>50</sup> A request that the judge file findings of fact and conclusions of law were made by Harvey and granted by the court are stated in the court documents.<sup>51</sup> Objections were levied to the court's findings of fact, and conclusions of law were made and granted by the court in which Sporty Harvey made additional exceptions.<sup>52</sup> Added in the court documents it states that Harvey does not take issue with M.B. Morgan in the position that professional boxing is subject to strict enforcements by the state, but on the other hand, "...the regulation (of amusements) may not be based on classifications which are arbitrary and have no relation to the public welfare".<sup>53</sup> As stated in the court pleadings Article 614-11(F), penal code of Texas prohibited professional boxing matchings in Texas between African Americans and whites.<sup>54</sup> Due to the statue, the trial court of the case found that "Defendant's

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<sup>47</sup> "Black boxer's litigation changed face of sport in Texas." *San Antonio Express News*, June 10, 1997

<sup>48</sup> Ibid

<sup>49</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> Legislative files, Harvey, I.H. "Sporty", 1950- 1956", Box 3N423, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>53</sup> Ibid

<sup>54</sup> Ibid

(Morgan's) refusal to issue a permit for plaintiff (Sporty Harvey) to box a white professional boxer in the state of Texas was due SOLELY to the fact that plaintiff (Harvey) is a Negro".<sup>55</sup> This quote is listed as "Finding of Fact No.9" in the court case and stated in the court document as the heart of the matter and the whole purpose of the lawsuit. It also states that Harvey is no college boy who boxes at a fraternity social, when he fights he fights for groceries and that is what this case is about- groceries and liberty.<sup>56</sup>

Previous court cases were used as reference during the case, one for example being "The United State Supreme Court in Hernandez vs. Texas, May 3, 1954, 22 Law Week 3295, (Texas Court of Criminal Appeals Reversed". It should be noted that Carlos Cadena, from Harvey's co-council team had previously won the case<sup>57</sup> Hernandez vs. Texas declared: "when the existence of a distinct class is demonstrated, and it is further shown that the laws, as written or applied, single out that class for different treatment not based on some reasonable classification, the guarantees of the constitution have been violated".<sup>58</sup> Stated in the documents it added that upon using this case reference Harvey's council argued that white skin differentiated from black skin is not a reasonable classification and that the Fourteenth Amendment to the U.S. Constitution is color blind.<sup>59</sup> In an interview with the *San Antonio Express News* Maverick spoke about being the lead attorney on the case and the help he received from co-council Carlos Cadena who later went on to become a state judge.<sup>60</sup> "Carlos Cadena was the real scholar on the case," Maverick said, "I had the lead but he did the real scholarly work on the case. He was the genius".<sup>61</sup>

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<sup>55</sup> Ibid

<sup>56</sup> Ibid

<sup>57</sup> Ibid

<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> "Black boxer's litigation changed face of sport in Texas." *San Antonio Express News*, June 10, 1997

<sup>61</sup> Ibid

In the court proceedings it states that as stated in Sporty Harvey's petition that. "as a result of said statute and rule of defendant's (Morgan's) decision, the state of Texas, in the field of professional fighting, has established a classification, based exclusively on race, which has no reasonable relationship to the subject matter being regulated, but which is a wholly unjust arbitrary and capricious classification".<sup>62</sup> The court documents continued to state that M.B. Morgan alleged in his original statement that "the law and the rule involved in this litigation applies equally and impartially to all professional boxers and wrestlers,".<sup>63</sup> Evidence introduced by M.B. Morgan did not support the allegation of "impartiality", but if it had, although it did not, such could not form a constitutional basis considering Harvey's opportunity to make a living could be disturbed purely because of racial origin.<sup>64</sup> Due to the evidence presented in the case, the Jim Crow results stemming from Article 614-11 (F), penal code and its enforcement by M.B. Morgan are stated as being obvious from Harvey's council. Morgan's argument during the trial stemmed from the belief that Article 614-11 (F) prevented race riots from breaking out at mixed matches and therefore kept the peace.<sup>65</sup> Morgan testified that the "habits, conditions and customs of Texas" were against holding mixed matches<sup>66</sup>

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<sup>62</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>63</sup> Ibid

<sup>64</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>65</sup> Ibid

<sup>66</sup> Legislative files, Harvey, I.H. "Sporty", 1950- 1956", Box 3N423, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

This section which does not have a date listed in the documents will include some questions that were asked of M.B. Morgan in reference to Morgan's assistant Alton Ericson who is directly in charge of professional boxing in Texas. Ericson had previously been asked to describe the racial profile of every champion in every weight class in professional boxing, in each instance they were all described as being white .<sup>67</sup> The following questions are directly from Harvey's council:

“Q. All right. Now, will you please explain to the court how a negro professional boxer may have a championship or title fight with any of the current white boxing champions of the various weight divisions in Texas?

A. He couldn't, under the law.

Q. How long have you been Commissioner of Labor Statistics?

A. Approximately seven years.

Q. During that time have you ever known of a negro champion in any of the weight divisions?

A. No, Sir.

Q. In the history of (professional) boxing in Texas, have you ever known of a negro champion?

A. No, Sir”<sup>68</sup>

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<sup>67</sup> Ibid

<sup>68</sup> Ibid

This section of questions were answered by Jimmy Scaramozi, he was a witness for Harvey and was a white boxing promoter in Texas. In the court documents it is stated that Scaramozi had been associated with professional boxing for a long period of time, both as a professional fighter and a promoter. Scaramozi was asked brief questions in regards to championship matches in Texas by Harvey's council:

“Q. Do you know who the Texas professional boxing champions are in the various weight classes?

A. Yes, sir.

Q. In all of the various weight classes of professional boxing in Texas, is there a single negro champion?

A. No.

Q. There isn't. Have you ever known of any?

A. No”<sup>69</sup>

Added in the documents it is stated that the vague speculation on the part of Harvey that possibly a “Negro Championship” could be created would not receive a great deal of attention in this specific briefing.<sup>70</sup> The documents continues to point out that if the state of Texas were to have a “Jim Crow” championship division now that an African American is seeking equal rights, intellectual honesty demands that the absurdity be stretched to it's fullest extent.<sup>71</sup> The remainder of this section in the court documents continue to point out

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<sup>69</sup> Ibid

<sup>70</sup> Ibid

<sup>71</sup> Legislative files, Harvey, I.H. “Sporty”, 195- 1956”, Box 3N423, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin“

that if this law were to be reversed Harvey could take part in other types of championships. Harvey's team notes that the majority of professional prize fighters or boxers in Texas, including those in Harvey's weight class are white and these findings therefore found that Article 614-11 (F) meant less groceries for Harvey. In the court document's Harvey's council states that professional fighters fight to make a living, as Harvey has been attempting to do so but due to "the provisions of Article 614-11 (F) of the Penal Code of Texas, and of Chapter 27, Rule 1, Paragraph "E" of the Wrestling and Boxing Regulations of the State of Texas, Sporty Harvey is prohibited from engaging in a Texas professional boxing match with the majority of the professional boxer's in the plaintiff's weight class", these findings overall resulted in Harvey being forced to fight the same small group of African American boxers over and over again, and therefor receiving smaller earnings than white boxers.<sup>72</sup> This next brief section will be questions asked by Harvey's council with Sporty Harvey himself as witness.

"Q. Now let me ask you this "Sporty". Why don't you just restrict your livelihood to being a professional boxer in the states of Texas?

A. Well because I don't get any fights. I am a negro and they wont allow me to fight.

Q. Wont allow you to fight who?

A. Against the white men"<sup>73</sup>

It should be noted that in an interview with the *Los Angeles Heald Examiner* Maverick recalled asking Harvey whether he had ever fought a white man in Nuevo Laredo in northern Mexico, Harvey replied "No, I fought a Spaniard"<sup>74</sup>. Court documents state that Harvey often

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<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup>"Sporty Harvey only has his memories left." *Los Angeles Heald Examiner*, January 18, 1988

drove to Mexico for boxing matches. This interview above showed that this law prevented the right to earning a living, and that Harvey was having to drive south of the border to earn a living.

Harvey's interview brought attention back to the fact that he cannot the majority of fighters in his own weight class due to his race. The following interview in this section will be answered by Jimmy Scaramozi, San Antonio boxing promote and done by Harvey's council:

“Q: Assuming that there was no prohibition against mixed matched, could you, as a boxing promoter, offer more fights, more frequent fights, to Sporty Harvey?

A. Well, yes he would have more opponents”<sup>75</sup>

This last set of interviews for this paper was answered by Louis Quintanilla, Boxing Commissioner for the San Antonio Area, and witness for M.B. Morgan, This interview gets to whole purpose of this lawsuit is presenting that because of Harvey's race he is denied an equal opportunity to a make living due to the states legislation and the enforcement done by state officials.<sup>76</sup>

“Q... Are there more mediocre white fighters than there are mediocre negro fighters (in Texas)?

A. Oh, yes

Q. So, if this mediocre fighter, Sporty Harvey, were allowed to fight not only mediocre negro fighters but also mediocre white fighters, he could get more fights, couldn't he?

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<sup>75</sup> Legal files, Harvey, I.H. “Sporty”, 1953- 1954”, Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin“

<sup>76</sup> Ibid

A: I would think so, yes.

Q: And make more money then?

A: Naturally.

Q: So that because of the ban on mixed matches, granting he is a mediocre fighter, he can't fight as often and cant make as much?

A: That is right.”<sup>77</sup>

As previously mentioned, this last interview conducted showed the true nature of the lawsuit and the significance of this historic case. The court pleadings used for this research essay were dated from August 1953- March 1954, and this case did not win it's state appeals court until November 17, 1954 which stated that the ban had violated his constitutional rights<sup>78</sup>. It should also be noted that the Texas Supreme Court denied a request by Morgan to rehear the case and ultimately Article 614-11(F) penal code of Texas was reversed. This decision would allow for integrated boxing matches throughout the state. Harvey's case opened the door for future fighters to come and even influenced other state's to do the same.

Accrding to the *Los Angeles Heald Examiner* on February 24<sup>th</sup>, 1955 Sporty Harvey fought 20 year old Buddy Turman in Dallas, Texas. It was the first professional boxing match between an African- American and white fighter ever held by Texas state boxing officials.<sup>79</sup> Turman won the unanimous 10 round decision.<sup>80</sup> According to the

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<sup>77</sup> Legal files, Harvey, I.H. "Sporty", 1953- 1954", Box 3N426, Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin"

<sup>78</sup> Ibid

<sup>79</sup> "Sporty Harvey only has his memories left." *Los Angeles Heald Examiner*, January 18, 1988

<sup>80</sup> Ibid

Harvey had a 19 pound advantage weighing in at 196 pounds, was able to land six body blows but was knocked down three times.<sup>81</sup> According to the *Los Angeles Herald Examiner* after winning his court case Harvey had a few more fights in Texas against white boxers however he lost most of them.<sup>82</sup> In his 1988 interview with the *Harvey* had guessed that he'd had about 21 fights and won about 18 but records show that Harvey had won nine fights and lost about 11, according to Dick Mastro who is a publisher of the *Official Boxing Record*.<sup>83</sup>

Harvey and his family moved to Los Angeles in 1957, and fought a few fights in Santa Monica and Long Beach, despite winning a big case in Texas Harvey never won a large prize amount. His flight was recorded in April 18, 1957 in Yuma, Arizona against Zora Folley, Zolley knocked Harvey out in the fourth round.<sup>84</sup> Despite experiencing losses in the ring, Harvey's historic case had success outside the ring. Louisiana was the first state to reverse a similar law and other states followed shortly in the effort.<sup>85</sup> In an interview from 1988 with the *Los Angeles Herald Examiner* Harvey was 62 at the time and retired from his job at General Tire in Los Angeles and working a night job as a parking attendant.<sup>86</sup> Harvey never made much money from the case but despite his poor boxing record he was proud of his fight against Jim Crow, "I'm very happy about that, I figured there would be kids coming along who didn't have the problems that I had. And

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<sup>81</sup> Ibid

<sup>82</sup> Ibid

<sup>83</sup> Ibid

<sup>84</sup> Ibid

<sup>85</sup> Ibid

<sup>86</sup> Ibid

there have been...I did something to make me feel good. I did something” recalled Harvey.<sup>87</sup>

Sport Harvey died at the age of 71 in Los Angeles, California after a long battle with heart disease. His wife Hazel Lee Harvey honored his late mother’s wishes and brought Harvey back to San Antonio to be buried. Maury Maverick Jr., spoke at the funeral recalling his case with Harvey, “I had two college degrees, but that black man, with his mother’s wit and street smarts, taught me more than I taught him.”<sup>88</sup> An article from the *San Antonio Express News* in 2001 wrote a column about Sporty Harvey and the legacy and impact he left in the Denver Heights area.<sup>89</sup> Reverend A.C. Sutton and other locals wanted to dedicate a historical tribute to Sporty Harvey at the intersection of Iowa and Pine in honor of Harvey’s fights held at the original Keyhole Club, “Integration had some mighty moments- and that was one of them” said Sutton.<sup>90</sup> A 2016 digital article in MySA was written about Sporty Harvey in regards to being overlooked in the San Antonio Sports Hall of Fame. Harvey had previously been nominated in 2013 and 2014 was overlooked both years. In 2016 he was nominated by former Mayor Ivy Taylor and Dr. Francine S. Romero and was once again overlooked.<sup>91</sup>

Sporty Harvey’s ambition in the San Antonio community is significant for several reasons. Not only did this professional boxer seek justice for his community but he was able to open the door to future generations. A man who held a sixth grade education took on the Jim Crow laws and won and paved the way for the rest of us to continue our own

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<sup>87</sup> “Boxing pioneered honored.” *San Antonio Express News*, June 13, 1997

<sup>88</sup> Ibid

<sup>89</sup> “A fight worth remembering.” *San Antonio Light*, July 9, 2001

<sup>90</sup> Ibid

<sup>91</sup> “The San Antonio Sports Hall of Fame’s missing man”, Mysanantonio.com, April 9, 2016

passions. He may not have had the greatest record or become a world champion, but his determination to bring equality to the boxing world should be held higher than any fighting record. To take on a state court knowing the risks is truly remarkable and only proves how far Harvey and his team were willing to go to seek justice.

In the MySA article it was mentioned that since 1995, three to five people/ teams are chosen to be inducted in the San Antonio Sports Hall of Fame and must follow a specific criteria: San Antonians, past and present, who have made an impact in the world of sports, either through outstanding athletic achievements or through outstanding contributions to athletic programs.”<sup>92</sup>

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<sup>92</sup> Ibid

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anyone deserves to be recognized for outstanding contributions in the world of sports that individual would be I.H “Sporty” Harvey. The purpose of this research was to share Sporty

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Harvey's legacy as it deserves to be known in our community and recognized in some way. Throughout the years local members of the community have attempted to preserve Harvey's legacy in some way in order to keep his story alive. Its unfortunate that this heroic story of determination has not yet recognized throughout the city considering his historic contribution to the San Antonio community. The untold story of I.H. "Sporty" Harvey is not a story that should remain untold but instead told throughout Texas and other states. Sporty Harvey pioneered boxing in the San Antonio community and it's this type of significant history that should have the opportunity to be shared in the years that follow. In one of Harvey's last interviews from the *Los Angeles Heald Examiner* a quote from Harvey in the late 1950s was used in the article, "I'll probably never get anything out of it- like money. But I do have the satisfaction of having helped my people a little, anyway". Harvey did help his community and his story will continue being told as the boxer who knocked out Jim Crow.

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Maury Maverick, Jr. Papers, Briscoe Center for American History, University of Texas at Austin.