



Oklahoma Biological Survey  
111 E. Chesapeake Street  
University of Oklahoma  
Norman, Oklahoma 73019

Telephone (405) 325-5061  
FAX (405) 325-7702  
E-MAIL mpatten@ou.edu

Caryn C. Vaughn, Director

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Attn: Diego Carantón

Estimado Sr. Carantón,

Herewith I present a concise and accurate history of your manuscript titled “A new species of antpitta (Grallariidae: *Grallaria*) from the northern sector of the Cordillera Occidental of the Colombian Andes” as it was handled by the *Condor* (COND-09-0185), an international journal of avian biology, now in its 113th year of publication.

We received this manuscript for consideration on 30 September 2009. I read through the manuscript and decided it was worthy of peer review (I decline about 20% of submitted manuscripts without sending them out for peer review). Reviews for the vast majority of our submissions are handled by our board of reviewing editors, but I do seek purely external reviews for manuscripts outside of the expertise of our board. I did just that for COND-09-0185 because almost no one on our board has experience with type descriptions, and the few with expertise in South American avifauna either were too busy with other assigned manuscripts or, in one case (Dr. Daniel Cadena), could not be considered as a result of potential conflicts of interest (because he already had worked with you in this study).

I therefore sought external peer review from two well-known experts in both Colombian ornithology and specifically with type descriptions and the antbirds. Each of the two referees I asked to help agreed to review the manuscript. On 12 November 2009, one referee returned a favorable review and suggested only various clarifications in the manuscript’s substance and corrections to its English.

The other referee, by contrast, contacted us on 5 December to express concern about the alleged illegal collection of the type specimen. This person divulged no opinion on the manuscript’s substance, stated that “I have been unable to obtain further information” about proper permission, and asked only that the *Condor* secure “confirmation of collection

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permission within the nature reserve.” This message led us to contact both you, who were kind enough to send copies of your valid collecting permit, and Dr. Cadena for clarification on legality. In the same message, this referee claimed that “With *Condor* satisfied that the authors of COND-09-0185 are in possession of the required permission I will immediately send you a completed review and category for the MS.” We therefore contacted the referee, on 12 December, to say that we were satisfied with the permits and the legality, and thus “We look forward to your review.”

Much to my surprise, this referee took matters further, belying the initial claim that if we were satisfied then a review would follow. Instead, a 14 December message from the referee stated that our message of being satisfied with “reported permission from ProAves seemed inconsistent with reports I had received.” The referee further took the liberty of contacting both the Executive Director and President of ProAves “regarding collecting permission by their employee,” and moments later the referee forwarded to us a strongly worded message from ProAves to the referee asserting that “Diego Carantón has acted unethically and illegally to collect and publish material while on contract from ProAves and working in our Nature Reserve.” ProAves also stated that the organization “has mounted a legal challenge against Diego for collecting on the Reserve without our permission.”

In light of this information, I felt it was in the *Condor's* best interest that the issue be settled between the parties involved (you and ProAves) before we considered the manuscript any further. Accordingly, on 14 December 2009 I sent a decision letter to you in which I stated that the *Condor* was going to decline the manuscript at that time. Specifically, I wrote that “I trust you can understand that we at the *Condor* have absolutely no desire to be placed in the middle of what is apparently an on-going dispute. Until this conflict is resolved to everyone’s satisfaction—meaning both you and ProAves—I recommend that your forego attempts to publish this type description.” Most important, I closed with the following: “Once this conflict is resolved, including whatever legal action may be pending, the *Condor* would be happy to consider this manuscript.” That last sentence was my attempt to make it clear to you that I was interested in the paper, but that I could not consider until the dispute was settled. We clarified this very point in an 18 December response to you in which we stated that “We would very much like to publish your manuscript; however, we cannot ethically and legally do so until the issue of legal specimen collection is resolved.”

I had hoped that the dispute would be settled quickly, and I looked forward to receipt of your manuscript at a later time. So imagine my surprise when I learned, on 26 May 2010 from Storrs Olson and Phil Unitt, that ProAves published its own type description of this

antpitta. At first I was confused, because I did not understand how ProAves felt they had a right to publish their paper. When I looked into the matter further, I became angry, a rare occurrence for me. It turned out that the one referee who raised the concern—the one who claimed to be “unable to obtain further information” and also was compelled to contact ProAves directly even after the *Condor* said it was satisfied with your permits—worked with ProAves! As I dug deeper, I learned that this referee was on the editorial board for the ProAves magazine that published their type description and therefore was a co-author of the rather distasteful commentary that magazine published to accompany its type description.

It was at the moment that I realized that ProAves had, in effect, maneuvered to trick the *Condor* out of considering your manuscript so that ProAves could publish its own type description of the antpitta. Their publication was, in my view, an extreme breach of ethics and stands in direct defiance of the International Code of Zoological Nomenclature in that ProAves did not allow you ample time to publish the type description yourself. Indeed, ProAves maneuvered to ensure that you could not publish, which goes against the very spirit of the ICZN’s rules.

I was happy to see that you were able to publish your own type description, even if not in the *Condor*. But I am sad that the ICZN may recognize simple priority in this matter, even though your type description is far superior in detail and in being properly done (e.g., you have an actual type specimen, whereas ProAves does not).

In any case, that is the history of manuscript, as I see it.

Saludos,



Michael A. Patten

–Editor-in-Chief, *The Condor*

–Associate Professor, Oklahoma Biological Survey, University of Oklahoma

–Adjunct Professor, Department of Zoology and Sam Noble Museum, University of Oklahoma

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