

**Chris Kincaid**

**This Cannot Be Stolen**

**for Soprano and Mixed Chamber Ensemble**

**Text by Ferruccio Busoni  
and the United States Government**

**Chris Kincaid**

**This Cannot Be Stolen**

Instrumentation

Soprano

Flute

Bb Clarinet

Violin

Cello

Vibraphone

Piano

2012

Duration

7 minutes

**Excerpt from Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code, Circular 92, Appendix VII. Selected Provisions of the U.S. Code Relating to Copyright, Title 18 - Crimes and Criminal Procedure, Part I - Crimes, Chapter 113 - Stolen Property**

(a) Any person who violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsections (b), (c), and (d) and such penalties shall be in addition to any other provisions of title 17 or any other law. (b) Any person who commits an offense under section 506 (a)(1)(A) of title 17 —(1) shall be imprisoned not more than 5 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, including by electronic means, during any 180-day period, of at least 10 copies or phonorecords, of 1 or more copyrighted works, which have a total retail value of more than \$2,500; (2) shall be imprisoned not more than 10 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and (3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, in any other case.(c) Any person who commits an offense under section 506(a)(1)(B) of title 17 —(1) shall be imprisoned not more than 3 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of \$2,500 or more; (2) shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and (3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000.(d) Any person who commits an offense under section 506(a)(1)(C) of title 17 —(1) shall be imprisoned not more than 3 years, fined under this title, or both;(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain

**Excerpt from *Sketch of a New Aesthetic of Music*, by Ferruccio Busoni, 1911.**

"...We talk of "classics" and "hallowed traditions"! And we have talked of them for a long time! We have formulated rules, stated principles, laid down laws; -we apply laws made for maturity to a child that knows nothing of responsibility! This child - it *floats on air!* It touches not the earth with it's feet. It knows no law of gravitation. It is wellnigh incorporeal. Its material is transparent. It is sonorous air. It is almost Nature herself. It is - free. But freedom is something that mankind have never wholly comprehended, never realized to the full. They can neither recognize nor acknowledge it. They disavow the mission of this child; they hang weights upon it. This buoyant creature must walk decently, like anybody else. It may scarcely be allowed to leap - when it were its joy to follow the line of the rainbow, and to break sunbeams with the clouds. Music was born free; and to win freedom is its destiny....its emotion seizes the human heart with that intensity which is independent of the "idea."

**Program Note:**

Simultaneously, music is intended to be an expression of human nature and a commodity to be bought and sold. The text in this piece is excerpted from Ferruccio Busoni's essay on the aesthetic of music, juxtaposed against the analytic tone of U.S. Copyright Law.

# This Cannot Be Stolen

Chris Kincaid

$\text{♩} = 80$

Flute *p*

Clarinet in Bb *p*

Violin *n* *mp*

Violoncello *n* *mp*

Vibraphone *mp* *mf*

Soprano *p* *mf*  
This child it floats on air!

Piano *p*

arco (with cello or bass bow)

Ed.

**5** **8**  $\text{♩} = 160$

Fl. *f*

Cl. *f*

Vln. *n* *f*

Vc. *n* *f*

Vib. *f* Medium Mallets

S. *p*  
It touches not the earth with its feet.

Pno. *mf*

10

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

Use pedal as needed to connect, throughout the score. Longer values should be precise.

Detailed description: This block contains the musical score for measures 10 through 15. It features seven staves: Flute (Fl.), Clarinet (Cl.), Violin (Vln.), Viola (Vc.), Vibraphone (Vib.), Saxophone (S.), and Piano (Pno.). The Flute part begins with a rest in measure 10 and has a melodic line starting in measure 11. The Clarinet part has a rhythmic pattern of eighth notes. The Violin part has a melodic line with some rests. The Viola part has a rhythmic pattern of eighth notes. The Vibraphone part has a melodic line with some rests. The Saxophone part is silent. The Piano part has a complex rhythmic pattern with many sixteenth notes. A performance instruction is placed between the Viola and Piano staves.

16

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

*mf*

Detailed description: This block contains the musical score for measures 16 through 21. It features the same seven staves as the previous block. The Flute part has a melodic line with some rests. The Clarinet part has a rhythmic pattern of eighth notes. The Violin part has a melodic line with some rests. The Viola part has a rhythmic pattern of eighth notes. The Vibraphone part has a melodic line with some rests. The Saxophone part is silent. The Piano part has a complex rhythmic pattern with many sixteenth notes. A dynamic marking of *mf* is placed in the Piano part in measure 21.

22

Fl. *f* *fp* *ff* *mf*

Cl. *fp* *ff* *mf* *p*

Vln. *f* *fp* *ff* *mf*

Vc. *f* *fp* *ff* *mf*

Vib. *f* *mp* *ff* *mf* *p*

S.

Pno. *f* *ff*

*Growl*



28

Fl. *p*

Cl. *p*

Vln. *p*

Vc. *p*

Vib.

S.

Pno. *p* *p*

*8va*

35

34

Fl. *p* *mf* *p* *mf*

Cl. *p* *mf* *p*

Vln. *pp* *f* *p*

Vc. *pp* *mf*

Vib. *p* *mf* (Soft Mallets)

S. *p* *f*  
 It knows no law of grav - i - ta - - - - - tion.

Pno.

44

Fl. *p* *mf*

Cl. *mf* *f*

Vln. *n* *p* *n* *p*

Vc. *mp* *mf* *p*

Vib.

S. *mp* *mf* *f*  
 It is well nigh in cor - po - re al - Its ma - te - ri - al is trans - par - ent It is so -

Pno. *p* *p*



57

*breathy, sotto voce*

54

Fl. *p* *pp* *ppp*

Cl. *mp*

Vln. *f* *p*

Vc. *f* *p*

Vib. *ff* *mf* *p* *pp* *n*

S. *ff* *mf* *p* *pp* *n*  
 nor - ous air. It is al - most Na - ture her - self It is free.

Pno.



66

norm.

Fl. *mf*

Cl. *mf*

Vln. *p* *mf*

Vc. *p* *mf*

Vib. Medium Mallets *mf*

S. *mf*  
 We ap - ply laws made for ma - tur - i - ty to a child that knows noth -

Pno. *p*

*Red.*

76

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

ing of re - spon - si - bil - i - ty!

*n* *mp* *pp* *p*

Soft Mallets, behind the Clarinet

88

94

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

fined!

10 years im - pri -

Hard Mallets

10 years

Any person who violates Section 506(a) (relating to criminal offenses) of title 17

fined!

*f* *f* *f* *f* *mf*

Read as if a lawyer: fast, articulate, and w/out much flair. Omit any text needed for time

97

Fl.

Cl.

Vln. *soned* *10 years* *or both* *fined* *im-pris-oned*

Vc.

Vib. *un-der this ti -tle* *fined*

S. *shall be punished as provided in subsections (b), (c), and (d) and such penalties shall in addition to any other provisions of title 17 or any other law.*

Pno.



103

Fl.

Cl.

Vln. *not more than 10* *un-der this ti-tle*

Vc. *shall be* *not more than*

Vib. *im-pris-oned* *not more than*

S. *Any person who commits an offense under section 506 (a) (1)(A) of title 17 - (1) shall be imprisoned not more than 5 years, or fined in the amount set forth in this title,*

Pno.



121 123

Fl. *ff*

Cl. *ff*

Vln. shall be *ff* or both

Vc. fined! *ff*

Vib. or both *ff*

S. this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and (3) shall be imprisoned not more than 1 year or fined in the amount set forth

Pno. or both *ff* *f* not more than 10 not more than 10 *p* *f*

127

Fl.

Cl.

Vln. or both or

Vc. or both years Shall be

Vib. or both 10 years Shall be *p* *f*

S. in this title, or both, in any other case. Any person who commits an offense under section 506 (a)(1) (B) of title 17 - (1) shall be imprisoned not more than 3 years, or fined in the amount 10 years 10 years

Pno. *p* *f* *p*

133

Fl.

Cl.

Vln. both

Vc. or both

Vib.

S. set forth in this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which

Pno. *f*

not more than 10

fined!

find!

139

140

Fl.

Cl.

Vln. or both

Vc. im-pris-oned

Vib. or both im-pris-oned

S. have a total retail value of \$2,500 or more; (2) shall be imprisoned not more than 6 years, or fined in the amount set forth in this

Pno. *mf* *f*

or both

10 years

fined!

10 years

10 years

10 years

144

Fl.

Cl.

Vln. *or both*

Vc. *im-pris-oned*

Vib. *or both*

S. title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and shall be imprisoned not more

Pno. *mp* *ff f* *mp*

149

Fl.

Cl.

Vln. *or both* not more years fined!

Vc. Shall be Shall be fined 10 years 10 years

Vib. Shall be Shall be fined 10 years or both 10 years or both 10 years or both

S. than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more

Pno. *ff f* *mp* *ff f*





165

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

*f* *p* *f* *p*

*f* *p* *f* *p*

*f* *p*

*f* *p*

*f*

*f* *mf*

We talk of "class-ics" and "hal-lowed tra-diti-ons"! And we have talked of them for a long time!

174

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

*p* *f* *p*

*p* *f* *p*

*p* *f* *p*

*pp*

*p* *mf* *p* *mf*

We have for-mu-lat-ed rules, sta-ted princ-i-bles, laid down laws

*p*

Red.

**183**

Fl. *p* *f* *p* *f* *p* *f*

Cl. *p* *f* *p* *f* *p*

Vln. *p* *f* *p* *f* *p*

Vc. *p* *p* *f* *p* *f* *p*

Vib.

S. *mp* *p*  
 But free-dom nev - er whol - ly com-pre-hend - ed, real-ized to the full.

Pno. *p*

**194** **203**

Fl. *p*

Cl. *f* *p*

Vln.

Vc.

Vib. *Softly, behind voice*

S. *pp* *p* *mf* *f defiant*  
 They can nei - ther rec - og - nize nor ac - knowl - edge it. They dis - a-vow

Pno.

214

205

Fl. *n* *mf* *p*

Cl. *n* *mf* *p*

Vln. *n* *mf* *p*

Vc. *n* *mf* *p*

Vib. *n* *mf*

S. *mf* tired and defeated *defiant again*  
 the miss - ion of this child; they hang weights up - on it. This bouy - ant crea -

Pno.

217

Fl. *n* *n* *mf* *p* *mf*

Cl. *n* *n* *mf* *p* *mf*

Vln. *n* *n* *mf* *p* *mf* *p*

Vc. *n* *mf* *p* *mf*

Vib. Medium Mallets *n* *mf* *p*

S. *f*  
 ture must walk de-cent-ly like an - y - bod y else. scarce-ly be al - lowed to leap

Pno. *p*

227 229

Fl. *p* *mp* *mf*

Cl. *p* *p* *mp* *mf*

Vln. *f* *p* *f*

Vc. *p* *mf* *p* *f*

Vib. Hard Mallets *mp* *mf* *f*

S. its joy to fo - llow the line of the

Pno. *mp* *mf* *f*

232 235 accel. . . . .

Fl. *f*

Cl. *f*

Vln. *mf* *p* *mf*

Vc. *ff* *f*

Vib.

S. rain - bow and to break

Pno.

236 ♩=160

Fl. *ff*

Cl. *ff*

Vln. *ff*

Vc. *ff*

Vib. *ff*

S. sun - beams with the clouds Mu - sic was

Pno. *ff*

241 243

Fl. *ff* *fff*

Cl. *ff* *fff*

Vln. *fff* *fff*

Vc. *fff*

Vib. *ff*

S. born free; and to win free - dom free - dom

Pno. *ff* *fff*

246

Fl.

Cl.

Vln.

Vc.

Vib.

S.

Pno.

and to win free - dom is its des - ti - ny.

*fff*

3 3

Detailed description: This page of a musical score, numbered 246, features six staves. From top to bottom: Flute (Fl.), Clarinet (Cl.), Violin (Vln.), Viola (Vc.), Voice (S.), and Piano (Pno.). The Flute, Clarinet, Violin, and Viola parts consist of melodic lines with various ornaments and trills. The Viola part includes a complex rhythmic pattern of sixteenth notes. The Voice part has lyrics: "and to win free - dom is its des - ti - ny." The vocal line includes a triplet of eighth notes marked *fff* and a triplet of quarter notes. The Piano accompaniment features a steady bass line with chords and a more active treble line with chords and some sixteenth-note passages.