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Intro & Content Warning

The only thing worse than a bigot is a bigot pretending to be an ally. We're talking someone who claims to be fighting for a marginalised cause yet calls upon incredible violence to silence members of said marginalised group when criticised by said group. That is the story of Rachel Oates, as we'll discuss in a second.

But first, a quick content warning for the following: **Transmisia, Legal Violence, Threats of Violence, & Fascism**. If you like our work and appreciate the research put into each video, please consider supporting the channel via Patreon. You can also support us by liking, commenting, and sharing this video on social media.

Hi there, my name's Ethel Thurston (She/Her They/Them), and today we're taking a look at Rachel Oates' hypocrisy when it comes to freedom of speech for trans people. That is to say how she sells herself as a 'free speech absolutist', only to weaponise the UK's draconian defamation laws and abuse YouTube's DMCA system in a desperate bid to silence her trans critics.

This video is not a part of the planned Mainline Series we are currently publishing, this video is moreso a highlight piece in response to Rachel Oates' immediate behaviour surrounding said series. If you'd like to see the Mainline Series, or indeed any of the videos Rachel Oates has tried to censor, I have gone ahead and linked a Masterlist down below, linking said videos and their respective mirrors and transcripts. [1] Pretty much everything you could want in one place.

Also note that, if you go to check any of Oates' videos or live streams referenced throughout our exposés, only to discover that they're no longer available, this is because Oates has taken to deleting or privatizing said evidence. Now, we'd originally prepared for this possibility by mirroring key pieces, unpublished, linking said mirror below the link to her original. Sadly Rachel Oates saw this as an opportunity to abuse YouTube's copyright system to try and have our channel taken down. The string of DMCA claims Oates filed put the channel a single strike away from the three required to be deleted, permanently, putting the future of the channel and my sole source of income as a trans person in jeopardy. We of course won our appeals over the coming weeks, leading YouTube to reinstate said videos. Yet we decided that it was best to remove them in order to prevent Rachel Oates filing further DMCA takedowns from different channels, continuing to harass us or even potentially spreading out said claims so that she got the necessary three strikes. The bottom line is, we tried to ensure that everyone, including her audience, would always be able to see the full context of the clips we use throughout our exposés. It is Rachel Oates who has done everything in her power to make sure that is not the case. The only reason she would bury those videos is because the context was worse than anything we stated in our exposés, and thus she did not want you checking for yourself. Because if they'd vindicated her in any way, she would have sent people there herself. But she didn't, because it doesn't. Just something you need to keep in mind. We will of course be talking about this issue in detail during the second half

of this video, but each video going forward will include this disclaimer to prevent any confusion.

Free Speech Hypocrite

So let's start by establishing the fact that Rachel Oates presents herself as a 'free speech absolutist'. We were supplied evidence of this, rather conveniently, in her email exchange with Levi, specifically in her statement that: **"people have a right to free speech and if they say something crappy, chances are someone somewhere is going to call them out for it."** Which sounds great, it sounds like a reasonable position to take. That is until you realise that she declared this standard *just* after she defended hearting a comment offering to break my knees as a trans person defending my human rights and just before she went on to defend the presence of literal Nazis on her platform. [2]

It's also important to address the wider context, specifically how this entire discussion arose as the result of Rachel Oates' friend, Stephen Woodford of Rationality Rules, demonising trans women as a threat to cis women as justification to strip them of six fundamental human rights. How he declared that:

WOODFORD: **"And I am convinced that unless quickly rectified, this will kill women's sport."**

And that:

WOODFORD: **"I don't want to see the day when women's athletics is dominated by Y chromosomes. But without a change in policy, that is precisely what's going to happen."** [3]

Before lying about the science in order to justify doing so. Now the rights violated when you try to exclude trans women from sports, as specified in my very first response to Woodford, are:

1. The right to equality and nondiscrimination,
2. The right to the highest attainable standard of physical and mental health,
3. The right to sexual and reproductive health,
4. The right to work and to the enjoyment of just and favourable conditions of work,
5. The right to privacy,
6. The right to freedom from torture and other cruel, inhuman or degrading treatment and harmful practices, and full respect for the dignity, bodily integrity and bodily autonomy of the person. [3]

Stripping trans women of six fundamental human rights is of course a form of legal violence, making this a call for violence, so incitement.

Now, I fully support free speech as is actually understood by political science, suffice to say, the freedom to say whatever you want without government intervention, with a few key exceptions. One of those key exceptions is of course incitement to violence, which, when targeted at a marginalised group, constitutes hate speech.

Rachel Oates however takes a much more broad approach, defending Woodford's hate speech, the offer to break my knees, and the presence of Nazis promoting anti-trans bigotry, as being protected. Rachel Oates isn't defending 'free speech', she's specifically defending 'absolutist free speech', that is free speech without *any* limit.

Which would lead any reasonable person to be shocked to discover that Rachel Oates has attempted to have 7 of our videos pulled from YouTube, possibly 9 by the time this is out. Rachel Oates has fully weaponized the UK's draconian defamation laws which operate on a 'shoot first, ask questions later' approach in order to have said videos blocked in the UK. So, what was worse than incitement to violence, the offer of violence, and the presence of literal Nazis? Well, I criticised her behaviour as part of a fully referenced, fully evidenced exposé.

Don't believe me? Check out any of the videos on the Masterlist. A particularly interesting one is my video **"Rachel Oates Attempts To Silence Transgender Critic"**, in which I make no claim about her character whatsoever. [4] I merely show evidence of what she has done, comment on said actions, and allow her audience to make up their own mind. Yet that is not only tantamount to defamation, at least by Oates' standards, but is *worse* than incitement to violence against marginalised people. Again, Rachel Oates defended allowing *literal* Nazis on her platform because, and I do quote: **"if they say something crappy, chances are someone somewhere is going to call them out for it."** So why does that apply to fascists and violent bigots yet not trans people criticising her behaviour?

Rachel Oates is a free speech hypocrite, she always has been. She believes anti-trans bigots have the right to say the most vile and abusive crap, inciting violence against us, whilst we, trans people, have no right to clap back.

Though this isn't the only time Rachel Oates has displayed said hypocrisy, a fact anyone watching the mainline series will be aware of, seeing how I begin each video with the following.

Rachel Oates on the 1st of October, 2020.

RACHEL OATES: "These kinds of people who think it's worse to be called transphobic than it is to do anything transphobic. Or that it's worse to be called a misogynist than it is to say misogynistic things. It's ridiculous. It's not. Just be a good person, and you won't be called these things." [5]

Rachel Oates on the 5th of April, 2022.

"So quick update, I filed a defamation claim against EoT's video and Youtube agreed with me that it is in violation [of] the UK's defamation laws and so have restricted it from being played in the UK. [...] The big claims in their video that I'm a 'serial transphobe' are utterly false and are said with the intent of damaging my reputation." [6]

RACHEL OATES: "It's ridiculous. It's not. Just be a good person, and you won't be called these things."

It was during the first video in the Mainline Series that I stated that I didn't feel the need to elaborate on this because the hypocrisy speaks for itself. That said, a number of people seemed somewhat confused, so allow me to state it plainly: When defending her own accusations of misogyny when said misogynist challenges her on said label, Rachel Oates tells said misogynist to just 'be a good person and you won't be called these things', yet the moment I, a trans person, call her a transmisist, she immediately weaponises the UK's legal system to try and silence me. This is a flagrant hypocrisy, a fact made all the worse in how Oates calls upon our struggle as trans people to bolster her argument regarding misogyny, going so far as to mention transphobia by name.

This is exploitation of a group Rachel Oates has personally sought to disempower, to silence, so that she can continue to present herself as an 'ally' and claim our struggle as hers vicariously. Rachel Oates 'supports' trans people in the same way that anti-abortionists 'support' foetuses; that is to say they don't actually care about said foetuses, they just like a 'silent victim' that they can then claim to speak on behalf of to strip people with uterus of their rights. The only problem for Oates is, unlike foetuses, we, trans people, can and do speak for ourselves. Which is why she feels the need to personally put an end to that. Her weaponizing of the UK's defamation laws is a grotesque display of cis privilege, yet more specifically, cis supremacy, the demand that we let her, a cis woman dictate trans discourse in a way she wouldn't allow a man to do regarding feminism.

Said hypocrisy also has some very unpleasant implications when we take a closer look. Fact 1. Rachel Oates asserts that she supports 'absolute free speech' as a human right, extending to the enablement of Nazis and incitement to violence against trans people. Fact 2. Rachel Oates weaponises the UK's draconian defamation laws to silence trans people criticising her behaviour. The only conclusions that can be drawn from these two facts are that A, Rachel Oates is lying about her support for 'absolutist free speech' to justify the presence of Nazis and incitement to violence against trans people on her channel, which is bad enough, or B, Rachel Oates does not see trans people as 'real people' and thus excludes them from said human rights. Those are the only conclusions that can be drawn from the evidence provided in this section. Now, due to the aforementioned way she treats us and expects us to be silent, I personally feel it to be the latter, but I'll leave you to ultimately decide for yourself.

As for tackling said defamation claims, we are still attempting to do so. We are fully prepared for the fact that we might simply have to wait until we're in the UK to actually make ground, however, we are looking into alternative options and still hold hope that we might be able to resolve the issue before then.

Copyright Claim Abuse

So all that's left to talk about is Rachel Oates' abuse of YouTube's DMCA system, that is its system for filing copyright claims. I woke up on the 24th of September to discover that Rachel Oates had not only filed four additional defamation claims for content as far back as 2019, but had also filed seven DMCA takedown notices; five on the main channel and two on the Essence of Thought Archive. Those five claims on the main channel resulted in two copyright strikes, meaning that if we'd received a third whilst they were active, the entire

channel would have been closed down. Oates would have destroyed a trans person's livelihood for the 'crime' of criticising her bigoted and abusive behaviour.

I naturally called this display of force out for what it was, an attempt to strongarm me into retracting my criticism of her at the risk of losing my only source of income. [7] This did not go unnoticed, with Oates taking to Threads, Facebook's answer to Twitter, to write the following statement:

"A channel had reuploaded tens of hours of my content in full with the same titles and literally no changes to the content, so of course I filed copyright takedown requests on these videos. They're now trying to 'fight' this and saying I'm abusing the copyright system when this is literally what it's for. [Unamused emoji.] I didn't file copyright claims against response videos or anything, I filed them against my entire videos being uploaded in full. This is the right thing to do." [8]

First thing to note is how Rachel Oates is lying to her audience via omission. Whilst it's true that I uploaded about ten hours of video and livestreams, what she conveniently failed to tell her audience is that said pieces were not published, they were unlisted. This fact will become vital in a minute. But focussing on the lie itself, there are people in her comments suggesting that my mirroring might constitute imitation of identity and that she should look into flagging the channel on said basis. Rachel Oates is clearly misleading her audience and it's showing in their advice.

Another way Rachel Oates lied by omission is by leaving out the fact that she has filed defamation claims against *seven* of my response videos. That fact is left out entirely whilst she proudly and very specifically asserts that she didn't file *copyright takedowns* of my video responses. Again, whilst technically true, she is limiting the information available to her subscribers in order to present herself as being reasonable. Rachel Oates is very clearly afraid of her own audience turning on her should they learn the true extent of her actions, hence the defamation claims, the DMCA's, and the constant lying.

Another thing Rachel Oates does is reduce fair use (that is usage exempt from copyright law), down to transformative criticism. Only problem is, not all forms of fair use, especially under UK fair dealing laws, require partial or transformative nature. Fair dealing does, in fact, allow for the copying of entire texts under specific circumstances. The Intellectual Property Office (or IPO) notes there as being two key factors used to reach such a decision.

1. Was it reasonable and necessary to use the amount of work that was taken?

&

2. Has the use of the work impacted negatively on the market for the original work? [9]

With regards to the first criteria, whilst the IPO does state that **"usually only part of a work may be used"**, the key word here is usually. There are cases for which this rule does not apply. On the 1st of June, 2014, the UK government introduced legislation allowing the legal

burning of personal CD's and DVD's to create backups and share with family members, citing how 85% of people thought that this was already legal. [10]

A big difference between that case and this case is the fact that the content archived was not entertainment, but rather factual in nature, being key pieces of evidence. Due to Oates' desire to rewrite history, I knew it wouldn't be long until she began deleting evidence, so mirroring said content was a way for me to ensure that said evidence remained accessible, effectively making them a part of public record. I was worried that she would delete said evidence only to then turn around and assert that the clips used throughout my exposés were 'taken out of context'. With the videos gone, this would be impossible to test, meaning it would be my word vs Oates', turning evidence based inquiry into a popularity contest. That is why I mirrored said videos, to avoid such a situation.

And wouldn't you know it, as of the 8th of October, 2023, Rachel Oates has begun privating and/or deleting key videos. Gone is her video '*An In-Depth Response To Lies About Me | Essence of Thought Is A Lying Bully*', the video I issued a challenge for in my video regarding Levi's emails, along with her '*What Happened To Me*' video, which is the video she recently lied about my pronouns on. [11-14] So I was completely vindicated in my concerns.

As for whether the archiving itself was reasonable, I turn to two of the most popular websites to exist, Wikipedia and Internet Archive. Wikipedia routinely archives copies of entire articles which it then links in the reference lists of its various pages, and Internet Archive's entire thing is the preservation of online articles and forums; reminder that written texts are protected under the very same copyright laws as video texts. Therefore, I would argue that this is evidence that we, as human beings, have the natural and thus reasonable propensity to archive texts so long as said archiving in no way damages the economic standing of the original.

And do you know who agrees with me on this, at least based on their own actions? Rachel Oates. Following the publishing of my exposé regarding Levi's emails, Rachel Oates copied the entire article, the written version of said video, and pasted it to her '*EoT Evidence Summary*'. She mirrored all 33 pages, that's 17,914 words. The only thing she didn't copy were the references, which I wish she had.

Yet the only comment she made was:

"I can't get over how insane this is. How much they're leaving out, how much they're ignoring all the names they called me, how much they swore at me, all of it, it's ridiculous."

I would just like to apologise for Rachel Oates' ableism. I also would like to ask Oates to provide evidence of said names and swearing *before* the events of September, 2019, which the video on Levi's emails did not discuss at all, with Oates having published said private emails in an attempt to intimidate her trans critics on the 12th of July, 2019. Thus I only talked about our interactions up until that point. If you genuinely have evidence that I left something out, provide evidence to back that up, don't just assert it.

Yet returning to Oates' overall actions here, this two line comment does not constitute enough to make said copy of a 33 page script transformative in nature. So Rachel Oates, without thinking about it, did the exact same thing as me. She mirrored the written version of my video in a google document which she linked her audience to.

Now, you might be thinking 'well, it's different. She copied your transcript, you copied her video'. But again, there is no such legal distinction under UK fair dealing. A text is a text is a text, unless it's a photograph. UK law is weird. But there is no difference between written and audio-visual. And Rachel Oates knows this. How can I say she knows this? Well, because on the 11th of October, Rachel Oates filed a DMCA takedown of my copy of her '*EoT Evidence Summary*'. So she clearly understands that written text is protected to the same standard as an audio-visual text, *yet she still* copied my entire script into her document, completely disregarding the hypocrisy.

Do you not see the contradiction here in how Oates mistreats her trans critics? We don't get offered the same protections as she, a cis person, demands for herself. She believes that she can violate both our human rights and our copyright however she wants, showing absolutely zero moral and legal consistency. Because she sees trans people as sub-human, lesser by default.

Now, I have no intention of pursuing Oates over this, because, again, I still think it's reasonable. I think she has every right to mirror my work, *unedited and unpublished*, linking as part of her references. I have explained my reasons for why I think doing so is reasonable and why Oates' own actions would seem to agree with me.

The only issues I have are the aforementioned fact that she left out the reference list as well as the fact that, by sharing this document on her paywalled server, she is effectively paywalling mirrored copies of my work. For contrast, I did not run ads on my mirrors of her videos and said references were always publicly accessible because I believe in the free-flow of information. Both of these facts feel scummy, but that's not worth acting on.

As for how we got a hold of said document, it was shared openly with everyone in her Discord server, that is to say her Patrons. And it was one of Oates' Patrons who had become disillusioned with her that reached out to a mutual friend who then shared the link after getting permission. Because no matter how much Rachel Oates tries to choke out the evidence, there will always be people curious enough to check things for themselves, even people who have previously given her their money.

I wanted to share this to point out the fact that I don't need to send anyone into Oates' server, as she has with ours. Because that's right, Rachel Oates has either created a sock account or has sent a fan into our server, as can be seen in how she has included numerous screenshots of said server in her '*EoT Evidence Summary*', including one of me venting about the fact that she chose to continue lying about my pronouns, as discussed in the previous video.

So that's nice. /s

Good to know that she's at least aware of how violating and dehumanising her actions are, yet has still made no efforts to fix things. /s

What a great trans ally. /s

By the way, to whoever is in our server, make yourself comfortable. I'm all about the free flow of information, I have absolutely nothing to hide, so you're more than welcome to stay. Hell, maybe learn a few things about actual allyship.

So that's the first criteria dealt with. With regards to the second criteria, that is: **"Has the use of the work impacted negatively on the market for the original work?"** This is where we return to Oates main lie by omission in how none of the videos were published and were only accessible via the link hosted in my reference lists. This meant that the mirrors were in no way competing with Oates' originals. Add to this the fact that all seven videos accumulated a whopping 82 views since 2022, and we see just how laughable the claim that my mirrors resulted in economic harm are. If Oates really wants I can send her a dollar in the mail and that should cover any potential 'damages' from those 82 views whilst also being good for another 918. That's about how much they're worth in ad-revenue.

These are the arguments I laid out to YouTube and is why they accepted *all* 7 of my counterclaims, forwarding them to Rachel Oates, meaning that she had 10 work days to provide proof that she'd begun legal proceedings. To be absolutely clear, because I don't want to be caught out lying like Rachel Oates regarding the defamation claims, this is not YouTube ruling on the issue, this is simply them saying that there's sufficient reason to require an actual ruling in order to uphold said copyright takedowns. Though it is worth mentioning that every single one of my counterclaims acknowledged that I had copied the entire video, unedited, and yet that was not sufficient reason to reject said counterclaims outright. Again, there are fair use exemptions that allow for the copying of entire texts, and YouTube believed it was at least possible that my usage was such a case, hence they required a court to make a final ruling.

So I sat there, waiting for 9 days, fully expecting Rachel Oates to do nothing as she didn't have a case. I was therefore surprised, when, on the 10th day, YouTube changed the status of all the videos to 'Under Final Review', suggesting that Oates had in fact filed some sort of counterclaim. Now, I was not privy to the nature of this counterclaim, whether Oates had merely re-asserted her arguments or had shown actual evidence of legal action, so it was a tense time for us. Again, Oates had managed to get two copyright strikes on the channel, another one would literally kill my only source of income. There was a lot riding here.

Thankfully, on the 10th of October, as many of you know, YouTube began reinstating our videos one by one. Rachel Oates had failed to provide evidence of legal action, meaning we were safe, for now at least.

Rachel Oates took her shot and she missed.

That said, after thinking about things and talking to Uditia, I made the decision to remove the videos as they were reinstated. I was worried that Oates would file DMCA claims from another channel, perhaps spacing them out a little more this time, just to get us taken down

immediately with no chance to file counterclaims. Even the best case scenario is that she effectively stun-locks me into always having two strikes on my channel. This wasn't an easy call to make, it fucking hurt to delete said videos. The free flow of information has always been the cornerstone of this channel, that's why we not only reference but timestamp every *single clip* we ever use, so that you can easily find the clip in its original content and see all relevant context for yourself. But I am not going to risk my livelihood, now that Oates has shown us just how willing she is to abuse YouTube's legal systems to silence her critics.

And I think that was the right move, seeing how, when I woke up on the 11th, Oates had filed her DMCA takedown of my copy of her '*EoT Evidence Summary*'. This was clearly retaliation, with Oates seeking to punish me for standing my ground and overcoming her abuse of YouTube's DMCA system.

Yet thus ends Rachel Oates' sad and desperate bid to destroy our channel via DMCA claims. Because that's exactly what this was. Oates clearly hoped that by reporting enough videos she'd get the three strikes needed to destroy the channel and that she'd no longer have to worry about me continuing to provide evidence of her bigoted and abusive behaviour. This desperation was also shown in how Oates went back and began flagging videos as early as 2019 for defamation, including one of my original responses to Woodford that simply had a passing mention of her. She wanted to bury the evidence, and she was willing to destroy a trans person's livelihood to do so. Thankfully she failed and all that's left to do is to counter her frivolous defamation claims and have those videos reinstated in full.

Now, I still have a lot to say on YouTube's part in all this regarding the defamation claims as well as the response I've received from Oates' audience, particularly following the post regarding her DMCA takedowns as that's when her users began armchair diagnosing me, deadnaming me, and threatening me, but I think those both deserve their own videos. Again, if you'd like to know more about what the hell is going on, do check out the Masterlist linked below.

With that said, what do you think? What new methods of abuse will Oates turn to now that her DMCA abuse has failed? What consequences should she face for her actions? How can we wake her subscribers up to what she really is? Did you notice something I missed? If so, be sure to let me know down below.

And if you appreciate what we do here and want to help out, please consider becoming one of our wonderful Patrons who make our work possible. On that note, we'd just like to thank the following people: **Matthew Kovach, Gerrit Van Voorst, Hannah Banghart, MarbleWings, Sosh Daniels, Flynn, & Higgins the Seagull**. And from myself, Udit, and Levi, take care now.

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Meta

Rachel Oates Is A Free Speech Hypocrite - RE: Silencing Her Trans Critics

Rachel Oates Is A Free Speech Hypocrite - Rachel Oates Vs Trans Rights

Rachel Oates Is A Free Speech Hypocrite, Abusing DMCA's To Silence Her Trans Critics

The thumbnail for Essence of Thought's video "Rachel Oates Is A Free Speech Hypocrite, Abusing DMCA's To Silence Her Trans Critics" which depicts a glaring Rachel Oates next to bold text which reads: "Copyright claim abuse: Failed. Defamation claim abuse: Failing..." with both "failed" and "failing" coloured red for emphasis.

NEW VIDEO: Rachel Oates has repeatedly shown us that she views evidence-based critique of her actions as worse than incitement of violence against trans people, weaponizing the UK's defamation laws to silence people pointing out her support of hate speech.

<https://youtu.be/gwqcfhLQ3dQ>